



[CB-CDA 2023-048]

## RULING OF THE BOARD

**Matter: 71-2023-01 Totem v. Connect**

September 18, 2023

### I. OVERVIEW

[1] In anticipation of the scheduled motion hearing, Connect requests leave to file a brief outline of oral argument for the purposes of the September 29, 2023 hearing.

[2] The request is granted.

### II. BACKGROUND

[3] Totem Medias Inc. (“Totem”) has filed an application under 71(1) of the *Copyright Act* (the Application). It asks the Board to fix the royalties that Totem pays to Connect Music Licensing Service Inc. (“Connect”) for the right to reproduce published sound recordings in Connect’s repertoire for the purpose of providing a background music service.

[4] Connect sought leave to make a motion before a Case Manager to dismiss the Application on the grounds that

- the Board does not have jurisdiction to hear the Application; and
- in the alternative, that Totem’s Application is improper.

[5] The motion is scheduled to be heard virtually on Friday, September 29, 2023 at 10:00 a.m.

### III. RULING

[6] The parties may file with the Board an outline of their oral arguments only, no later than **September 27, 2023**.

[7] The parties shall serve electronically a copy of their respective outlines on each other, by the same date.

[8] The outline shall not exceed two pages.

Lara Taylor  
Secretary General