

Copyright Board
Canada



Commission du droit d'auteur
Canada

[CB-CDA 2024-043]

ORDER OF THE BOARD

**Matters: Re:Sound Tariffs 3.B – Background Music (2021-2022, 2023-2026);
Re:Sound Tariffs 5.A to 5.J – Live Events (2016-2020, 2021-2025);
Re:Sound Tariffs 6.A - Use of Recorded Music to Accompany Dance (2019-
2023, 2024-2028)**

June 17, 2024

I. OVERVIEW

[1] On May 13, 2024, Re:Sound, Restaurants Canada and Hotel Association of Canada, jointly requested that the Board initiate a consolidated proceeding with respect to the above-mentioned tariffs (the “Request”).

[2] The parties raise the following points in support of their request:

- many of the same issues are in dispute for each of the tariffs, all of which are public performance tariffs to which Restaurants Canada and the Hotel Association of Canada are objectors;
- a consolidated proceeding would create considerable efficiencies by limiting the number of proceedings the same parties must participate in, saving time and expense for both the Parties and the Board; and
- it would also ensure consistency and fairness in the determination of the same issues across the different tariffs and expedite the determination of the tariffs if a single proceeding were held as opposed to multiple proceedings in succession.

[3] In their request, the parties propose that they would provide a joint Statement of Issues to the Board within one month’s time to allow the Board to better consider the requests for both consolidation and a simplified, written proceeding.

II. OBJECTORS

[4] The Board notes that there are other objectors to the above-mentioned proposed tariffs, who are not party to the Request (the “Remaining Objectors”). The Remaining Objectors are the following:

Proposed Tariffs	Remaining Objectors
Re:Sound Tariff 3.B (2021-2022)	Stingray Fitness Industry Council Retail Council of Canada
Re:Sound Tariff 3.B (2023-2026)	Fitness Industry Council Quebecor Sports et Divertissements Retail Council of Canada
Re:Sound Tariffs 5.A to 5.J (2016-2020)	Canadian Association for the Performing Arts (CAPACOA) (5.A, B, D, E, I and J) Canadian Live Music Association (CLMA)(5.A, B, D, E, F, I and J) National Hockey League (and its Canadian Member Clubs), National Football League, Canadian Football League, Toronto Blue Jays (Rogers Blue Jays Baseball Partnership), and Rogers Centre (Rogers Stadium Limited Partnership) together the “Sports Objectors” (5.A to J) Québecor Média (5.A to J)
Re:Sound Tariffs 5.A to 5.J (2021-2025)	Canadian Association of Fairs and Exhibitions (CAFE) (5.D) Canadian Association for the Performing Arts (CAPACOA) (5.A, B, D, E, F, I, G and J) Canadian Live Music Association (CLMA) (5.A, B, D, E, F, I, G and J) National Hockey League (and its Canadian Member Clubs), National Football League, Canadian Football League, Toronto Blue Jays (Rogers Blue Jays Baseball Partnership), and Rogers Centre (Rogers Stadium Limited Partnership) together the “Sports Objectors” (5.A to J) Québecor Média (5.A to J)
Re:Sound Tariffs – 6.A (2019-2023 and 2024-2028)	No other objectors

III. NEGOTIATIONS - RE:SOUND TARIFFS 5.A TO 5.J (2016-2025)

[5] The Board further notes that there have been ongoing discussions with the objectors to Re:Sound Tariffs 5.A to J (2016-2025).

[6] On January 29, 2024, Re:Sound informed the Board that it had executed an agreement with CAPACOA, CAFE and CLMA.

[7] On April 5, 2024, Re:Sound informed the Board that it had executed an agreement with Québecor.

[8] On that same date, Re:Sound also informed the Board that it was continuing to finalize the terms of their agreements and draft tariffs with the Sports Objectors.

IV. NEXT STEPS

[9] No later than **Tuesday, July 2, 2024**, the Remaining Objectors shall inform the Board of their interest in participating in the proceeding for the consideration of the proposed tariffs to which they have objected. By that same date, any Remaining Objector that does not agree with the Request shall file submissions with the Board supporting their position. Failure to confirm participation will result in the party being considered as not participating in the consideration of the proposed tariffs.

[10] No later than **Monday, July 15, 2024**, Re:Sound shall inform the Board if they have finalized their agreements with the Sports Objectors and file all their agreements and jointly-submitted texts with respect to Tariffs 5.A to J. Regarding the filing of jointly-submitted texts, the Board draws the parties attention to Rule 33 of the [Copyright Board Rules of Practice and Procedure](#) and to [\[PN 2022-005 rev. 1\]](#) *Practice Notice on Filing of Jointly-Submitted Texts in a Proceeding*.

[11] Notwithstanding any disagreement on the Request, no later than **Monday, July 29, 2024**, Re:Sound, HAC, RC and all Remaining Objectors having confirmed their interest to participate in the proceeding for the consideration of the proposed tariffs shall provide the Board with a joint Statement of Issues. Any party unable to agree on the joint Statement of Issues shall file with the Board and serve on each other party, a separate Statement of Issues to be considered. The Board draws the parties' attention to Rules 24 to 26 of the [Copyright Board Rules of Practice and Procedure](#) and [\[PN 2023-012\]](#) *Practice Notice on Filing of Statement of Issues to be Considered*.

Greg Gallo
A/Secretary General