

## Copyright Board

### *Notice of Grounds for Objection by Apple Inc. and Apple Canada Inc. (“Apple”)*

#### **CMRRA Audiovisual Services Tariff (2025-2027)**

December 15, 2023

Apple objects to the above tariff (the “**Tariff**”) on the following grounds:

1. Apple objects to the legal authority for the Tariff, and puts CMRRA to the strict proof of its authority to authorize the use sought to be licensed under the Tariff in respect of the specific repertoire claimed.
2. The royalty rates and minimum fees set out in paragraph 5 of the Tariff are excessive and are not fair and equitable pursuant to Section 66.501 of the Copyright Act.
3. By failing to include appropriate discounts relating to trial offers and other pricing, packaging and promotions, the royalty rates and minimum fees of the Tariff do not adequately take into account the business models of different users, including Apple.
4. The Board should consider alterations or additions to the royalty rates and structure that take into account the relevant business models of different users during the Tariff period, including customer trials, services bundles and carrier offerings aimed at incentivizing new customer subscriptions or retention of existing customers. All of these features serve to enhance and maintain royalties for rights holders.
5. The administrative and other terms and conditions set out in the Tariff, including the reporting requirements, are not practical or feasible, and the cost of complying with these terms and conditions are excessive.
6. The proposed confidentiality provisions set out in paragraph 13 of the Tariff, including those providing for the broad sharing of information contemplated for collection of royalties and with any person who is “presumed to know” and to allow sharing of reporting information with CMRRA’s service providers, are inappropriate and overbroad.