

Copyright Board
Canada



Commission du droit d'auteur
Canada

Date	2025-12-17
Direction of the Board	CB-CDA 2025-129
Proceeding	SOCAN 2.D – Canadian Broadcasting Television (2015-2025)
Case Manager	René Côté

I. Background

[1] On November 25, 2025, SOCAN wrote to the Board to request clarification from the Board regarding the scope of permissible economic analysis that Parties can address in Phase 1, as outlined in Ruling CB-CDA 2025-078. SOCAN would like confirmation that the Board will consider modifications to the methodologies at issue in Phase 1.

[2] In Order CB-CDA 2025-120, I addressed CBC's opposition to modifications to the methodologies and ordered that SOCAN confirm which methodology (modified M1, M2, and M3, or new M4) it will be pursuing and what the expert would give their opinion.

[3] In response, on December 12, 2025, SOCAN indicated that "it plans to propose a new methodology, M4, that is rooted in a first principles approach and economic theory. The M4 methodology will be simpler than M2 and will rely on publicly available information. Dr. Wall's expert report will provide economic justification, analysis, and/or critique (as the case may be) on all the proposed methodologies (M1, M2, M3, and M4)."

II. Direction

[4] SOCAN is permitted to propose a new methodology, as described in its December 12, 2025, response to Order CB-CDA 2025-120. I however ask that Parties only provide submissions and expert evidence to support their preferred methodology. Parties will be able to respond to each other's submissions and, therefore, there is no need to debate methodologies that are not supported. Furthermore, Parties should be made aware that the Board will only give weight to expert evidence that falls outside its own expertise, knowledge, and experience.