

Date 2025-09-23

Notice of the Board CB-CDA 2025-079

Proceeding SOCAN – Background Music (2012-2019)

Member Katherine Braun

[1] On April 17, 2024, SOCAN and the Objectors filed two Jointly Submitted Texts (JSTs) along with their respective confidential agreement.

[2] On December 13, 2024, SOCAN was asked to provide the French version of the JSTs that had been filed earlier in order to comply with Practice Notice 2019-0004.

[3] On February 12, 2025, about 10 months after the initial JST filing, SOCAN filed the French version of the JSTs. It is unclear why this matter took so long.

[4] On February 19, 2025, the Board informed SOCAN that the French version of the JST was different from the English version and asked SOCAN to remedy the situation.

[5] On February 20, 2025, the Board informed SOCAN that the date for filing final written submissions was set to March 13, 2025.

[6] On March 28, 2025, SOCAN notified the Board that it had identified an error in the JSTs and that revised versions would be provided as soon as possible.

[7] On April 24, 2025, the Board requested an update which remained unanswered.

[8] On May 30, 2025, the Board requested a second update in order to move the deliberations forward.

[9] SOCAN responded on May 30, 2025, indicating that it was still negotiating amendments to the JSTs with a multitude of parties and that a French and English version would be provided as soon as the parties agree.

[10] SOCAN specified that the proposed amendments simply add standard language concerning (1) interest on late payments and (2) payments exclusive of applicable taxes. There are no substantive changes from the original settlement tariffs (JST).

[11] On August 7, 2025, the Board informed SOCAN that, if it wishes the revised JSTs to be taken into consideration for the approval of the proposed tariffs, the JSTs had to be filed, in both official languages, no later than September 18, 2025.

[12] On September 17, 2025, 17 months after it initially filed the JSTs, SOCAN requested an additional two-weeks extension to file its revised JSTs, explaining that, “In order to provide these JSTs, the agreements between SOCAN and the objectors require amendments, which involves executing an amendment to their initial agreements. Given the passage of time since the initial agreements, coordinating the execution of the amendments has been slow.”

[13] It is not apparent from the information provided by SOCAN that an additional extension is warranted. No new information has been disclosed to explain why SOCAN was unable to file a revised version of the JSTs within the 6 months provided.

[14] The Board fully appreciates the challenges inherent in negotiating with multiple parties and has granted additional compliance time. Nevertheless, further delaying the conclusion of this matter will further dilute the tariffs’ practical effect, given that the tariff period dates back to 2012-2019, and may amount to a purely theoretical exercise.

[15] Notwithstanding the above, and the fact that this matter has been under deliberation since March 2025, the Board will accommodate SOCAN, on an exceptional basis, and grant the requested additional two weeks for the filing of the amended JSTs in both official languages.

[16] The request for extension is therefore granted. SOCAN shall file its revised JSTs, in both official languages, two weeks from today, that is no later than **October 7, 2025**.

[17] No further extension will be considered, absent of extraordinary circumstances beyond SOCAN’s control, which will have to be clearly explained and thoroughly documented.

[18] Past that date, considering that the proposed amendments are not intended to alter the substance of the initial JSTs filed in April 2024, and given the number of years since the start of this proceeding in 2018, the Board will proceed to the issuance of its decision based on the information already on the record.