

Copyright Board  
Canada



Commission du droit d'auteur  
Canada

[CB-CDA 2024-081]

## 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)**

October 17, 2024

### I. OVERVIEW

#### *Request for Consolidated Proceeding*

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

[2] The Board has not yet ruled on the Request.

#### *Agreements and Jointly-Submitted Texts*

[3] On July 15, 2024 Re:Sound, filed the following agreements and jointly submitted texts :

- I. October 20, 2023 agreement between Re:Sound, CAPACOA, CLMA and CAFE (designated as Highly Confidential) with respect to Re:Sound Tariffs 5.A, 5.B, 5.D, 5.E, 5.F, 5.G, 5.I and 5.J for the years 2016 to 2025;
- II. February 1, 2024 agreement between Re:Sound and Québecor Media Inc. (designated as Confidential) with respect to Re:Sound Tariffs 5.H and 5.J for the years 2016 to 2025; and
- III. Jointly-submitted texts in both English and French for Re:Sound Tariffs 5.A, 5.B, 5.D, 5.E, 5.F, 5.G, 5.H, 5.I and 5.J for the years 2016-2025.

[4] Re:Sound indicated that the parties to the agreements agreed to file the Settlement Tariffs for approval by the Board as tariffs of general application to all applicable music users.

[5] Re:Sound also filed submissions in support of the joint requests for approval of the relevant tariffs mentioned above in accordance with Rule 33 of the *Copyright Board Rules of Practice and*

*Procedure and the Practice Notice on Filing of Jointly-Submitted Texts in a Proceeding* [PN 2022-005 rev.1].

## **II. AGREEMENT WITH THE SPORTS OBJECTORS**

[6] In its submissions, Re:Sound informed the Board that it had finalized an agreement with the Sports Objectors and would file it once fully executed and that this would address all active objections with respect to Tariffs 5.E, 5.H, 5.I and 5.J.

[7] No later than **Friday, November 1, 2024**, Re:Sound shall file with the Board its agreement with the Sports Objectors or provide an anticipated timeline for its filing.

## **III. TARIFFS 5.D, 5.E, 5.F, 5.G, 5.H, 5.I AND 5.J (2016-2025)**

[8] The Board is assessing the possibility of proceeding with the consideration of Tariffs 5.D, 5.E, 5.F, 5.G, 5.H, 5.I and 5.J (2016-2025) in a separate written hearing based on the JSTs and the accompanying submissions.

[9] No later than **Friday, November 8, 2024**, parties may file joint submissions with the Board regarding the possibility of proceeding separately with the consideration of these tariffs. If they are unable to file joint submissions, they may file their submissions separately with the Board and serve them on the other parties. Submissions should notably address the effect, if any, of any remaining objections on the proposed approach.

## **IV. TARIFFS 5.A, 5.B AND 5.C (2016-2025) & THE REQUEST FOR A CONSOLIDATED PROCEEDING**

[10] The Board notes, as indicated by Re:Sound in its July 15, 2024 submissions, that there are remaining active objections from the Hotel Association of Canada with respect to Tariffs 5.A, 5.B and 5.C for 2021-2025 and from Restaurants Canada (RC) with respect to Tariffs 5.A and 5.C for 2021-2025.

[11] No later than **Friday, November 8, 2024**, Re:Sound, HAC and RC shall inform the Board as to why their Request encompasses all Tariffs 5.A to 5.J (2016-2025) given that HAC and RC's objections pertain solely to Tariffs 5.A to 5.C for the years 2021-2025.

Greg Gallo  
A/Secretary General