

Copyright Board
Canada



Commission du droit d'auteur
Canada

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| Date | 2025-10-23 |
| Order of the Board | CB-CDA 2025-095 |
| Proceeding | SOCAN Tariff 6 – Motion Picture Theatres (2017-2027) |
| Member | Katherine Braun |

[1] In Order CB-CDA 2025-055 (the “Order”), I ordered the Parties to provide certain information. Given the responses filed by the Parties, I am of the view that additional information is required to help me assess:

- ambiguity in the data already submitted;
- the ability of the MTAC to represent the interests of the whole movie theatre industry; and
- asymmetry between the JST and agreements filed.

I. Clarifying the data submitted

[2] The Order required the Parties to provide:

the percentage of MTAC members and the percentage of non-MTAC members that would pay the minimum fee under the *last approved tariff rates* during the last three years for which the relevant data is available; and

the percentage of MTAC members and the percentage of non-MTAC members that would pay the minimum fee under the rates *JST (2017–2024)* during the last three years for which relevant data is available.

[3] In their response to the Order, the Parties identified the number of theaters licenced under Tariff 6 that paid a certain range of royalties (Table 1: \$150 and Table 2: \$151–\$200).

[4] However, the response was not clear as to whether the \$150 and \$151-\$200 royalties represented a payment “per screen”, or as total royalties paid.

[5] **Order 1.** The Parties shall

- clarify whether the data in Table 1 and Table 2 should be read as the royalties paid per screen by theaters or as the total royalties paid by theaters, and provide any related explanations; and
- if the data were total payments, provide such data on a “per screen” basis.

[6] **Order 2.** The Parties shall

- clarify whether the determination of royalties payable by MTAC members to SOCAN, was based on a minimum fee applied on a “per screen” basis, on a “per theater” basis, or otherwise.

[7] The figures provided by the Parties appear to be inconsistent. For example, for 2022, the Parties state that [Redacted text] MTAC theaters would have paid \$150 and that this represents [Redacted text] of MTAC theaters. However, this implies that there are approximately 554 MTAC theatres, while the total number of theaters licenced under Tariff 6 is indicated to be [Redacted text].

[8] **Order 3.** The Parties shall

- explain this discrepancy, including how the percentage figures were obtained, and provide revised figures if applicable. If there are theaters that do not make payments under Tariff 6 or equivalent licences, they should be excluded from the reported figures and percentage calculations.
- file, if available, the estimate of the number of theaters that make no payments under Tariff 6 or equivalent licenses.

[9] To the extent that the Parties do not have certain information, and are therefore unable to answer any of the above Orders fully, they shall clearly indicate this in their responses.

II. The ability of MTAC to represent the entire movie theatre industry

[10] Based on the data submitted, there is a possibility that MTAC might not be representative of non-MTAC theaters vis-à-vis effects of the minimum fee and structure. In particular, the submitted data suggests that non-MTAC theaters pay minimum fees with significantly greater frequency than theaters that are members of MTAC.

[11] **Order 4.** The Parties may make submissions on this.

III. Asymmetry between the JST and agreements

[12] It is my understanding that [Redacted text].

[13] **Order 5.** The Parties shall

- make submissions on whether it is appropriate [Redacted text].

IV. Deadline and final date for submissions

[14] Any response to this Order must be filed by **Thursday, November 13, 2025**. The Parties may file any additional submissions, on any issue, by that date.

[15] This will constitute the final date for submissions for the purpose of paragraph 2(a) of the *Time Limits in Respect of Matters Before the Copyright Board Regulations*.