

Copyright Board
Canada



Commission du droit d'auteur
Canada

[CB-CDA 2024-036]

NOTICE OF THE BOARD

Proceeding: SOCAN Tariff 23 – Hotel and Motel In-Room Services (2025-2027)

May 17, 2024

[1] The Panel has completed an initial assessment of this file and has formed a view on the text of one section of the Proposed Tariff.

[2] Practice Notice PN-2019-004 states that:

To facilitate comprehension and consideration of a proposed tariff, the scope, terms, and conditions of a tariff should be clearly defined and readily ascertainable from the proposed tariff itself. References to other documents—and in particular, ambulatory (i.e., a reference to a document that can change in the future) and circular (i.e., a reference to a document that references back to the proposed tariff) references—are therefore strongly discouraged.

[3] The Panel is of the view that Section 4 of the Tariff should read as follows:

4. (1) This tariff does not apply to the:

- (a) communication to the public by telecommunication of musical works in connection with the transmission of a television signal for private or domestic use;
- (b) communication to the public by telecommunication of musical works by an online service, including an online music service, an online audiovisual service, a user generated content service, an allied audiovisual service or a game service; and
- (c) communication to the public by telecommunication of musical works in connection with a pay audio service.

(2) This tariff does not apply to Internet access services or to video games services.

[4] The text in [3] above is modified relative to the Proposed Tariff by deleting references to Tariffs 17, 22, and 26. Pursuant to the Practice Notice, tariffs must be self-sufficient as much as

possible. This means that the determination of whether a tariff applies to a potential user should not require consulting and interpreting other tariffs, other than in exceptional cases. These deletions make Tariff 23 a standalone document, in line with the Practice Notice, without changing the meaning of Section 4.

[5] By no later than **Friday, May 31, 2024**, SOCAN may comment on the Panel's view, including the revised text of Section 4.

Lara Taylor
Secretary General