

Copyright Board
Canada



Commission du droit d'auteur
Canada

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Regime Retransmission of Distant Television and Radio 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 and radio signals, 2019-2023

Reasons for decision

[1] On December 6, 2018, the radio collective societies (Canadian Broadcasters Rights Agency (CBRA); Canadian Retransmission Right Association (CRRRA); FWS Joint Sports Claimants Inc. (FWS); Society of Composers, Authors and Music Publishers of Canada (SOCAN)) and the Objectors,¹ filed an application for an Interim Tariff for the years 2019-2023 to “continue the terms of the current in-force Tariff, in this instance the Statement of Royalties to Be Collected for the Retransmission of Distant Radio Signals, in Canada, for the Years 2014 to 2018 published in the *Canada Gazette* on July 14, 2018”.

[2] On December 10, 2018, the television collective societies (Border Broadcasters, Inc. (BBI); CBRA; Copyright Collective of Canada (CCC); Canadian Retransmission Collective (CRC); CRRRA; Direct Response Television Collective Inc. (DRTVC); FWS; Major League Baseball Collective of Canada, Inc. (MLB); SOCAN) and the Objectors filed an application for an Interim Tariff for the years 2019-2023, proposing “that the 2019-2023 Interim Tariff continue the terms of the current in-force Tariff, in this instance the *Interim Television Retransmission Tariff, 2014-2018*, issued by the Board on December 19, 2013.”

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”).

[3] In light of the Board's decision of December 18, 2018 regarding the quantum of the Tariff for the retransmission of distant television signal for the years 2014-2018, the collectives revised their original request. Specifically, they request that an Interim Tariff for 2019-2023 be issued that continues the terms of the *Interim Television Retransmission Tariff, 2014-2018*, but for the royalty rates. The collectives submit that the interim 2019-2023 royalty rates be set at the most current royalty rates determined by the Board, namely the 2016-2018 royalty rates.

[4] On December 27, 2018, in response to the collectives' request, the Objectors took no position in respect of the revised collectives request.

[5] In what follows, the two requests are being dealt with separately.

Interim Radio Retransmission Tariff, 2019-2023

[6] The Parties' request is granted. Subject to the following changes, the Board extends, on an interim basis, the application of the *Radio Retransmission Tariff, 2014-2018*. This tariff will remain in force, unless modified, until the final tariff is certified for the years 2019 to 2023.

[7] In the full title of the tariff, the word "Interim" is added before "Royalties" and "2019 to 2023" are substituted for "2014 to 2018".

[8] Section 1 of the radio tariff shall now read: This tariff may be cited as the *Interim Radio Retransmission Tariff, 2019-2023*.

[9] In section 23, "2029" is substituted for "2024".

[10] In Appendix A, "interim radio tariff 2019-2023" is substituted for "radio tariff 2014-2018".

Interim Television Retransmission Tariff, 2019-2023

[11] As requested by the collectives, we set the rates for the interim television retransmission tariff at their most current level as recently determined by the Board, namely the 2016-2018 royalty rates.

[12] Except for the royalty rates, the collectives are asking that the *Interim Television Retransmission Tariff, 2014-2018* be continued for the years 2019-2023. However, since the above interim tariff is already a continuation of the final *Radio Retransmission Tariff, 2009-2013*, we rather extend on an interim basis the application of this final tariff, subject to the following changes. This tariff will remain in force, unless modified, until the final tariff is certified for the years 2019 to 2023.

[13] In the full title of the tariff, the word "Interim" is added before "Royalties" and "2019 to 2023" are substituted for "2009 to 2013".

[14] Section 1 of the television tariff shall now read: This tariff may be cited as the *Interim Television Retransmission Tariff, 2019-2023*.

[15] The table in Section 8 of the television tariff is replaced by the following:

| Number of premises | Monthly rate for each premises receiving one or more distant signals (dollars) |
|--------------------|--|
| Up to 1,500 | 0.60 |
| 1,501-2,000 | 0.65 |
| 2,001-2,500 | 0.71 |
| 2,501-3,000 | 0.77 |
| 3,001-3,500 | 0.82 |
| 3,501-4,000 | 0.88 |
| 4,001-4,500 | 0.94 |
| 4,501-5,000 | 1.00 |
| 5,001-5,500 | 1.05 |
| 5,501-6,000 | 1.11 |
| 6,001 and over | 1.17 |

[16] In section 27, “2029” is substituted for “2019”.

[17] Sections 34 to 37 of the television tariff are eliminated. These transitional provisions are unnecessary in the interim tariff.

[18] In Appendix A, “interim television tariff 2019-2023” is substituted for “television tariff 2009-2013”.



Gilles McDougall
Secretary General