

Copyright Board  
Canada



Commission du droit d'auteur  
Canada

[CB-CDA 2024-108]

## ORDER OF THE BOARD

### Proceeding: Re:Sound – Commercial Radio (2009-2025)

December 10, 2024

[1] On March 8, 2024, Re:Sound and the CAB (the “Parties”) informed the Board that they had reached an agreement in respect of the commercial radio tariff for the years 2009-2022. On July 5, 2024, the Parties filed an amending agreement, extending the term of their agreement to 2025 (collectively, the “Agreement”). The Parties requested that the Board approve the Re:Sound Commercial Radio Tariff for the years 2009-2025 based on a Jointly Submitted Text (“JST”).

[2] The Parties have designated the entirety of the Agreement as confidential.

[3] Subrule 46(5) of the [\*Copyright Board Rules of Practice and Procedure\*](#) provides that:

The Board may, in response to a request from a party or, after giving the parties notice, on its own initiative, determine whether the designation is warranted and make any order that it considers appropriate.

[4] I am of the preliminary view that the designation of the information in the Agreement as confidential is not warranted. The nature of the information contained in the Agreement does not appear to be such that its disclosure would result in injury to the Parties.

[5] Moreover, the Board has an obligation in its reasons to fully explain the underlying reasoning behind the approval of a tariff. In doing so, the Board will need to address whether the Agreement is a good proxy to approve a fair and equitable tariff. This entails comparing the Agreement with the last approved tariff and comparing the Agreement with the JST. Yet, if maintained, the designation of the information in the Agreement as confidential would hinder the obligation of the Board to explain its analysis and provide sufficient reasons.

[6] Given the foregoing, I am considering putting the Agreement on the public record.

[7] Parties shall indicate if they wish to maintain the designation of the Agreement as confidential. If so, Parties shall provide detailed grounds for maintaining this designation by **Tuesday, December 17, 2024.**

Drew Olsen  
Vice-Chair