

Copyright Board
Canada



Commission du droit d'auteur
Canada

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| Date | 2025-11-04 |
| Order of the Board | CB-CDA 2025-098 |
| Proceeding | SOCAN Tariff 19 – Physical Exercises and Dance Instruction (2018-2022) |
| Case Manager | Katherine Braun |

I. Background

[1] On March 14, 2025, the Board issued Order 2025-019 requesting that Parties provide information. On March 31, 2025, FIC submitted its response.

[2] SOCAN requested a confidentiality order, which was issued on April 14, 2025 (CB-CDA 2025-028). SOCAN filed with the Board its response to Order 2025-019 on May 26, 2025.

[3] On October 29, 2025, Counsel for FIC informed the Board that in accordance with Order CB-CDA 2025-067, FIC had provided the signed confidentiality undertaking to SOCAN, who subsequently provided their confidential materials to SOCAN.

[4] A case management conference (CMC) was held on November 3, 2025.

II. Case Management Conference

[5] At the CMC, I explained that the above-mentioned steps would inform a schedule of proceeding and that I expected Parties to provide a joint schedule of proceeding that will move the proceeding forward efficiently.

[6] Counsel for FIC explained that not being able to disclose the highly confidential information to his client may hamper his ability to get instructions, including regarding a joint schedule of proceeding. Counsel raised the possibility of challenging the designation of the material or obtaining directions from the Board in this regard.

[7] Counsel for SOCAN explained, among other things, that not all of the information was highly confidential but what was designated as such was highly sensitive and disclosing it would be commercially prejudicial to third parties.

III. Designation of confidential information

[8] For reference, the Board's *Practice Notice on Confidential Information* ([PN 2024-013](#)) provides that: "Information should only be designated as confidential or as highly confidential to the extent the supplier believes disclosure of such information is likely to result in injury to the supplier. Only those portions of a document that could cause injury if disclosed should be designated as confidential or highly confidential." (para 8).

[9] Furthermore, Confidentiality Order CB-CDA 2025-028 provides that "highly confidential information" means information that the supplier believes to be of a nature such that its improper disclosure would likely result in significant injury to the supplier or to persons who supplied the documents or information to the supplier.

IV. Order

[10] A joint schedule of proceeding shall be filed by **Thursday, November 20, 2025**.

[11] In addition to other steps that the Parties see fit, the schedule shall include the following:

- a. FIC's response to SOCAN's May 26, 2025, submission in response to Order 2025-019;
- b. SOCAN 's response to FIC's submission;
- c. FIC's review of its March 31, 2025, submission to Order 2025-019 and provision of an amended submission to address all questions; and
- d. SOCAN's response to FIC's amended submission to Order 2025-019.

[12] If necessary, the Parties may include steps in relation to a request from FIC to determine if a designation is warranted (Rule 46(5) of the [Copyright Board Rules of Practice and Procedure](#)).