

Copyright Board
Canada



Commission du droit d'auteur
Canada

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Regime Retransmission of Distant Television Signals
Copyright Act, section 66.51

Members The Honourable Robert A. Blair
Ms. Nathalie Théberge
Ms. Adriane Porcin

Interim tariff for the retransmission of distant television signals, 2019-2023

Reasons for decision

[1] On December 28, 2018, the Board certified the *Interim Tariff for the Retransmission of Distant Television and Radio Signals, 2019-2023*. In particular, the decision extends the application of the *Radio Retransmission Tariff, 2014-2018* until the final tariff is certified for the years 2019 to 2023. The decision also extends the application of the *Television Retransmission Tariff, 2009-2013* until the final tariff is certified for the years 2019 to 2023, except for the royalty rates which are set at their most current level, namely the 2016-2018 royalty rates as determined in the Board's decision of December 18, 2018 on the quantum of the *Tariff for the Retransmission of Distant Television Signals, 2014-2018*.

[2] On January 25, 2019, the television collective societies (Border Broadcasters, Inc. (BBI); Canadian Broadcasters Rights Agency (CBRA); Copyright Collective of Canada (CCC); Canadian Retransmission Collective (CRC); Canadian Retransmission Right Association (CRRA); Direct Response Television Collective Inc. (DRTVC); FWS Joint Sports Claimants Inc. (FWS); Major League Baseball Collective of Canada, Inc. (MLB); Society of Composers, Authors and Music Publishers of Canada (SOCAN)) informed the Board that they have reached a tentative agreement regarding the issue of royalty allocation for the remaining unresolved years of the *Tariff for the Retransmission of Distant Television Signals, 2014-2018*.

[3] On January 31, 2019, the collectives advised the Board that they have all confirmed their agreement to the new allocations and requested that the *Interim Television Retransmission Tariff*,

2019-2023 be revised to reflect the newly agreed to royalty allocations. The collectives added that the request was made with the consent of the Objectors.¹

[4] In light of the agreement regarding royalty allocations, the application to vary the *Interim Television Retransmission Tariff, 2019-2023* is granted. The interim tariff is amended as follows.

[5] Section 14 of the interim television tariff is replaced by the following:

14. A retransmitter shall pay to the collective societies the following portions of the royalty:

BBI	1.13 per cent
CBRA	10.72 per cent
CCC	54.13 per cent
CRC	16.10 per cent
CRRA	10.65 per cent
DRTVC	0.64 per cent
FWS	3.68 per cent
MLB	0.15 per cent
SOCAN	2.80 per cent

[6] In Appendix B of the interim television tariff, “Column B” of “D) Royalty Share of Each Collective Society” of Form 2 (Television) and “Column B” of the last table of Form 3 (Television) are replaced by the following:

Column B
%
1.13
10.72
54.13
16.10
10.65
0.64
3.68
0.15
2.80



¹ Bell Canada, Rogers Communications Canada Inc., Shaw Communications Inc., Cogeco Communications Inc., Québecor Média Inc., TELUS Communications Company, and the Canadian Cable Systems Alliance (the “Objectors”).

Gilles McDougall
Secretary General