



Date	2025-11-17
Order of the Board	CB-CDA 2025-105
Proceeding	Commercial Television Tariffs – Reproduction (2014-2024)
Case Manager	René Côté

I. Overview

[1] The schedule of proceeding will be finalized after the following steps:

- Parties file a joint request for a confidentiality order;¹
- The Board issues a confidentiality order;
- SOCAN files relevant agreements; and
- Parties comment on the agreements as potential benchmarks.

II. Background

[2] A case management conference (“CMC”) was held on November 7, 2025.

[3] During the CMC, Parties explained the Joint Statement of Issues (“JSI”) filed with the Board as well as the proposed joint schedule of proceeding.

[4] I noted that the JSI includes benchmarks as a potential means to assess the appropriate rate.

[5] I asked Parties about whether they had reached any agreements among themselves. SOCAN referred to an agreement with CBC, which SOCAN explained was the basis for CBC withdrawing its objections to SOCAN's and SODRAC's proposed reproduction tariffs in this matter. SOCAN also confirmed that, while there had been attempts to resolve the matter, there was no agreement with the Canadian Association of Broadcasters (CAB).

¹ PN 2024-013 - Practice Notice on Confidential Information

[6] It is, however, possible that SOCAN has entered agreements directly with members of the CAB. SOCAN may have reached an agreement with the CAB itself after the CMC.

III. Benchmarks

[7] The reason why the benchmarking method may be useful in this proceeding is that benchmarks based on agreements can account for all relevant considerations, such as: inflation, risk, costs, investments and returns to investments, the relative role of music in the creation of value for the user, exceptions and repertoire adjustments.²

[8] As a result, benchmarks based on agreements may provide the Board and Parties with a more efficient and cost-effective way to proceed with the matter. For example, the proceeding may dispense with repertoire studies, debates on the appropriate valuation methodology, the applicability of exceptions, and other adjustments such as direct licences and chain of title.

[9] Such benchmarks are routinely filed with the Board by parties, spontaneously or on request by the Board. The Board ensures that any sensitive information is protected by a confidentiality order before such information is filed.

IV. Order

[10] I order the following:

1. Parties shall file a joint request for a confidentiality order by **November 21, 2025**;
2. Once a confidentiality order is issued and confidentiality undertakings have been signed ("Signature"), CBC shall, **within one week from Signature**, as undertaken by Parties, provide initial disclosure of the evidence about its reproduction activities from the CBC-SODRAC [2012-2018] proceeding; and
3. SOCAN shall, **within two weeks from Signature**, supply to Parties and shall file with the Board:
 - a. The SOCAN-CBC agreement(s) referred to during the CMC; and
 - b. Any other agreement regarding broadcasting-related copies that SOCAN has entered with the CAB, directly with a member of the CAB, or any other broadcaster.

² See *Application to fix royalties for a licence and its related terms and conditions (SODRAC v CBC, 2012-2018 [Determination])* 2021 CB 1 (January 27, 2021) at para 40; *Re: Sound Tariff 8 – Non-Interactive and Semi-Interactive Streaming (2013-2018)*, 2023 CB 12 at para 64 (confirmed, 2025 FCA 201).

4. Parties may comment on the agreements and how they could be used as potential benchmarks **within five weeks from Signature**.

[11] I will review the agreements and submissions, and inform Parties about next steps.

[12] In any event, by **February 28, 2026**, Parties shall report to the Board on the progress of their discussions relating to:

- a. The framework for a repertoire-use study and chain of title audit;
- b. The framework for a potential pre-clearance study and audit; and
- c. Methods to assess reproduction activities, including adjustments, where necessary (e.g., whether to conduct a survey and, if so, the framework for a survey).