

Copyright Board
Canada



Commission du droit d'auteur
Canada

Date	2025-12-22
Ruling of the Board	CB-CDA 2025-132
Proceeding Number	PT25-08
Proceeding	SOCAN Tariff 4.B – Classical Music Concerts (2025-2027)
Case Manager	René Côté

I. Context

[1] On September 4, 2025, the Board issued a Notice of Initiation¹ in which it stated that it was ready to commence the consideration of SOCAN Tariff 4.B – Live Performances at Concert Halls, Theatres, and Other Places of Entertainment – Classical Music Concerts for the years 2025-2027 (the “Proposed Tariff”).

[2] No objections to the Proposed Tariff were filed.

[3] On October 20, 2025, the Board issued a Notice to Potential Intervenor². Given that Orchestras Canada (“OC”) had expressed an interest in the proceeding and that the Board was about to implement next steps, the Board recommended that, should OC wish to seek leave to intervene, it do so before November 10, 2025. This was to allow the Board to consider the request early in the proceeding.

[4] On November 4, 2025, OC, with the consent of SOCAN, requested that the Board suspend the proceeding until December 10, 2025. The purpose of this request was to allow SOCAN and OC time to potentially resolve ongoing settlement discussions in respect of Tariff 4.B.2 – Classical music Concerts.

[5] On November 14, 2025, the Board issued Notice CB-CDA 2025-104, which granted the request, and suspended the proceeding until December 10, 2025. It asked that SOCAN and OC inform the Board by December 10, 2025 whether they had reached an agreement.

¹ See Notice CB-CDA 2025-072

² See Notice CB-CDA 2025-091

[6] On December 10, SOCAN informed the Board that the “parties” had not reached an agreement, but that settlement discussions were ongoing. SOCAN thus asked, jointly with OC, that the Board suspend the next steps in the proceeding until February 10, 2026 to “give the parties time to continue discussions with a view to settling this matter”.

II. Ruling

[7] I grant SOCAN and OC’s request to suspend the proceeding until February 10, 2026.

[8] For reasons that follow, SOCAN and OC should note that while I have granted two suspensions thus far, I will not be inclined to grant another suspension in the future.

[9] OC is not an objector to the Proposed Tariff and has not filed a request for leave to intervene. Consequently, OC is not a party to the proceeding. Despite this, SOCAN and OC made two requests to suspend the proceeding, which I have granted.

[10] Those suspensions have the effect of delaying the consideration of the Proposed Tariff. OC is not the only user, or user group, affected by the Proposed Tariff. For reasons of market stability, I am of the view that it is not in the interest of users other than OC to further delay the approval of the Proposed Tariff, as this would extend the uncertainty of users regarding the royalties to be paid. This is all the more the case since part of the period covered by the Proposed Tariff has already passed.

[11] In addition, since OC is neither an objector or an intervenor, the Board does not have the benefit of a notice of grounds for objection nor any submissions. As a result, the Board knows nothing about the concerns of OC with respect of the Proposed Tariff or about the points of contention between SOCAN and OC. While the Board values the input of users targeted by a proposed tariff, it cannot indefinitely suspend a proceeding due to disagreements between a collective and an entity that is neither an objector nor an intervenor. Doing so would raise issues of public interest towards the other users of that tariff.

[12] Given the foregoing, I will not entertain another suspension of the proceeding until I am informed of the nature of SOCAN and OC’s points of contention. For greater certainty, no further requests for a suspension shall be made unless:

- OC submits an application to be granted intervenor status;
- The Board has ruled on that application; and
- Should the Board grant the application to intervene, OC has filed submissions outlining its concerns with the Proposed Tariff and SOCAN a reply to those submissions.

[13] Only after these steps have been completed could SOCAN and OC seek a further extension, which I may or may not grant.