



[CB-CDA 2024-057]

RULING OF THE BOARD

Proceeding: SOCAN 22.D.3 – Online Allied Services (2014-2023)

July 11, 2024

[1] On June 28, 2024, the Board received a joint request from SOCAN, the Canadian Association of Broadcasters (“CAB”) and a group of broadcast distribution undertakings (appearing as the “BDUs”).

[2] In part, SOCAN, the CAB, and the BDUs request that the term of the most recently submitted Jointly Submitted Text for Tariff 22.D.3 be extended to 2024. In effect, this request involves splitting the proposed tariff for 2024-2026 by tariff period and adding the 2024 period to the current proceeding.

[3] This request is granted.

I. BACKGROUND

[4] On June 4, 2018, SOCAN, the Canadian Association of Broadcasters (the “CAB”) and filed a text in the form of a tariff (the “Jointly Submitted Text”).¹ Together, they asked the Board to approve a tariff for allied audiovisual service providers, titled *SOCAN 22.D.3*, covering the years 2007 to 2018 and based on the Jointly Submitted Text.

[5] Based on this request, the Board severed the portions of the proposed tariffs that were covered by the Jointly Submitted Text into a separate proceeding titled “SOCAN 22.D.3 - Online Allied Services (2007-2018)”.² This new proceeding only included those portions of the proposed tariffs “as applicable to AV allied services”.³

[6] Since this request, SOCAN has filed proposed tariffs under the title “SOCAN 22.D.3” for 2019-2020, 2021-2023, and 2024-2026. The proposed tariffs for 2019-2020 and 2021-2023 contain the same royalty rates and terms as the Jointly Submitted Text. The proposed tariff for

¹ Email from Lynne Watt, Counsel to SOCAN, (04 June 2018), “FW: Draft Email to Board requesting certification of 22D3 (2007-2018).”

² Order CB-CDA 2021-047 (22 September 2021).

³ *Ibid.*

2024-2026, however, contains higher royalty rates, new reporting requirements, and other language changes. The only objectors to the 2024-2026 proposed tariff were the CAB and the BDUs.

[7] On July 23, 2020, SOCAN, the CAB, and the BDUs asked the Board to join the proposed tariffs for 2019 to 2023 to the ongoing proceeding.⁴ The Board added these proposed tariffs in Ruling 2023-013.⁵

II. RULING

[8] The Board splits the proposed tariff for 2024-2026 by tariff periods:

- SOCAN Tariff 22.D.3 – Allied Audiovisual Services (2024)
- SOCAN Tariff 22.D.3 – Allied Audiovisual Services (2025-2026)

[9] The Board hereby joins the proposed tariff for 2024 to the current proceeding. Accordingly, the current proceeding is now titled “*SOCAN 22.D.3 – Online Allied Audiovisual Services (2014-2024)*”.

Greg Gallo
A/Secretary General

⁴ Email from Lynne Watt, Counsel to SOCAN, (23 July 2020), “RE: SOCAN 22.D.3 (2007-2018) / SOCAN 22.D.3 (2007-2018)”.

⁵ CB-CDA 2023-013 (13 March 2023) (ruling), online: <https://decisions.cb-cda.gc.ca/cb-cda/notices/en/item/521016/index.do>.