

## **PROPOSED TARIFF**

Filed with the Copyright Board by: Border Broadcasters, Inc.; Canadian Broadcasters Rights Agency; Canadian Retransmission Collective; Direct Response Television Collective Inc.; FWS Joint Sports Claimants Inc.; Canadian Retransmission Right Association; Copyright Collective of Canada; Major League Baseball Collective of Canada, Inc. and; Society of Composers, Authors and Music Publishers of Canada, on 2022-10-14 pursuant to subsection 67(2) of the *Copyright Act*

Proposed Tariff Title: *Tariff for the Retransmission of Distant Television Signals, 2024-2028*

For the retransmission of distant television signals.

Proposed Short Title (if applicable): *Television Retransmission Tariff, 2024-2028*

Effective Period: 2024-01-01 – 2028-12-31

### **TARIFF FOR THE RETRANSMISSION OF DISTANT TELEVISION SIGNALS, 2024-2028**

This tariff is submitted on behalf of the collective societies listed in Appendix A (hereinafter collectively called “collective societies”).

The collective societies submit this tariff on a joint basis.

#### *Short Title*

1. This tariff may be cited as the Television Retransmission Tariff, 2024-2028.

#### *Definitions*

2. In this tariff,

“cable retransmission system” includes, without limitation, a master antenna system and an Internet Protocol Television (IPTV) retransmission system but, for clarity, excludes a new media retransmission system of a “*new media retransmitter*” as defined in Section 31 of the *Copyright Act*, R.S.C, 1985, c. C-42 as amended (the “*Copyright Act*”); (« *système de retransmission par câble* »)

“CRTC” means the Canadian Radio-television and Telecommunications Commission; (« *CRTC* »)

“distant signal” has the meaning attributed to it in subsection 2(2) of the *Definition of Local Signal and Distant Signal Regulations*, SOR/89-254, as amended by SOR/2004-33, which reads:

“For the purposes of subsection 31(2) of the *Copyright Act*, ‘distant signal’ means a signal that is not a local signal.”; (« *signal éloigné* »)

“DTH” means a direct-to-home satellite system; (« *SRD* »)

“local signal” has the meaning attributed to it in subsection 2(1) of the *Definition of Local Signal and Distant Signal Regulations*, and corresponds to a signal received in premises located within a terrestrial television station’s area of transmission (as defined in section 1 of the Regulations); (« *signal local* »)

“LPTV” means a Low Power Television Station or a Very Low Power Television Station (as defined in Sections E and G of Part IV of the *Broadcasting Procedures and Rules* of Industry Canada effective February 2016); (« *TVFP* »)

“MDS” means a multichannel multipoint distribution system; (« *SDM* »)

“network” means the Société Radio-Canada, the Canadian Broadcasting Corporation, the CTV Television Network, the Réseau de télévision TVA, the Noovo Network, the Global Television Network, the ABC Network, the CBS Network, the NBC Network, the FOX Network, or the Public Broadcasting System; (« *réseau* »)

“premises” has the meaning attributed to it in section 2 of the *Definition of “Small Retransmission Systems” Regulations*, SOR/89-255, as amended by SOR/94-754 and SOR/2005-147, which reads:

“ ‘premises’ means

- (a) a dwelling, including a single unit residence or a single-unit within a multiple-unit residence; or
- (b) a room in a commercial or institutional building.”; (« *local* »)

“retransmitter” has the meaning attributed to it in section 31 of the *Copyright Act*, and includes a person who operates one or more of a cable retransmission system, an LPTV, an MDS or a DTH system; (« *retransmetteur* »)

“service area” has the meaning attributed to it in section 2 of the *Definition of “Small Retransmission Systems” Regulations*, which reads:

Published by the Copyright Board of Canada, in accordance with section 68.2 of the Copyright Act, on November 18, 2022.

“ ‘service area’ means an area in which premises served in accordance with the laws and regulations of Canada by a retransmission system are located.”; (« *zone de service* »)

“signal” has the meaning attributed to it in subsection 31(1) of the *Copyright Act*, which reads:

“ ‘signal’ means a signal that carries a literary, dramatic, musical or artistic work and is transmitted for free reception by the public by a terrestrial radio or terrestrial television station.”,

but, for the purposes of this tariff, this meaning is restricted to a television signal only; (« *signal* »)

“small retransmission system” means a small retransmission system as defined in sections 3 and 4 of the *Definition of “Small Retransmission Systems” Regulations*, which read:

“3. (1) Subject to subsections (2) to (4) and section 4, small retransmission system means a cable retransmission system, or a terrestrial retransmission system utilizing Hertzian waves, that retransmits a signal, with or without a fee, to not more than 2,000 premises in the same service area.

(2) For the purpose of subsection (1), where a cable retransmission system is included in the same unit as one or more other cable retransmission systems, the number of premises to which the cable retransmission system retransmits a signal is deemed to be equal to the total number of premises to which all cable retransmission systems included in that unit retransmit a signal.

(3) For the purpose of subsection (2), a cable retransmission system is included in the same unit as one or more other cable retransmission systems where

- (a) they are owned or directly or indirectly controlled by the same person or group of persons; and
- (b) their service areas are each less than 5 km distant, at some point, from at least one other among them, and those service areas would constitute a series of contiguous service areas, in a linear or non-linear configuration, were it not for that distance.

(4) Subsection (2) does not apply to a cable retransmission system that was included in a unit on December 31, 1993.

4. The definition set out in subsection 3(1) does not include a cable retransmission system that is a master antenna system if it is located within the service area of another cable retransmission system that retransmits a signal, with or without a fee, to more than 2,000 premises in that service area.”; (« *petit système de retransmission* »)

“year” means a calendar year. (« *année* »)

### *Application*

3. This tariff applies to the retransmission of one or more distant signals that carry any work owned or controlled by any collective society listed in Appendix A.

## THE TARIFF

### *Small Retransmission Systems*

4. (1) The royalty for a small retransmission system shall be \$200 a year and shall be due
- (a) for systems retransmitting a distant signal on December 31 of the previous year, on January 31 of the current year; and
  - (b) for all other systems, on the last day of the month after the month in which a distant signal is first retransmitted in that year.
- (2) A system shall be deemed to be a small retransmission system for a given year if
- (a) on December 31 of the previous year, the system retransmitted a distant signal and was a small retransmission system;
  - (b) the system did not retransmit a distant signal on December 31 of the previous year and is a small retransmission system on the last day of the month in which it first retransmits a distant signal in the year; or
  - (c) the average number of premises, determined in accordance with the *Definition of “Small Retransmission Systems” Regulations*, the system served or was deemed to serve on the last day of each month of the previous year during which it retransmitted a distant signal was no more than 2,000.
- (3) For the purposes of paragraph (2)(c), where a system was included in a unit on December 31 of the previous year and not on December 31, 1993, only those months during

which the systems included in the unit were the same as on December 31 of the previous year shall be used.

*Unscrambled LPTVs and Unscrambled MDSs*

5. The royalty for an LPTV or MDS whose signals are not scrambled shall be \$200 a year and shall be due
  - (a) for systems retransmitting a distant signal on December 31 of the previous year, on January 31 of that year; and
  - (b) for all other systems, on the last day of the month after the month in which a distant signal is first retransmitted in that year.

*DTH Systems*

6. The royalty for a DTH system shall be payable monthly for each premises it serves on the last day of any given month, and shall be due on the last day of the following month.

*Other Retransmission Systems*

7. (1) The royalty for any other retransmission system (including without limitation a scrambled LPTV or MDS) shall be payable monthly for each premises receiving one or more distant signals retransmitted by it on the last day of any given month, and shall be due no later than the last day of the following month.
  - (2) Subject to subsection (3), the rate of the royalty for a cable retransmission system payable under subsection (1) shall be based on the total number of premises served by the system in its service area on the last day of any given month.
  - (3) The rate of the royalty payable for a cable retransmission system located within the service area of another cable retransmission system that retransmits a signal, with or without a fee, to more than 2,000 premises in its service area shall be the greater of the rate applicable to the system paying the royalties or the rate applicable to the other cable retransmission system.

*Unauthorized Reception of Retransmitted Signals*

8. In determining the amount of royalties payable by a retransmitter, no account shall be taken of premises receiving a signal without the direct or indirect authority of the retransmitter.

*Rates*

9. Royalties payable under sections 6 or 7 for each year shall be calculated as follows:

<b>Number of premises</b>	<b>Monthly rate for each premises receiving one or more distant signals (cents)</b>				
	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
<b>up to 1,500</b>	503	533	564	597	633
<b>1,501-2,000</b>	554	587	621	658	697
<b>2,001 - 2,500</b>	604	639	677	717	759
<b>2,501 - 3,000</b>	654	693	734	777	823
<b>3,001 - 3,500</b>	704	746	790	836	886
<b>3,501 - 4,000</b>	755	800	847	897	950
<b>4,001 - 4,500</b>	805	852	903	956	1012
<b>4,501 - 5,000</b>	856	906	960	1016	1076
<b>5,001 - 5,500</b>	905	959	1015	1075	1139
<b>5,501 - 6,000</b>	956	1013	1072	1136	1203
<b>6,001 and over</b>	1006	1065	1128	1195	1265

*Francophone Markets*

10. (1) Royalties payable under section 7 for a cable retransmission system located in a Francophone market and in respect of premises receiving scrambled signals from an LPTV or MDS retransmission system located in a Francophone market shall be calculated at a rate equal to 50 per cent of the rate otherwise payable under section 9.

(2) A cable retransmission system or an LPTV or a MDS retransmission system is deemed to be located in a Francophone market if

- (a) the system is located in the province of Quebec;
- (b) the system's service area encompasses, in whole or in part, the cities, towns or municipalities of
  - (i) Bathurst, Campbellton, Dalhousie, Edmundston, Kedgwick or Shediac, New Brunswick,
  - (ii) Cochrane, Fauquier-Strickland, Hawkesbury, Hearst, Hornepayne, Kapuskasing, Mattice-Val Côté, Opasatika or Smooth Rock Falls, Ontario, or
  - (iii) Gravelbourg, Saskatchewan; or
- (c) the population of French mother tongue represents more than 50 per cent of the total population of all cities, towns or municipalities, encompassed in whole or in part of the system's service area, according to the most recent population figures published by Statistics Canada.

(3) Subsection (1) does not apply to premises which receive an English-language signal or service, other than a pay-per-view or video on demand service, that is provided on a stand-alone basis or in a package that includes only English-language signals or services.

(4) Royalties payable under section 6 or 7 for a DTH system in respect of premises which receive a French-language basic service shall be calculated at a rate equal to 50 per cent of the rate otherwise payable under section 9, unless the premises also receive:

- (a) the signals and services offered in the English-language basic service that are not included in the French-language basic service; or
- (b) a basic service intended for bilingual subscribers.

*When a Signal is Partially Distant*

11. A signal that is distant in part of the area covered by a postal code shall be deemed to be distant for half the premises served in that area.

*Discount for TVA Signal*

12. The royalty payable under section 7 for premises receiving only a TVA distant signal shall be reduced by 95 per cent if

- (a) the signal is retransmitted to comply with CRTC Distribution Order 1999-1, dated February 12, 1999 and
- (b) the system is not located in a Francophone market.

*Discount for “Duplicate” Network Distant Signal*

13. (1) Subject to subsection (2), the royalty payable under sections 7 or 10 for premises receiving only distant signals which are the signals of stations owned by or affiliated solely with a network that owns or has an exclusive affiliation agreement with a station whose signal is local, shall be reduced
- (a) by 75 per cent for premises receiving only one such signal; or
  - (b) by 50 per cent, for premises receiving two or more such signals.
- (2) The royalty payable under section 7 for premises which receive, in addition to signals mentioned in paragraph (1), a TVA distant signal in respect of which a system would otherwise be entitled to a discount pursuant to section 12 shall be reduced
- (a) by 70 per cent for premises receiving only one duplicate network distant signal; or
  - (b) by 45 per cent for premises receiving two or more duplicate network distant signals.

*Discount for Certain Non-Residential Premises*

14. The royalty payable for the following types of premises shall be reduced as follows:
- (a) rooms in hospitals, nursing homes and other health care facilities: by 75 per cent;
  - (b) rooms in hotels: by 40 per cent; and
  - (c) rooms in schools and other educational institutions: by 75 per cent.

*Allocation of the Retransmission Royalty*

15. (1) For the years 2024 to 2028, a retransmitter shall pay to the collective societies the following portions of the royalty:

1. BBI: *[To be determined as provided for in Section 35 and Appendix C]*
2. CBRA: “
3. CCC: “
4. CRC: “
5. CRRA: “
6. DRTVC : “
7. FWS: “
8. MLB: “
9. SOCAN: “

#### ADMINISTRATIVE PROVISIONS

##### *Reporting Requirements: General*

16. Subject to sections 17 to 24, every retransmitter shall provide each collective society with the following information in respect of each retransmission system it operates:
  - (a) the name of the retransmitter, that is,
    - (i) the name of a corporation and a mention of its jurisdiction of incorporation,
    - (ii) the name of the proprietor of an individual proprietorship, or
    - (iii) the names of the principal officers of all other retransmitters,

together with any trade name (other than the above) under which it carries on business;
  - (b) the address of the retransmitter’s principal place of business;
  - (c) the retransmitter’s address (including any fax number) for the purposes of notice;

- (d) the name and address of any other retransmitter that receives a distant signal from the retransmitter, and the list of all signals retransmitted to that other retransmitter;
- (e) a precise description of the system's service area;
- (f) a copy of any current map of a service area in which the system is located which is on file with the CRTC, or, if there is no such map, a current map of its service area, unless an accurate and up-to-date filed map or other map has already been provided to the collective society;
- (g) the monthly fee charged by the retransmitter for basic service;
- (h) the number of premises of each type served, divided into residential, health care, hotels, educational institutions and others;
- (i) the number of premises of each type receiving at least one signal as distant;
- (j) for each service or signal distributed
  - (i) the name or call letters,
  - (ii) any network affiliation,
  - (iii) if the signal is a repeater, the call letters and any network affiliation of the mother signal,
  - (iv) any other name by which the service or signal may be commonly known, and
  - (v) an indication of whether the service or signal is offered on the basic or discretionary tier; and
- (k) for each service or signal distributed
  - (i) the number of premises of each type receiving the service or signal, and
  - (ii) the number of premises of each type receiving the signal as distant,

provided that if the retransmitter claims a discount pursuant to section 10, the information shall be provided separately for premises served to which the discount applies.

*Additional Reporting Requirements: Small Retransmission Systems*

17. A retransmitter who operates a small retransmission system shall provide, in addition to the information required under section 16, the following information:
- (a) if the small retransmission system qualifies as such by virtue of paragraph 4(2)(c), the number of premises, determined in accordance with the *Definition of “Small Retransmission Systems” Regulations* and section 4, the system served or was deemed to serve on the last day of each month of the previous year during which it retransmitted a distant signal;
  - (b) if the small retransmission system is a master antenna system and is located within the service area of another cable retransmission system, the name of that other system and a statement to the effect that the other system retransmits a signal, with or without a fee, to no more than 2,000 premises in its service area;
  - (c) if the small retransmission system is included in a unit within the meaning of the *Definition of “Small Retransmission Systems” Regulations*,
    - (i) the date the system was included in the unit,
    - (ii) the names of all the systems included in the unit,
    - (iii) the names of the person or group of persons who own or who directly or indirectly control the systems included in the unit, and
    - (iv) the nature of the control exercised by these persons; and
  - (d) whether the small retransmission system is licensed by the CRTC, and if it is not, the date of cancellation of its licence, or the date the system began operations as a system exempt from the CRTC’s licensing requirements, whichever first occurred.

*Reporting Requirements: LPTVs and MDSs*

18. (1) A retransmitter who operates a LPTV whose signals are not scrambled or MDS whose signals are not scrambled shall provide each collective society with the following information in respect of each LPTV or MDS it operates:
- (a) the information referred to in paragraphs (a) to (c), (g) and (j) of section 16; and
  - (b) a description of the location of the LPTV or MDS.

(2) A retransmitter who operates any other LPTV or MDS shall provide each collective society, in respect of each system it operates, the information referred to in paragraphs (a) to (d) and (g) to (k) of section 16.

*Reporting Requirements: DTH Systems*

19. A retransmitter who operates a DTH system shall provide each collective society, in respect of each such system it operates, the information referred to in paragraphs (a) to (d) and (g) to (k) of section 16.

*Additional Reporting Requirements: MATV Systems*

20. A retransmitter who operates a master antenna system shall provide, in addition to the information required under section 16 or 17, the address where its transmitter is located and the address of any other building in which premises served by it are located, and indicate whether or not it is licensed by the CRTC.

*Additional Reporting Requirements: Cable Retransmission Systems (Other than Small Retransmission Systems) Located in the Service Area of Another Cable Retransmission System*

21. A retransmitter who operates a cable retransmission system (excluding a small retransmission system) located within the service area of another cable retransmission system that retransmits a signal with or without a fee, to more than 2,000 premises in its service area shall provide, in addition to the information required under section 16, the name of such other cable retransmission system.

*Additional Reporting Requirements: Francophone Markets*

22. A retransmitter who operates a cable retransmission system or a scrambled LPTV or MDS retransmission system located in a Francophone market, other than a system located in the Province of Quebec, shall provide, in addition to the information required under section 16 or 21,

(a) the name of the city, town or municipality listed in paragraph 10(2)(b) which is encompassed in whole or in part in the service area of the system; or

(b) a list of all the cities, towns and municipalities encompassed in whole or in part by the system's service area, specifying for each its total population and its population of French mother tongue, according to the most recent population figures published by Statistics Canada.

*Additional Reporting Requirements: Multi-System Operators*

23. A retransmitter who operates more than one retransmission system shall provide a list of all the retransmission systems operated by that retransmitter.

*Reporting Dates*

24. (1) The information required under sections 16 to 23 shall be supplied as of December 31 of each year and shall be provided by January 31 of the following year.
- (2) A retransmitter shall update the information provided in accordance with sections 16 to 23 with respect to each date at which royalties are calculated, and shall provide it to each collective society by the date that royalty payment is due.

*Forms*

25. The information required under sections 16 to 24 shall be provided on the forms contained in Appendix B, or in any other format that is agreed upon by the collective society and the retransmitter.

*Errors*

26. A retransmitter who discovers an error in any information provided to a collective society shall promptly provide the correct information.

*Supplementary Information, Records and Audits*

27. (1) A retransmitter shall provide a collective society, upon request, with the address and number of premises contained in each building within a given system for which the retransmitter claims a discount pursuant to section 14.
- (2) If the retransmitter has filed a map with the CRTC of the service area within which the system is located, the retransmitter shall provide to a collective society upon request a copy of the most recent map so filed, or if there is no such map, a current map of its service area(s).
- (3) Each retransmitter shall provide a collective society, upon request, with a list of the postal codes within a system's service area, together with
- (a) the number of residential premises served in each such postal code; and

(b) the number of residential premises in each postal code that receive each signal,

provided that the collective society has not made such a request with regard to the system for at least 12 months.

28. (1) Subject to the provisions of the *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c. 5, as amended, a retransmitter shall keep and preserve until December 31, 2034, records from which a collective society can readily ascertain the amounts payable and the information required under this tariff.

(2) A collective society may audit the records referred to in subsection (1) at any time until December 31, 2034, on reasonable notice and during normal business hours, provided that the collective society has not audited the system for at least 12 months.

(3) The collective society shall, upon receipt, supply the retransmitter and all other collective societies with a copy of the report of any audit.

(4) If the audit of a retransmission system discloses that royalties due to the collective society for that system have been understated in any month by more than 10 per cent, the retransmitter shall pay the reasonable costs of the audit of the system within 30 days of the demand for payment being made.

### *Confidentiality*

29. (1) Subject to subsections (2) and (3), a collective society and its royalty claimants shall treat in confidence information received from a retransmitter pursuant to this tariff, unless the retransmitter consents in writing to the information being treated otherwise.

(2) A collective society may share information referred to in subsection (1)

(a) with any other collective society;

(b) with the Board;

(c) in connection with proceedings before the Board, if it has first provided the retransmitter with a reasonable opportunity to obtain a confidentiality order;

(d) to the extent required to effect the distribution of royalties, with its royalty claimants; or

(e) if required by law.

(3) Subsection (1) does not apply to information that is publicly available, or to information obtained from someone other than the retransmitter, who is not under an apparent duty of confidentiality to the retransmitter.

### *Adjustments*

30. (1) Adjustments made to correct an underpayment in the amount of royalties owed and paid by a retransmitter, as a result of the discovery of an error or otherwise, shall be made on the date the retransmitter's next royalty payment is due. At the same time as making any adjustment to correct an underpayment, a retransmitter shall provide to the collective societies all necessary information and documentary support in order for the collective societies to independently assess the validity and accuracy of that adjustment, including, but not limited to, providing updated reporting information and forms as would have been required under this tariff for the period for which the adjustments are being made.

(2) Subject to subsections (3) and (4), an adjustment made to correct an overpayment in the amount of royalties owed and paid by a retransmitter, as a result of the discovery of an error or otherwise, may be deducted by a retransmitter from subsequent royalty payments until no money remains owed to it.

(3) A retransmitter may only make deductions as provided for in subsection (2) within two years of the original due date of the payment requiring an adjustment.

(4) At least 6 months prior to making any deductions pursuant to subsections (2) and (3), a retransmitter shall provide to the collective societies all necessary information and documentary support in order for the collective societies to independently assess the validity and accuracy of the claimed deduction, including, but not limited to, providing updated reporting information and forms as would have been required under this tariff for the period for which deductions are being claimed.

### *Interest on Late Payments*

31. (1) Any amount not received by the due date shall bear interest from that date until the date the amount is received.

(2) Any amount found to be owing, through an audit or otherwise, shall bear interest from the date it was due until the date the amount is received.

(3) Any amount that cannot be delivered at the address referred to in section 32 shall bear interest from the date when the person owing the amount receives notice of the new address to which it should be delivered until the date the amount is received.

(4) Interest shall be calculated daily, at a rate equal to one per cent above the bank rate effective on the last day of the previous month (as published by the Bank of Canada). Interest shall not compound.

*Addresses for Notices, etc.*

32. (1) Anything that a retransmitter sends to a collective society shall be sent to the address listed in Appendix A, or to any other address of which the retransmitter has been notified.
- (2) Anything that a collective society sends to a retransmitter shall be sent to
- (a) the address provided to the collective society in accordance with paragraph 16(d) or subsection 25(2); or
- (b) where no such address has been provided, to any other address where the retransmitter can be reached.

*Delivery of Notices and Payments*

33. (1) A notice may be delivered by hand, by postage paid mail, by email or by fax.
- (2) A notice or payment mailed in Canada shall be presumed to have been received three business days after the day it was mailed.
- (3) A notice sent by email or by fax shall be presumed to have been received the day it is transmitted.

*Appointment of Designate*

34. (1) Any person that a collective society designates to receive a payment or notice shall have an address in Canada.
- (2) A collective society shall notify a retransmitter at least 60 days in advance of such a designation or of any change therein.

*Categories of Works Claimed by Each Collective Society and Percentage of the Overall Royalties to which Each Collective Society Claims to Be Entitled*

35. (1) The royalties stated in this tariff are the aggregate royalties which retransmitters are obligated to pay to all the collective societies.

(2) Set out in Appendix C is a list of the category of works in respect of which each collective society claims that it is entitled to collect royalties and a claim to a share of the overall royalties to which each collective society claims to be entitled. The inclusion of any category of works and the claim to a share of the overall royalties set out in Appendix C is without prejudice to the right of a collective to amend its claims and of any other collective society to challenge a collective's claims. Appendix C also sets out the period proposed by each collective society as the effective period of this tariff.

*Miscellaneous*

36. If required as a result of the date when the tariff is certified by the Copyright Board, the tariff shall contain such transitional provisions as the Copyright Board may consider to be appropriate. If appropriate, each collective society reserves the right to apply to the Copyright Board under section 66.51 of the *Copyright Act* for an Interim Decision that royalties shall continue to be payable pending such certification after December 31, 2028, on such terms as the Copyright Board considers appropriate and without prejudice to the ultimate certification by the Copyright Board of the tariff.

## APPENDIX A: COLLECTIVE SOCIETIES

*TELEVISION TARIFF 2024-2028***Border Broadcasters, Inc. (BBI)**

c/o Ms. Marcie Smith  
 P.O. Box 2469A,  
 Station A  
 Toronto, Ontario  
 M5W 2K6  
 248-344-2997 (telephone)  
 248-596-1103 (fax)  
[bbimsmith@yahoo.com](mailto:bbimsmith@yahoo.com) (e-mail)

**Direct Response Television Collective Inc. (DRTVC)**

c/o Lewis Birnberg Hanet, LLP  
 693 Queen Street E  
 Toronto, Ontario  
 M4M 1G6  
 647-259-0950 (telephone)  
 416-865-1018 (fax)

**Canadian Broadcasters Rights Agency (CBRA)**

45 O'Connor Street  
 Suite 770  
 Ottawa, Ontario  
 K1P 1A4  
 613-822-1112 (telephone)  
 613-822-7588 (fax)  
[erin@cbra-adrrc.ca](mailto:erin@cbra-adrrc.ca) (e-mail)

**FWS Joint Sports Claimants Inc. (FWS)**

c/o Piasetzki Nenniger Kvas LLP  
 Barristers and Solicitors  
 120 Adelaide Street W  
 Suite 2308  
 Toronto, Ontario  
 M5H 1T1  
 416-955-0050 (telephone)  
 416-955-0053 (fax)  
[gpiasetzki@pnklaw.ca](mailto:gpiasetzki@pnklaw.ca) (e-mail)

**Canadian Retransmission Collective (CRC)**

74 The Esplanade  
 Toronto, Ontario  
 M5E 1A9  
 416-304-0290 (telephone)  
 416-304-0496 (fax)  
[info@crc-scr.ca](mailto:info@crc-scr.ca) (e-mail)

**Major League Baseball Collective of Canada, Inc. (MLB)**

P.O. Box 3216  
 Commerce Court Postal Station  
 Commerce Court West  
 Toronto, Ontario  
 M5L 1K1  
 416-979-2211 (telephone)  
 416-979-1234 (fax)

**Canadian Retransmission Right Association (CRRRA)      Society of Composers, Authors and Music Publishers of Canada (SOCAN)**

c/o Canadian Broadcasting Corporation  
181 Queen Street  
P.O. Box 3220  
Station C  
Ottawa, Ontario  
K1Y 1E4  
613-288-6276 (telephone)  
613-288-6279 (fax)  
[ccra@cbc.ca](mailto:ccra@cbc.ca) (e-mail)

41 Valleybrook Drive  
Toronto, Ontario  
M3B 2S6  
416-445-8700 (telephone)  
416-442-3829 (fax)  
[licence@socan.ca](mailto:licence@socan.ca) (e-mail)

**Copyright Collective of Canada (CCC)**

365 Bloor Street East,  
Suite 1005  
Toronto, Ontario  
M4W 3L4  
416-323-3211 (telephone)  
416-323-3296 (fax)  
[info@ccofcan.org](mailto:info@ccofcan.org) (e-mail)

APPENDIX B

TELEVISION FORMS

Form 1: General Information

Form 2: Small Retransmission Systems Declaration

Form 3: Information about Premises Served — Royalty Calculation

Form 4: Television Service Information

Form 5: Report for Systems Operating in a Francophone Market

Form 6: Systems Reported by the Same Retransmitter

Form 7: Report of Premises Entitled to a Discount

Form 8: Report of Residential Premises in Each Postal Code

FORM 1 (TELEVISION)  
GENERAL INFORMATION  
(Television Tariff, sections 16, 18, 19, 20, 21)

1) Name of the system: \_\_\_\_\_

2) Type of system: PLEASE CHECK WHERE APPROPRIATE

\_\_\_\_\_ SMALL SYSTEM;                      \_\_\_\_\_ MATV SYSTEM;                      \_\_\_\_\_ UNSCRAMBLED LPTV;  
\_\_\_\_\_ SCRAMBLED LPTV;                      \_\_\_\_\_ DTH SYSTEM;                      \_\_\_\_\_ CABLE SYSTEM (NON-IPTV);  
\_\_\_\_\_ UNSCRAMBLED MDS;                      \_\_\_\_\_ SCRAMBLED MDS;                      \_\_\_\_\_ CABLE SYSTEM (IPTV);  
\_\_\_\_\_ OTHER (PLEASE SPECIFY) \_\_\_\_\_

3) Name of the retransmitter:

(a) if the retransmitter is a CORPORATION, please give

its name: \_\_\_\_\_

its jurisdiction of incorporation: \_\_\_\_\_

the names and titles of its principal officers:

NAME

TITLE

_____	_____
_____	_____
_____	_____

(b) if the retransmitter is an INDIVIDUAL, please give the name of the individual:

\_\_\_\_\_

(c) if the retransmitter is anything else, please give the names of all owners of the enterprise and set out its legal nature

(e.g. partnership, joint venture, etc.):

Legal nature: \_\_\_\_\_

NAME

TITLE (if any)

_____	_____
_____	_____
_____	_____

4) Other trade name(s) under which the retransmitter does business:

\_\_\_\_\_

5) Address of the retransmitter's principal place of business:

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

6) Address where you wish to receive notices (if different from above):

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

7) Contact person for this system:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Tel. No.: \_\_\_\_\_ Fax. No.: \_\_\_\_\_

Email: \_\_\_\_\_

8) If the retransmitter has filed with the CRTC a map of the service area within which the system is located, please provide the date when the most recent map was filed.

9) If other retransmitters receive one or more distant television signals from the system, please attach a list showing their names and addresses, as well as the call letters of the signals they receive.

(NO ANSWER IS REQUIRED IN THE CASE OF AN UNSCRAMBLED LPTV OR UNSCRAMBLED MDS.)

10) SERVICE AREA OR LOCATION (NO ANSWER IS REQUIRED IN THE CASE OF A DTH SYSTEM.)

IN THE CASE OF AN UNSCRAMBLED LPTV OR AN UNSCRAMBLED MDS: please provide a description of the location of the LPTV or the MDS.

11) Basic monthly fee charged within the system, net of taxes: \_\_\_\_\_

(NO ANSWER REQUIRED IN THE CASE OF AN UNSCRAMBLED LPTV OR UNSCRAMBLED MDS.)

12) if another cable retransmission system or systems is located within your service area (per s.7(3)), please provide the trade name(s) of all such system(s)

Trade name(s) of other system(s): \_\_\_\_\_

FORM 2 (TELEVISION)

SMALL RETRANSMISSION SYSTEMS DECLARATION

(Television Tariff, section 17)

THIS FORM IS TO BE COMPLETED ONLY FOR SMALL RETRANSMISSION SYSTEMS. PLEASE SEE SECTIONS 2 AND 4 OF THE TELEVISION RETRANSMISSION TARIFF FOR THE DEFINITION OF SMALL RETRANSMISSION SYSTEM.

NAME OF THE SYSTEM: \_\_\_\_\_

YEAR FOR WHICH THIS FORM APPLIES: \_\_\_\_\_

UNLICENSED SYSTEMS

If the system is not licensed by the CRTC:

(a) Under what exemption order does the system operate? PN # \_\_\_\_\_, and

(b) On what date did the system begin operating as an exempt system? \_\_\_\_\_

A) GENERAL

PLEASE ANSWER THE QUESTIONS THAT APPLY TO THIS RETRANSMISSION SYSTEM.

1. Did the system retransmit a distant signal on December 31 of the previous year? \_\_\_\_\_

If NO, do not answer questions 2 through 6 and answer question 7.

2. Was the system included in a unit on December 31, 1993? \_\_\_\_\_

If YES, do not answer question 3 and go to question 4.

3. Was the system included in a unit on December 31 of the previous year? \_\_\_\_\_

If YES, do not answer question 4 and go to question 5.

4. On December 31 of the previous year, did the system serve 2,000 premises or less? \_\_\_\_\_

If YES, indicate that number: \_\_\_\_\_. Do not answer questions 5 to 7.

If NO, do not answer question 5. Complete the table in question 6 using the number of premises served by the system on the last day of each month of the previous year during which the system retransmitted a distant signal. Do not answer question 7.

5. On December 31 of the previous year, did the unit serve 2,000 premises or less? \_\_\_\_\_

If YES, indicate the number: \_\_\_\_\_. Do not answer questions 6 and 7.

If NO, complete the table in question 6 by using the number of premises served by all cable retransmission systems in the unit on the last day of each month of the previous year in which (a) the composition of the unit was the same as on December 31, AND (b) the system retransmitted a distant signal. Do not answer question 7.

6. Please complete the following table if you answered NO to question 4 or to question 5.

As of the last day of each month during the previous year	Number of premises served
January	
February	
March	
April	
May	
June	
July	
August	
September	

As of the last day of each month during the previous year	Number of premises served
October	
November	
December	
Total	
Average  (Divide total by the number of months for which information is required to be provided)	

7. Answer this question only if you answered NO to question 1.

Was the system included in a unit on the last day of the first month in which it retransmitted a distant signal this year? \_\_\_\_\_

If YES, how many premises were served by all cable retransmission systems in the unit on that day?

\_\_\_\_\_

If NO, how many premises did the system serve on that day? \_\_\_\_\_

*A SYSTEM IS A SMALL RETRANSMISSION SYSTEM IF YOU ANSWERED YES TO QUESTION 4 OR 5, IF THE AVERAGE IN QUESTION 6 IS 2,000 OR LESS, OR IF THE NUMBER OF PREMISES SERVED INDICATED IN ANSWER TO QUESTION 7 IS 2,000 OR LESS.*

**B) IF THE SYSTEM IS LOCATED WITHIN THE SERVICE AREA OF ANOTHER CABLE RETRANSMISSION SYSTEM, please also complete the following declaration:**

I confirm that \_\_\_\_\_ (system name) is located within the service area of \_\_\_\_\_ (name of cable retransmission system) which as of \_\_\_\_\_ (relevant date) served no more than 2,000 premises in its service area.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name and Title)

Date: \_\_\_\_\_

**C) IF A SYSTEM IS NOT LOCATED WITHIN THE SERVICE AREA OF ANOTHER CABLE RETRANSMISSION SYSTEM, please also complete the following declaration:**

I confirm that \_\_\_\_\_ (system name) is not located within the service area of any other cable retransmission system.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name and Title)

Date: \_\_\_\_\_

#### D) INFORMATION ABOUT PREMISES SERVED

Please provide the following information as of (i) December 31 of the previous year, if the system retransmitted a distant television signal on that day, or (ii) the last day of the month in which the system first retransmitted a distant television signal in THIS year, if the system did not retransmit a distant television signal on December 31 of the previous year.

	Residential Units	Health Care Facilities	Hotels	Educational Institutions	Others	All Premises
Numbers of premises served						
Number of premises receiving <u>at least one</u> distant television signal						

## E) ROYALTY SHARE OF EACH COLLECTIVE SOCIETY

Column A Collective Society	Column B %*	Column C Royalty Amount	Column D Withholding Tax (10%)	Column E Interest	Column F GHST	Column G Total <sup>1</sup>
BBI					n/a	
CBRA			n/a			
CCC			n/a			
CRC			n/a			
CRRA			n/a			
DRTVC			n/a			
FWS			n/a			
MLB			n/a			
SOCAN			n/a			
TOTAL						

\* To be determined by the Copyright Board

<sup>1</sup> Column C – Column D + Column E + Column F

## F) INFORMATION ABOUT THE UNIT

1. Please complete this table if you answered YES to question 2, i.e. if the system was in a unit on December 31, 1993.

Names of all the retransmission systems in the unit on December 31, 1993	Names of the persons (including corporations) or groups of persons who own or who directly or indirectly control the systems included in the unit	Explain the nature of the control exercised (e.g. the percentage of voting shares directly or indirectly held by the persons exercising the control or by the members of the controlling group)

2. Please complete this table if you answered YES to questions 2, 3 or 7.

If the system was part of a unit on December 31 of the previous year, please provide the information as of that date. If not, please state the date on which the system became part of a unit and provide the information as of the last day of that month.

Date as of which the information is being provided: \_\_\_\_\_

Names of all the retransmission systems in the unit	Names of the persons (including corporations) or groups of persons who own or who directly or indirectly control the systems included in the unit	Explain the nature of the control exercised (e.g. the percentage of voting shares directly or indirectly held by the persons exercising the control or by the members of the controlling group)

## FORM 3 (TELEVISION)

INFORMATION ABOUT PREMISES SERVED  
 ROYALTY CALCULATION FOR \_\_\_\_\_ (relevant date)

USING THIS FORM, MOST SYSTEMS CAN CALCULATE THE TOTAL ROYALTY OWED FOR THE RETRANSMISSION OF DISTANT TELEVISION SIGNALS.

THE INFORMATION IN LINES 1 AND 3 SHOULD BE PROVIDED FOR ALL SYSTEMS, ONCE A YEAR, AS OF DECEMBER 31 OF THE PREVIOUS YEAR, EVEN IF NO DISTANT TELEVISION SIGNALS ARE CARRIED BY THE SYSTEM.

UNSCRAMBLED LPTV AND UNSCRAMBLED MDS PAY A FLAT RATE OF \$200 PER YEAR, AND NEED NOT CALCULATE THEIR ROYALTIES.

SMALL RETRANSMISSION SYSTEMS SHOULD USE FORM 2.

NAME OF THE SYSTEM: \_\_\_\_\_

NOTE: Lines containing a reference to TVA should be completed only by those systems which are not located in a Francophone market and are retransmitting the TVA signal to comply with CRTC Distribution Order 1999-1.

	Type of Premises	Residential Units	Health Care Facilities	Hotels	Educational Institutions	Others	All Premises
1	Number of premises served						
2	Retransmission royalty rate per premises applicable to the system <sup>1</sup>						n/a
	<b>(a) NON-FRANCOPHONE MARKET PREMISES</b>						

	Type of Premises	Residential Units	Health Care Facilities	Hotels	Educational Institutions	Others	All Premises
3	Number of premises for which Francophone market discount is NOT claimed						
4	Number of premises receiving <i>at least one</i> distant television signal <sup>2</sup>						
5	Number of premises receiving at least one <i>unduplicated</i> distant television signal other than the TVA signal <sup>3</sup>						
6	Gross royalty for premises reported in line 5 [line 2 × line 5]						n/a
7	Number of premises receiving only one distant television signal, which is also duplicated <sup>4</sup>						
8	Gross royalty for premises reported in line 7 [line 2 × line 7 × 25%]						n/a

	Type of Premises	Residential Units	Health Care Facilities	Hotels	Educational Institutions	Others	All Premises
9	Number of premises receiving more than one distant television signal, all of which are duplicates <sup>5</sup>						
10	Gross royalty for premises reported in line 9 [line 2 × line 9 × 50 %]						n/a
11	Number of premises receiving TVA as their only distant television signal <sup>6</sup>						
12	Gross royalty for premises reported in line 11 [line 2 × line 11 × 5%]						n/a
13	Number of premises receiving as their only distant television signals TVA and one duplicated signal <sup>7</sup>						
14	Gross royalty for premises reported in line 13 [line 2 × line 13 × 30 %]						n/a

	Type of Premises	Residential Units	Health Care Facilities	Hotels	Educational Institutions	Others	All Premises
15	Number of premises receiving as their only distant television signals TVA and more than one duplicated signal <sup>8</sup>						
16	Gross royalty for premises reported in line 15 [line 2 × line 15 × 55%]						n/a
17	TOTAL gross royalty amount [line 6 + line 8 + line 10 + line 12 + line 14 + line 16]						n/a
18	Adjustment factor for certain types of premises	1	0.25	0.6	0.25	1	n/a
19	Royalty Amount — Non-Francophone Market Premises [line 17 × line 18]						
	<i>(b)</i> <b>FRANCOPHONE MARKET PREMISES</b>						

	Type of Premises	Residential Units	Health Care Facilities	Hotels	Educational Institutions	Others	All Premises
20	Number of premises for which Francophone market discount is claimed [line 1 minus line 3]						
21	Number of Francophone market premises receiving <i>at least one</i> distant television signal <sup>9</sup>						
22	Number of Francophone market premises receiving at least one <i>unduplicated</i> distant television signal						
23	Gross royalty for premises reported in line 21 [line 21 × line 2 × 50%]						n/a
24	Number of Francophone market premises receiving only one distant television signal, which is also duplicated <sup>10</sup>						

	Type of Premises	Residential Units	Health Care Facilities	Hotels	Educational Institutions	Others	All Premises
25	Gross royalty for premises reported in line 24 [line 2 × line 24 × 25 % × 50%]						n/a
26	Number of premises receiving more than one distant television signal, all of which are duplicates <sup>11</sup>						
27	Gross royalty for premises reported in line 26 [line 2 × line 26 × 50 % × 50%]						n/a
28	TOTAL gross royalty amount line 23 + line 25 + line 27]						n/a
29	Adjustment factor for certain types of premises	1	0.25	0.6	0.25	1	n/a
30	Royalty Amount — Francophone Market Premises [line 28 × line 29]						
31	Total Royalty Amount <sup>12</sup> [line 19 + line 30]						

<sup>1</sup> See sections 7 to 10 of the tariff. 2. Generally speaking, the rate for cable retransmission systems is based on the total number of premises of all types served *within the licensed service area* in which the system is located, *whether or not these premises receive a distant television signal*. Please consult the relevant provisions of the tariff to ensure that you use the correct rate.

<sup>2</sup> If the system is a DTH, please copy in line 4 the number found in line 1. In all other cases, the number in line 3 should be the same as the total of lines 5, 7, 9, 11, 13 and 15.

<sup>3</sup> If the system is a DTH, please copy in line 5 the number found in line 1.

<sup>4</sup> See paragraph 13(1)(a) of the tariff.

<sup>5</sup> See paragraph 13(1)(b) of the tariff.

<sup>6</sup> See section 12 of the tariff.

<sup>7</sup> See paragraph 13(2)(a) of the tariff.

<sup>8</sup> See paragraph 13(2)(b) of the tariff.

<sup>9</sup> The number in line 21 should be the same as the total of lines 22, 24 and 26.

<sup>10</sup> See paragraph 13(1)(a) of the tariff.

<sup>11</sup> See paragraph 13(1)(b) of the tariff.

<sup>12</sup> The total amount of royalty owed is the total of the amounts listed in line 31.

The share of each collective society is as follows:

Column A Collective Society	Column B %*	Column C Royalty Amount	Column D Withholding Tax (10%)	Column E Interest	Column F GHST	Column G Total <sup>1</sup>
BBI					n/a	
CBRA			n/a			
CCC			n/a			
CRC			n/a			

CRRRA			n/a			
DRTVC			n/a			
FWS			n/a			
MLB			n/a			
SOCAN			n/a			
TOTAL						

\* To be determined by the Copyright Board

<sup>1</sup> Column C – Column D + Column E + Column F

**B) IF THE SYSTEM IS LOCATED WITHIN THE SERVICE AREA OF ANOTHER CABLE RETRANSMISSION SYSTEM, please also complete the following declaration:**

I confirm that \_\_\_\_\_ (system name) is located with in the service area

of \_\_\_\_\_ (name of cable retransmission system).

\_\_\_\_\_

(Signature)

\_\_\_\_\_

(Name and Title)

Date:

\_\_\_\_\_

**C) IF A SYSTEM IS NOT LOCATED WITHIN THE SERVICE AREA OF ANOTHER CABLE RETRANSMISSION SYSTEM, please also complete the following declaration:**

I confirm that \_\_\_\_\_ (system name) is not located within the service area

of any other cable retransmission system.

\_\_\_\_\_  
(Signature)

---

(Name and Title)

Date: \_\_\_\_\_



FORM 5 (TELEVISION)  
 REPORT FOR CABLE RETRANSMISSION SYSTEMS OPERATING IN A FRANCOPHONE  
 MARKET  
 (Television Tariff, section 22)

NAME OF  
 SYSTEM:

--

Cable retransmission systems located in the Province of Quebec need not complete this form.

**I. ELIGIBILITY FOR FRANCOPHONE MARKET DISCOUNT – CABLE RETRANSMISSION SYSTEM**

For each city, town or municipality wholly or partly within the system’s service area provide the following information.

Systems whose service area includes all or part of any of the localities listed in paragraph 10(2)(b) of the Television Tariff are only required to complete column (A).

NOTE: The population for the whole city, town or municipality must be used in column (C), even if the cable retransmission system’s service area includes only part of that city, town or municipality.

If the total of column (B) is more than 50 per cent of the total of column (C), the retransmission system is in a Francophone market.

(A) Name of the City, Town or Municipality	(B) Population Claiming French as Their Mother Tongue According to the Most Recent Statistics Canada Figures	(C) Total Population According to the Most Recent Statistics Canada Figures

## II. ELIGIBILITY FOR FRANCOPHONE MARKET DISCOUNT — SCRAMBLED LPTV OR MDS

If eligibility for the Francophone market discount is claimed with respect to premises receiving distant signals from any transmitter operated by this system, please complete this table for each such transmitter. For each transmitter which is eligible under paragraph 10(2)(a) or (b) of the Television Tariff, complete only (A), (D) and (E). For each transmitter which is eligible under paragraph 10(2)(c) of the Television Tariff, complete (A), (B), (C), (D) and (E).

If the total of (B) is more than 50 per cent of (C), the premises served by this transmitter are deemed to be located in a Francophone market.

<b>(A) Name of the City, Town or Municipality and Province Where this Transmitter is Located</b>	<b>(B) Population of that City, Town or Municipality Claiming French as Their Mother Tongue, According to the Most Recent Statistics Canada Figures</b>	<b>(C) Population of that City, Town or Municipality, According to the Most Recent Statistics Canada Figures</b>	<b>(D) Total Number of Premises in Each System in the City, Town or Municipality</b>	<b>(E) Number of Premises out of the Total in (D) that are Ineligible for the Francophone Market Discount Pursuant to Subsection 10(3) of the Television Tariff</b>

FORM 6 (TELEVISION)  
SYSTEMS REPORTED BY THE SAME RETRANSMITTER  
(Television Tariff, section 23)

Name of the System (as reported on Form 1 for that System)	Service Area

FORM 7 (TELEVISION)

REPORT OF PREMISES ENTITLED TO A DISCOUNT

(Television Tariff, subsection 27(1))

A COLLECTIVE SOCIETY IS ENTITLED TO ASK THAT THIS FORM BE COMPLETED IF THERE ARE BUILDINGS CONTAINING PREMISES FOR WHICH YOU CLAIM A DISCOUNT UNDER SECTION 14 OF THE TARIFF (ROOMS IN HOTELS, HEALTH INSTITUTIONS AND EDUCATIONAL INSTITUTIONS).

Please give the address of each building containing premises of the type indicated, as well as the number of premises served in each building.

NAME OF SYSTEM: \_\_\_\_\_

DATE AS OF WHICH THE REPORT IS BEING MADE: \_\_\_\_\_

HOTEL ROOMS (this includes motel rooms)

Address	Number of Rooms Served

PREMISES IN HEALTH INSTITUTIONS

Address	Number of Rooms Served

## PREMISES IN EDUCATIONAL INSTITUTIONS

Address	Number of Rooms Served

FORM 8 (TELEVISION)

REPORT OF RESIDENTIAL PREMISES IN EACH  
 POSTAL CODE AREA AS OF \_\_\_\_\_  
 (Television Tariff, section 27)

A. A COLLECTIVE SOCIETY IS ENTITLED UNDER PARAGRAPH 27(3)(a) TO ASK FOR THE FOLLOWING FORM TO BE COMPLETED FOR A CABLE SYSTEM ONLY IF IT HAS BEEN 12 MONTHS SINCE THE LAST TIME IT ASKED FOR SUCH A FORM TO BE FILLED WITH RESPECT TO THAT SYSTEM.

NAME OF SYSTEM: \_\_\_\_\_

Postal Code	Number of Residential Premises Served by the System Within the Postal Code	Postal Code	Number of Residential Premises Served by the System Within the Postal Code	Postal Code	Number of Residential Premises Served by the System Within the Postal Code









## APPENDIX C

## CATEGORIES OF WORKS CLAIMED TO BE REPRESENTED BY EACH COLLECTIVE SOCIETY AND CLAIM TO A SHARE OF OVERALL ROYALTY TO WHICH EACH COLLECTIVE SOCIETY CLAIMS TO BE ENTITLED

Note: Any term used herein which is defined in the prefixed tariff or in Appendix A has the same meaning as if used in the prefixed tariff or in Appendix A.

***BORDER BROADCASTERS, INC. (BBI)***

Identification: BBI is a company incorporated under the laws of the State of Michigan. It is a collective society within the meaning of subsection 71(1) of the *Copyright Act*. Its purpose is to represent by way of assignment, licence, appointment of agent or otherwise (as may be agreed between it and the claimant) the interests of all persons, firms and corporations who are now or may hereafter be entitled to assert a claim for a royalty in respect of the retransmission of certain works by a retransmitter by means of one or more distant signals.

## Categories of Works Claimed to Be Represented by BBI

All television programs, underlying works and works owned or controlled by BBI's members in respect of which retransmission royalties may be claimed including, with out limiting the generality of the foregoing, the following kinds of works:

- (a) television programs owned or produced, in whole or in part, by commercial television stations licensed in the United States except to the extent that the rights to receive royalties for the retransmission of such television programs are owned or controlled by persons represented by a collective society within the meaning of the *Copyright Act* other than BBI, and any other television programs to the extent that the rights to receive royalties for the retransmission of such programs are owned or controlled, in whole or in part, by commercial television stations licensed in the United States; and
- (b) compilations created by a commercial television station licensed in the United States of television programs carried on its signal;

but excluding the following kinds of works:

- (c) musical works to the extent that the rights to receive retransmission royalties for the retransmission thereof are not controlled by the producers or copyright owners of the programs in which the musical works are embodied, or by the agents, successors, licensees or assigns of such producers or copyright owners;
- (d) television programs which have been certified as Canadian programs by the Canadian Radio-television and Telecommunications Commission, but not including any television program which has not been accorded at least 100 per cent Canadian content credit by the Canadian Radio-television and Telecommunications Commission or which has been recognized to any extent for Canadian content purposes as a result of being dubbed into one of the official languages;
- (e) productions which have been certified as certified productions in accordance with regulations made under the *Income Tax Act*, S.C. 1970-71-72, c. 63, as amended; and
- (f) underlying works, where the relevant television program is a work in respect of which BBI has not been authorized to collect retransmission royalties.

#### Percentage of Overall Royalty Claimed by BBI

Without prejudice to its rights, including those set out in Section 35 of the Proposed Tariff, BBI claims an entitlement to a share of the overall royalties as may be agreed upon by the collectives and confirmed by the Board, or as may be determined by the Board, subject to any right of judicial review and/or appeal a collective may have therefrom.

#### Term of Tariff Proposed by BBI

BBI proposes that this tariff applies to the years 2024 through 2028.

#### **CANADIAN BROADCASTERS RIGHTS AGENCY (CBRA)**

Identification: CBRA is a company incorporated under the *Canada Corporations Act*. CBRA is a collective society within the meaning of subsection 71(1) of the *Copyright Act*.

#### Categories of Works Claimed to Be Represented by CBRA

- (a) Any television programs owned or produced, in whole or in part, by Canadian broadcasters, except to the extent that the rights to receive royalties for the retransmission of such television programs are owned or controlled by persons represented by a collective society within the meaning of the *Copyright Act* other

than CBRA, and any other television programs to the extent that the rights to receive royalties for the retransmission of such programs are owned or controlled, in whole or in part, by Canadian broadcasters; and

- (b) any compilation created by a Canadian broadcaster.

#### Percentage of Overall Royalty Claimed by CBRA

Without prejudice to its rights, including those set out in Section 35 of the Proposed Tariff, CBRA claims an entitlement to a share of the overall royalties as may be agreed upon by the collectives and confirmed by the Board, or as may be determined by the Board, subject to any right of judicial review and/or appeal a collective may have therefrom.

#### Term of Tariff Proposed by CBRA

CBRA proposes that this tariff applies to the years 2024 through 2028.

#### *Definition*

“Canadian broadcaster” means a television station or network licensed by the CRTC, or an Educational Authority (other than any such television station, network or Educational Authority represented by a collective society within the meaning of the *Copyright Act* other than CBRA), and the agents, successors, licensees or assigns of such television stations, networks or Educational Authorities.

#### **CANADIAN RETRANSMISSION COLLECTIVE (CRC)**

Identification: CRC is a company incorporated under the *Canada Not-for-Profit Corporations Act*. It is a collective society within the meaning of subsection 71(1) of the *Copyright Act*. Its purpose is to represent by way of assignment, licence, appointment of agent or otherwise (as may be agreed between it and the claimant) the interests of all persons, firms and corporations who are now or may hereafter be entitled to assert a claim for a royalty in respect of the retransmission of certain television programs by a retransmitter by means of one or more distant signals.

#### Categories of Works Claimed to Be Represented by CRC

- (a) All television programs recognized as Canadian programs in whole or in part under the regulations or policies of the CRTC from time to time in effect, but not including such programs where such recognition arises solely as a result of the program being dubbed by a Canadian into one of the official languages;

- (b) all productions which have been certified as certified productions in accordance with regulations made under the *Income Tax Act*, S.C. 1970-71-72, c. 63, as amended from time to time, or which are recognized as Canadian programs for the purpose of qualifying for provincial or federal tax credits;
- (c) television programs to the extent that they are transmitted by non-commercial television stations licensed in the United States of America and by television stations licensed in countries other than Canada or the United States of America;
- (d) all television programs which have been produced predominantly within a country other than the United States of America or its territories by a person other than a U.S. National or a member of the MPA, where the right to authorize a collective society to collect retransmission royalties has not been vested in a U.S. National or a member of the MPA; and
- (e) compilations of television programs in the schedules of non-commercial television stations licensed in the United States of America, of television stations licensed in countries other than Canada and the United States of America, and of television stations owned and operated by an Educational Authority,

but excluding the following kinds of works:

- (f) any television programs which are produced in whole or in part by a television station or network which is licensed by the CRTC, other than a station or network owned and operated by an Educational Authority, but only to the extent that the rights to receive retransmission royalties for the retransmission of such programs are controlled by such a station or network and have not been assigned to CRC or to a person which has affiliated with CRC;
- (g) any television programs which are presentations of games between teams of National Hockey League, National Football League, Canadian Football League, National Collegiate Athletic Association, National Basketball Association or Major League Baseball; and
- (h) musical works, but only to the extent that the rights to receive retransmission royalties for the retransmission thereof are not controlled by the producers or copyright owners of the programs in which the musical works are embodied, or by the agents, successors, licensees or assigns of such producers or copyright owners.

### Percentage of Overall Royalty Claimed by CRC

Without prejudice to its rights, including those set out in Section 35 of the Proposed Tariff, CRC claims an entitlement to a share of the overall royalties as may be agreed upon by the collectives and confirmed by the Board, or as may be determined by the Board, subject to any right of judicial review and/or appeal a collective may have therefrom.

### Term of Tariff Proposed by CRC

CRC proposes that this tariff applies to the years 2024 through 2028.

### *Definitions*

“Canadian” means

- (i) in the case of an individual, a person who is a Canadian citizen or permanent resident within the meaning of the *Immigration Act* (Canada) as amended from time to time,
- (ii) in the case of a person other than an individual, a person controlled in fact by Canadians, and
- (iii) any person who is recognized as a Canadian under CRTC regulations or policies respecting television programming;

“Educational Authority” means a body other than Société de télédiffusion du Québec that is

- (a) an independent corporation, as defined in the Direction to the CRTC (Ineligibility to Hold Broadcasting Licences); or
- (b) a provincial authority, as defined in the Direction to the CRTC (Ineligibility to Hold Broadcasting Licences);

“member of the MPA” means a company or one of its subsidiaries or affiliates which is from time to time a member of the Motion Picture Association Inc.;

“television programs” means all programs carried in a distant signal retransmitted by a retransmitter (including without limitation all audiovisual works), and is deemed to include any underlying works in relation to such programs;

“underlying work” means a work embodied in a television program or from which a television program has been derived;

“U.S. National” means a citizen of the United States of America or a company or other entity controlled in fact by citizens of the United States of America.

***CANADIAN RETRANSMISSION RIGHT ASSOCIATION (CRRA)***

Identification: CRRA is an association of corporations and carries on the business of collecting, for the benefit of those who authorize it to act on their behalf for that purpose, royalties for the communication of works in the manner described in subsection 31(2) of the *Copyright Act*.

CRRA is the duly authorized agent of

Canadian Broadcasting Corporation — Société Radio-Canada

Société de télédiffusion du Québec

ABC, Inc. and its subsidiaries

CBS, Inc. and its subsidiaries

National Broadcasting Company International Limited and its subsidiaries

Categories of Works Claimed to Be Represented by CRRA

- (a) All television programs owned or produced by any of the above entities; and
- (b) any compilations created by any of the above entities.

Percentage of Overall Royalty Claimed by CRRA

Without prejudice to its rights, including those set out in Section 35 of the Proposed Tariff, CRRA claims an entitlement to a share of the overall royalties as may be agreed upon by the collectives and confirmed by the Board, or as may be determined by the Board, subject to any right of judicial review and/or appeal a collective may have therefrom.

Term of Tariff Proposed by CRRA

CRRA proposes that this tariff applies to the years 2024 through 2028.

***COPYRIGHT COLLECTIVE OF CANADA (CCC)***

Identification: CCC is a company incorporated under the *Canada Not-for-Profit Corporations Act*. It is a collective society within the meaning of subsection 71(1) of the *Copyright Act*. Its purpose is to represent by way of assignment, licence, appointment of agent or otherwise (as may be agreed

between it and the claimant) the interests of all persons, firms and corporations who are now or may hereafter be entitled to assert a claim for a royalty in respect of the retransmission of certain television programs by a retransmitter by means of one or more distant signals.

#### Categories of Works Claimed to Be Represented by CCC

All television programs and underlying works in respect of which retransmission royalties may be claimed, except for the following works:

- (a) all musical works;
- (b) all infomercials and all commercial messages appearing at the beginning of or the end of or during a television program;
- (c) all television programs which consist of play-by-play coverage (covering the entire game or a substantial part thereof) of National Hockey League, National Football League, Canadian Football League, National Basketball Association or Major League Baseball games to the extent that the right to receive royalties for the retransmission of such television programs is owned or controlled by persons represented by a collective society within the meaning of the *Copyright Act* other than CCC;
- (d) all television programs to the extent that a television station or network represented by another collective society (whether or not such a network is a network as defined above) owns or controls the right to authorize any collective society to collect retransmission royalties;
- (e) all television programs which have been certified as Canadian programs by the CRTC, but not including any television program which has not been accorded at least 100 per cent Canadian content credit by the CRTC or which has been recognized to any extent for Canadian content purposes as a result of being dubbed into one of the official languages;
- (f) all productions which have been certified as certified productions in accordance with regulations made under the *Income Tax Act*, S.C. 1970-71-72, c. 63, as amended, or which are recognized as Canadian programs for the purpose of qualifying for provincial or federal tax credits;
- (g) all television programs which have been produced predominantly within a country other than the United States of America or its territories by a person other than a

United States national or a member of the MPA where the right to authorize a collective society to collect Canadian retransmission royalties has not been vested in a United States national or a member of the MPA;

- (h) television programs to the extent that they are transmitted by non-commercial television stations licensed in the United States of America or by television stations licensed in countries other than Canada or the United States of America; and
- (i) any underlying works embodied in any of the items set out in paragraphs (a) to (h) hereof inclusive or used for the purpose of producing the same.

#### Percentage of Overall Royalty Claimed by CCC

Without prejudice to its rights, including those set out in Section 35 of the Proposed Tariff, CCC claims an entitlement to a share of the overall royalties as may be agreed upon by the collectives and confirmed by the Board, or as may be determined by the Board, subject to any right of judicial review and/or appeal a collective may have therefrom.

#### Term of Tariff Proposed by CCC

CCC proposes that this tariff applies to the years 2024 through 2028.

#### *Definitions*

“member of the MPA” means a company or one of its subsidiaries or affiliates which is from time to time a member of the Motion Picture Association Inc.;

“underlying work” means a work embodied in a television program or from which a television program or any work embodied in a television program has been derived;

“U.S. National” means a citizen of the United States of America or a company or other entity controlled in fact by citizens of the United States of America.

#### ***DIRECT RESPONSE TELEVISION COLLECTIVE (DRTVC)***

Identification: DRTVC is a company incorporated under Part 1.A of the *Companies Act* (Quebec). It is a collective society within the meaning of subsection 71(1) of the *Copyright Act*. Its purpose is to represent by way of assignment, licence, appointment of agent or otherwise (as may be agreed between it and the claimant) the interest of all persons, firms and corporations that are now or may hereafter be entitled to assert a claim for a royalty in respect of the retransmission of certain television programs by a retransmitter by means of one or more distant signals.

### Categories of Works Claimed to Be Represented by DRTVC

All television programs and underlying works in the form of direct response television programming (“infomercials”).

#### *Definition*

“infomercial” means a television program exceeding 12 minutes in length that combines entertainment or information with the sale or promotion of goods or services into a virtually indistinguishable whole. An infomercial may also involve the promotion of products mentioned in distinct commercial breaks within the infomercial itself. A program that is predominantly religious or devotional in nature, or which is intended to raise funds for charitable or philanthropic organizations (including telethons), or that is broadcast by a signal affiliated with PBS, TVO, Alberta Access, Canal Savoir, RFO or Société de télédiffusion du Québec, is not an infomercial.

### Percentage of Overall Royalty Claimed by DRTVC

Without prejudice to its rights, including those set out in Section 35 of the Proposed Tariff, DRTVC claims an entitlement to a share of the overall royalties as may be agreed upon by the collectives and confirmed by the Board, or as may be determined by the Board, subject to any right of judicial review and/or appeal a collective may have therefrom.

### Term of Tariff Proposed by DRTVC

DRTVC proposes that this tariff applies to the years 2024 through 2028.

### ***FWS JOINT SPORTS CLAIMANTS INC. (FWS)***

Identification: FWS is a company incorporated under the *Ontario Corporations Act*. It is a collective society within the meaning of subsection 71(1) of the *Copyright Act*.

### Categories of Works Claimed to Be Represented by FWS

FWS represents by way of assignment, licence, appointment of agent or otherwise (as has been agreed between FWS and the claimant) the interests of all professional National Hockey League teams, all professional National Basketball Association teams, all professional Canadian Football League teams, and all professional National Football League teams owned by any persons, who are now or may hereafter be entitled to claim a royalty under the *Copyright Act* in respect of the retransmission of any of their artistic, dramatic, literary or musical works (hereinafter referred to as “Works”), said Works consisting of live or delayed game telecasts, or any portions thereof,

whether used alone or as a portion of another work, by a retransmitter by means of one or more distant signals.

#### Percentage of Overall Royalty Claimed by FWS

Without prejudice to its rights, including those set out in Section 35 of the Proposed Tariff, FWS claims an entitlement to a share of the overall royalties as may be agreed upon by the collectives and confirmed by the Board, or as may be determined by the Board, subject to any right of judicial review and/or appeal a collective may have therefrom.

#### Term of Tariff Proposed by FWS

FWS proposes that this tariff applies to the years 2024 through 2028.

#### ***MAJOR LEAGUE BASEBALL COLLECTIVE OF CANADA, INC. (MLB)***

Identification: MLB is a company incorporated under the *Business Corporations Act*, 1982 (Ontario), S.O., 1982, c. C-4 (as amended). It is a collective society within the meaning of subsection 71(1) of the *Copyright Act*.

#### Categories of Works Claimed to Be Represented by MLB

All distant signal broadcasts of Major League Baseball games.

#### Percentage of Overall Royalty Claimed by MLB

Without prejudice to its rights, including those set-out in Section 35 of the Proposed Tariff, MLB claims an entitlement to a share of the overall royalties as may be agreed upon by the collectives and confirmed by the Board, or as may be determined by the Board, subject to any right of judicial review and/or appeal a collective may have therefrom.

#### Term of Tariff Proposed by MLB

MLB proposes that this tariff apply to the years 2024 through 2028.

#### ***SOCIETY OF COMPOSERS, AUTHORS AND MUSIC PUBLISHERS OF CANADA (SOCAN)***

Identification: SOCAN is a collective society within the meaning of subsection 71(1) of the *Copyright Act*.

#### Categories of Works Claimed to Be Represented by SOCAN

Published by the Copyright Board of Canada, in accordance with section 68.2 of the Copyright Act, on November 18, 2022.

All musical and dramatico-musical works.

Percentage of Overall Royalty Claimed by SOCAN

Without prejudice to its rights, including those set out in Section 35 of the Proposed Tariff, SOCAN claims an entitlement to a share of the overall royalties as may be agreed upon by the collectives and confirmed by the Board, or as may be determined by the Board, subject to any right of judicial review and/or appeal a collective may have therefrom.

Term of Tariff Proposed by SOCAN

SOCAN proposes that this tariff applies to the years 2024 through 2028.