



[CB-CDA 2024-063]

ORDER OF THE BOARD

Proceeding: Re:Sound Tariff 4 – Satellite Radio Services (2019-2021)

July 31, 2024

I. BACKGROUND

[1] In Notice CB-CDA 2024-045, I informed the parties that I will hold a written hearing where I will examine the joint request made by Re:Sound and SiriusXM that the Board approve the Satellite Radio Services Tariff for the years 2019-2021 in the form of the jointly submitted text (JST) filed with the Board on August 6, 2020.

[2] In the accompanying letter, the Parties indicated the following in respect of simulcasts:

The issue of simulcasts by SiriusXM Canada is the subject of separate, ongoing negotiations. Re:Sound and SiriusXM Canada will continue to provide the Board with monthly updates on the status of those negotiations.

[3] Indeed, while the JST does not include simulcasts, the original proposed tariff (filed on March 28, 2018) specifically covers such activities:

3. (1) This tariff sets the royalties to be paid each month by a service to communicate to the public by telecommunication in Canada, published sound recordings embodying musical works in connection with the operation of the service and simulcasts, for direct reception by subscribers for their private use. [Emphasis added]

II. ORDER

[4] I consider it good policy to issue a single decision in relation to a given proposed tariff of which the Board is seized. This ensures tariff unity. Tariff fragmentation may create uncertainty or confusion.

[5] To this end, I ask that the Parties provide me with an update on their discussions (which should cover satellite radio simulcasts since 2009 as per Notice CB-CDA 2018-173) and potential next steps to deal with this issue by **Tuesday, October 1, 2024**.

Luc Martineau
Chair, Copyright Board