

**COPYRIGHT BOARD OF CANADA**

BETWEEN :

**TOTEM MÉDIAS INC.**

Applicant

– and –

**CONNECT MUSIC LICENSING SERVICE INC.**

Respondent

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**JOINT STATEMENT OF ISSUES**

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1. What are fair and equitable rates, and related terms and conditions (including minimum payments if any), for Totem’s reproduction of sound recordings in CONNECT’s repertoire in connection with the operation of Totem’s background music service?
  - a. What rates and terms would be agreed upon between a willing buyer and a willing seller acting in a competitive market with all relevant information, at arm’s length and free of external constraints?
  - b. Are there any relevant public interest considerations?
  - c. Are there any other relevant criteria that the Board should take into account?
    - i. What is the relevance, if any, of the decision of the Supreme Court of Canada in *CBC v. SODRAC*?
2. Is it appropriate for the Board to use benchmarks or proxies in setting the royalty rates and related terms and conditions for Totem? If so,
  - a. Do CONNECT’s existing licences with background music services serve as appropriate benchmarks?
  - b. What other benchmarks or proxies would be suitable?

- c. Should the Board consider the relative value of the right to reproduce sound recordings compared to the value of the other rights used by Totem to provide background music services?
3. Should changes to CONNECT's repertoire from time to time have any effect on Totem's payment obligations to CONNECT?

SIGNED AT Ottawa, February 6<sup>th</sup>, 2024

SIGNED AT Toronto, February 6<sup>th</sup>, 2024



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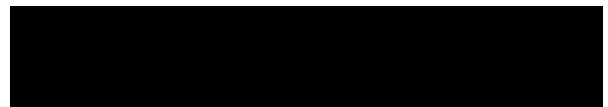
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