

## PROPOSED TARIFF

Filed with the Copyright Board by ARTISTI on 2022-10-14 pursuant to subsection 67(1) of the Copyright Act

Proposed Tariff Title: Artisti Canadian Broadcasting Corporation (CBC) Tariff (2024-2026)

For the reproduction of performers' performances made in connection with its over-the-air radio broadcasting, its simulcasting of an over-the-air radio signal and its webcasting activities on its web radios

Proposed Short Title: Artisti CBC Tariff (2024-2026)

Effective Period: 2024-01-01 – 2026-12-31

### ARTISTI CANADIAN BROADCASTING CORPORATION (CBC) TARIFF (2024-2026)

STATEMENT OF ROYALTIES TO BE COLLECTED BY ARTISTI FOR THE REPRODUCTION OF PERFORMERS' PERFORMANCES MADE BY THE CANADIAN BROADCASTING CORPORATION (CBC), IN CANADA, IN CONNECTION WITH ITS OVER-THE-AIR RADIO BROADCASTING, ITS SIMULCASTING OF AN OVER-THE-AIR RADIO SIGNAL AND ITS WEBCASTING ACTIVITIES ON ITS WEBRADIOS, FOR THE YEARS 2024 TO 2026

#### *Short Title*

1. This tariff may be cited as the *Artisti CBC Tariff, 2024-2026*.

#### *Application*

2. This tariff sets the royalties to be paid by the Canadian Broadcasting Corporation (CBC), for the reproduction that it makes, in Canada, of the performers' performances in the repertoire of Artisti, in connection with its over-the-air radio broadcasting, its simulcasting of an over-the-air radio signal and its webcasting activities on its web radios.

3. This tariff does not authorize the use of any reproduction made pursuant to section 2 in association with a product, service, cause, or institution.

#### *Royalties*

4. The Canadian Broadcasting Corporation (CBC) shall pay, per year, on the first day of

January, seventy-three thousand four hundred and sixty-three dollars and eleven cents (73 463.11\$ ) for the year 2024, seventy-nine thousand three hundred and twenty-four dollars and ninety-six cents (79 324.96\$) for the year 2025, and eighty-five thousand six hundred and seventy dollars and ninety-five cents (85 670.95\$) for the year 2026.

5. All royalties are exclusive of any federal, provincial, or other governmental taxes or levies of any kind.

#### *Information on Repertoire Use*

6. (1) Each month, the Canadian Broadcasting Corporation (CBC) shall provide to Artisti the sequential list of all works (or parts of works) and sound recordings (or parts of sound recordings) broadcasted, simulcasted or webcasted during the reference month, including the information set out below:

(a) the date, time, duration of the broadcast, simulcast or webcast of the sound recording, and the type of broadcast (e.g. *local, regional*);

(b) the title of the work and the name of its author and composer;

(c) the type of usage (*feature, theme, background, etc.*);

(d) the title and catalogue number of the album, the name of the main performer or performing group and the record label, and whether the track performed is a published sound recording; and

(e) where possible, the Universal Product Code (UPC) of the album, the International Standard Recording Code (ISRC) of the sound recording, the names of all of the other performers (if applicable), the duration of the sound recording as listed on the album and the track number on the album.

(2) The information set out in subsection (1) shall be provided electronically, in Excel format or in any other format agreed upon by Artisti and the Canadian Broadcasting Corporation (CBC), with a separate field for each piece of information required in paragraphs (a) to (e), no later than 15 days after the end of the month to which it relates.

#### *Records and Audits*

7. (1) The Canadian Broadcasting Corporation (CBC) shall keep and preserve, for a period of six months after the end of the month to which they relate, records from which the information set out in subsection 6(1) can be readily ascertained.

(2) Artisti may audit these records at any time during the period set out in subsection (1), on reasonable notice and during normal business hours.

(3) Artisti shall, upon receipt, supply a copy of the report of the audit to the Canadian Broadcasting Corporation (CBC).

### *Confidentiality*

8. (1) Subject to subsections (2) and (3), Artisti shall treat in confidence information received pursuant to this tariff, unless the Canadian Broadcasting Corporation (CBC) consents in writing to the information being treated otherwise.

(2) Information referred to in subsection (1) may be shared

(a) with any other collective society in Canada that has secured a certified tariff applicable to the Canadian Broadcasting Corporation (CBC);

(b) with the Copyright Board;

(c) in connection with proceedings before the Board, if the Canadian Broadcasting Corporation (CBC) is first given the opportunity to request a confidentiality order;

(d) to the extent required to effect the distribution of royalties, with royalty claimants; or

(e) if ordered by law.

(3) Subsection (1) does not apply to information that is publicly available, or to information obtained from someone other than the Canadian Broadcasting Corporation (CBC) and who is not under an apparent duty of confidentiality to the Canadian Broadcasting Corporation (CBC).

9. (1) If the Canadian Broadcasting Corporation (CBC) discovers an error in a payment already made to Artisti under this tariff, the Canadian Broadcasting Corporation (CBC) shall notify Artisti of the error, and an appropriate adjustment shall be made to the next payment due following the notification. No adjustments to reduce the amount of royalties owed may be made in respect of an error discovered by the Canadian Broadcasting Corporation (CBC) which occurred more than 12 months prior to its discovery and notification to Artisti.

(2) When an error is discovered by Artisti at any point in time, Artisti shall notify the Canadian Broadcasting Corporation (CBC) and an appropriate adjustment shall be made to the next payment due following notification.

(3) The 12-month limit in subsection (1) shall not apply to an error discovered by Artisti, including without limitation an error discovered pursuant to subsection (2).

### *Interest and Penalties on Late Payments and Reporting*

10. (1) In the event that the Canadian Broadcasting Corporation (CBC) does not pay the amount owed under this tariff, the Canadian Broadcasting Corporation (CBC) shall pay to Artisti interest calculated on the amount owed from the due date until the date the amount is received by Artisti. Interest shall be calculated daily, at a rate equal to one per cent above the Bank Rate effective on the last day of the previous month (as published by the Bank of Canada). Interest shall not compound.

(2) In the event that the Canadian Broadcasting Corporation (CBC) does not provide the sequential lists required by section 6 by the due date, the Canadian Broadcasting Corporation (CBC) shall pay to Artisti a late fee of \$50.00 per day from the due date until the date the sequential lists are received by Artisti.

*Addresses for Notices, etc.*

11. (1) Anything addressed to Artisti shall be sent to 5445 De Gaspé Avenue, Suite 1005, Montréal, Quebec H2T 3B2, email: [radioreproductionsrc@artisti.ca](mailto:radioreproductionsrc@artisti.ca), fax number: 514-288-7875, or to any other address, email address or fax number of which the Canadian Broadcasting Corporation (CBC) has been notified in writing.

(2) Anything addressed to the Canadian Broadcasting Corporation (CBC) shall be sent to the last address, email address or fax number of which Artisti has been notified in writing.

*Delivery of Notices and Payments*

12. (1) A notice may be delivered by hand, by postage-paid mail, by email or by fax. A payment must be delivered by hand, by postage-paid mail or by electronic bank transfer. Where payment is made by electronic bank transfer, the reporting required under subsection 6(1) shall be provided concurrently to Artisti by email.

(2) Anything mailed in Canada shall be presumed to have been received four business days after the day it was mailed.

(3) Anything sent by fax or by email shall be presumed to have been received the day it was transmitted.