

## NOTICE OF GROUNDS FOR OBJECTION

Filed by **Canadian Association of Broadcasters**

In relation to proposed tariff *SOCAN Tariff 17 – Transmission of Pay, Specialty and Other Television Services by Distribution Undertakings (2025-2027)*

Filed with the Copyright Board on 2023-12-15 pursuant to Rule 18 of *Copyright Board Rules of Practice and Procedure*

The following Notice of Grounds for Objection (the “Notice”) is filed on behalf of the Canadian Association of Broadcasters (CAB) in respect of Proposed Tariff *SOCAN Tariff 17 – Transmission of Pay, Specialty and Other Television Services by Distribution Undertakings (2025-2027)* which was filed with the Copyright Board by SOCAN on 2023-10-23 pursuant to Rule 15 of *Copyright Board Rules of Practice and Procedure*. This Notice is filed in accordance with PN 2022-007 rev.1.

### **1. Any grounds for why the Board should not approve the proposed tariff despite any alteration of royalties or levies or fixation of terms and conditions**

This proposed tariff applies to communications to the public by telecommunication of any or all of the works in SOCAN’s repertoire, in connection with the transmission of a television signal for private or domestic use. CAB does not object to the tariff in principle, but objects only to the proposed increases in royalties as outlined below.

### **2. Any grounds for objecting to any royalty or levy rates in the proposed tariff**

SOCAN is seeking to increase the rates in this tariff, yet it has not offered any justification for the proposed rate increases other than to suggest that “changes in the market” warrant the rate increase. SOCAN says it will not and cannot know why the rates should increase until it sees interrogatory responses. It is open to SOCAN to formulate arguments based on reporting information it currently receives under this tariff, or its knowledge of the marketplace, to provide some justification to support the contention that the value of music used on these services has somehow increased sufficiently during the tariff term to justify an increase of this magnitude. SOCAN has not done so. The CAB is also not aware of any factor that could justify an increase to the value of music used by licensees of this tariff. Absent valid justification, the rate increases should be rejected entirely.

SOCAN reserved the right to adopt and advance additional or alternative valuation methodologies and inflationary rates in the course of the proceedings relating to the proposed tariff. Accordingly, the CAB reserves the right to object to or otherwise challenge any such additional or alternative valuation methodologies and inflationary rates as they arise.

### **3. Any grounds for objecting to any terms or conditions in the proposed tariff**

Section 17(2)(e) allows for the sharing of confidential information with any person “who knows or is presumed to know the information.” This provision, as drafted, is overly vague and would benefit from clarification pertaining to how and whether SOCAN can make such presumptions.

Submitted on behalf of the CAB by

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