



CB-CDA 2025-041

Ruling of the Board

Proceeding: Online Audiovisual Services – Music (2014-2026)

June 16, 2025

I. Overview

[1] On May 12, 2025, Apple requested—in relation to the proposed tariffs covering reproduction—to change its status from objector to a “limited intervener.”

[2] Apple explains that,

[i]n respect of the Reproduction Tariff, Apple proposes that, as a limited intervener, it would not participate in the evidentiary phase of the proceeding. However Apple would be able to make submissions based on the record as currently allowed with limited intervener status. Specifically, in respect of the Reproduction Tariff, Apple requests that it:

1. Would receive copies of communications between the Board and parties;
2. Would receive a copy of the record as it remains to be filed by the parties;
3. May attend any remaining pre-hearing conferences, as well as the hearing; and
4. May file a written submission and make oral submissions.

[...]

However, as Apple would remain an objector in respect of the Communication Tariff, it would have the full rights of a party in respect of the Communication Tariff aspect of the proceedings.

[3] On May 27, 2025, SOCAN responded to Apple’s request, objecting to it. SOCAN submits that it would be unfair for Apple’s request to be granted; it would create

uncertainty about the scope of its role. If Apple’s request is granted, certain procedural safeguards have to be put in place —especially in relation to any claims of fact made by Apple —to avoid unfairness to SOCAN.

II. Ruling

[4] We are in the process of receiving submissions from Parties in response to Order CB-CDA 2025-024 (the “Order”) on the issue of the appropriate repertoire-use adjustment mechanism. Having Apple change its status in the middle of this process—which includes cross-examinations—may create unintended complexities.

[5] Therefore, Apple’s request is denied. Apple has two options.

[6] First, it may file a request to change status to that of an intervener immediately after the Board’s rulings on Phase I, the appropriate tariff structure, and repertoire-use study.

[7] That being said, we are of the preliminary view that it would be inappropriate for Apple to change its status once again in this proceeding. Therefore, any such future request must explain why it is appropriate to allow Apple to change its status again, including addressing any concerns raised in SOCAN’s response of May 27, 2025.

[8] Second, if Apple wishes to no longer participate in relation to the reproduction tariffs under consideration in this proceeding, it may apply to do so as if it were withdrawing unconditionally (See Practice Notice PN 2023-010). Such a motion can only be made after any contemplated cross-examinations under the Order have been completed.

Hon. Luc Martineau, Chair
Katherine Braun, Member
René Côté, Member