

Copyright Board
Canada



Commission du droit d'auteur
Canada

[CB-CDA 2023-054]

ORDER OF THE BOARD

**Proceeding: Commercial Radio – Public Performance of Music [SOCAN: 2007-2018;
Re:Sound: 2009-2020]**

October 31, 2023

[1] On May 23, 2023, the Board issued Order CB-CDA 2023-028 requesting that SOCAN and Re:Sound provide additional information about their settlement discussions with the objectors to the proposed tariffs under consideration in the *Commercial Radio – Public Performance of Music [SOCAN: 2007-2018; Re:Sound: 2009-2020]* proceeding.

[2] SOCAN and Re:Sound were each asked to provide i) a progress report on the settlement discussions for the 2007-2018 period for SOCAN and 2009-2020 period for Re:Sound; ii) whether it has entered into discussions with objectors to SOCAN's 2019, 2020-2021, 2022-2024 and Re:Sound's 2021-2023 and 2024-2028 periods respectively; and iii) an estimated timeline of the next steps required to conclude the negotiations for each proposed tariff, including a potential date of filing any jointly-submitted text with the Board.

SOCAN

[3] In its response dated June 14, 2023, SOCAN informed the Board that SOCAN and the CAB had concluded a settlement agreement with respect to SOCAN Tariff 1.A for the period 2014-2018 and SOCAN Tariff 22.3/C/B for the period 2007-2018 (including in relation to commercial radio simulcasting). That the terms of the approved Tariff 1.A (2011-2013) and the approved Tariff 22.B (1996-2006) will apply to CAB members' activities for the period up to the end of 2018 and that the periods beyond the end of 2018 are not part of the agreement.

[4] SOCAN also informed the Board that SOCAN and the CAB had had exploratory discussions in respect of activities covered by SOCAN's proposed Tariff 22.B for the period 2019 and onwards, and that SOCAN expects to continue those discussions.

[5] SOCAN advised that the next required step is for the Parties to formally request that the Board approve the tariffs at issue in this proceeding.

[6] At this time no further update is required from SOCAN and the CAB. Once the Board is ready to proceed with the consideration of the SOCAN proposed tariffs in this proceeding, it will inform the parties.

RE:SOUND

[7] In its response dated June 8, 2023, Re:Sound informed the Board that Re:Sound and the CAB had reached an agreement in principle with respect to:

- Re:Sound Tariff 1.A for the years 2015-2022
- Re:Sound Tariff 1.A.2 for the years 2016-2017
- Re:Sound Tariff 8 for the years 2009-2012 (Commercial radio simulcasting portion only)

[8] Re:Sound also informed the Board that the settlement covers the years 2009-2022 for commercial radio simulcasts and 2015-2022 for over-the-air commercial radio broadcasts. No additional update was provided for the 2021-2023 and 2024-2028 proposed tariffs.

[9] The Parties estimate that a further three months will be required to complete the remaining steps, including finalizing the settlement agreement and draft tariff.

[10] At this time, the Board requests that the Parties provide an update on the status of their negotiations. As such, by no later than **Friday, November 24, 2023**, Re:Sound and the CAB shall jointly file a status update addressing the progress made in finalizing their settlement agreement and potential date for filing a jointly-submitted text.

Lara Taylor
Secretary General