

Copyright Board
Canada



Commission du droit d'auteur
Canada

[CB-CDA 2024-112]

RULING OF THE BOARD

Proceeding: Non-Commercial Radio Reproduction Tariffs [CSI: 2018 ; CMRRA/SOCAN: 2020-2026]

December 18, 2024

[1] On October 28, 2024, in Notice CB-CDA 2024-086, the Board informed CMRRA and SOCAN (the “Collectives”) and the Association des radiodiffuseurs communautaires du Québec, and the National Campus and Community Radio Association / l’Association nationale des radios étudiantes et communautaires (the “Associations”), (collectively the “Parties”), that it would examine the proposed tariff for the years 2024-2026 along with the proposed tariffs for the years 2018-2023. The Board’s administrative decision relied on the fact that the Associations had not objected to the proposed tariff for 2024-2026 and that the rates of that proposed tariff were identical to those of the proposed tariff for 2021-2023.

[2] On October 31, 2024, the Associations filed a letter with the Board requesting objector status in respect of the proposed tariff for 2024-2026 (the “Letter”). The Letter explained why they had not filed a timely objection and why they wished to object.

[3] On November 1st, 2024, the Collectives sought leave to file a response to the unsolicited Letter of the Associations. The Board granted the Collectives leave to respond in Notice CB-CDA 2024-091.

[4] On December 6, 2024, the Parties jointly requested that the Board not examine the proposed tariff 2024-2026 with the proposed tariffs for 2018-2023. This request was made on the basis that the agreement reached by the Parties on March 10, 2020 only covered the years up to 2023, that no agreement existed for the period 2024-2026, and that the Associations were now seeking to object to the proposed tariff for 2024-2026.

[5] The Parties also requested that the Letter be struck from the record for the years 2018-2023. They contend that:

“[...] the Associations’ purpose for sending the letter was to request objector status for the years 2024-2026. The Associations withdraw the statements in the letter in

connection with the Board's examination of the proposed tariffs for the Settlement Period [2018-2023]".

[6] For the reasons set forth by the Parties, the Board will only consider the proposed tariffs for 2018-2023 in the current proceeding. The proposed tariff for 2024-2026 will be considered in a separate proceeding, at a later time.

[7] Also, given that the examination of the proposed tariffs for 2018-2023 is severed from that of the proposed tariff for 2024-2026 and that the Letter pertains to the latter, the Board will remove the Letter from the record of the years 2018-2023.

[8] Finally, the Board will deal with the request of the Associations to participate in the proceeding dealing with the proposed tariff for 2024-2026 at a later time, including the information to be provided in support of a request to be granted intervenor status, as stated in Rule 52 of the *Copyright Board Rules of Practice and Procedure*.

Greg Gallo
A/Secretary General