

COPYRIGHT BOARD

IN THE MATTER OF a Statement of Proposed Royalties to Be Collected by the Re:Sound for the Performance in Public or the Communication to the Public by Telecommunication, in Canada, of Published Sound Recordings Embodying Musical Works and Performers' Performances of Such Works 2021-2025.

OBJECTIONS TO STATEMENT OF PROPOSED ROYALTIES

filed by

QUÉBECOR MÉDIA INC.

RE:SOUND TARIFF 5 (Music to Accompany Live Events) 2020-2022

INTRODUCTION

1. This is a Statement of Objection of Quebecor Media Inc. ("Quebecor Media") to the *Statement of Proposed Royalties to be Collected by Re:Sound for the Performance in Public or the Communication to the Public by Telecommunication, in Canada, of Published Sound Recordings Embodying Musical Works and Performers' Performances 2021-2025, for the Use of Music to Accompany Live Events* ("Re:Sound Tariff 5.A-J" or the "Statement of Proposed Royalties" or "proposed Re:Sound Tariff ") filed by Re:Sound and published in the Supplement to the Canada Gazette, Part 1, May 11, 2019, pursuant to the provisions of section 67.1(5) of the Copyright Act.¹
2. Quebecor Media respectfully reserves the right to rely upon objections raised by other parties to the proceedings, *mutatis mutandis*. Quebecor Media also reserves the right to raise additional substantive points of objection throughout the proceedings related to the Statement of Proposed Royalties.
3. These objections are filed in accordance with the *Copyright Act*.

OBJECTION

4. Except as otherwise stated herein, and without admitting that it is liable for the payment of royalties pursuant to proposed Re:Sound Tariff 5.A-J, Quebecor Media objects to proposed Re:Sound Tariff 5.A-J as filed with the Copyright Board in its entirety.
5. *Inter alia* and without limiting its general objection, and without admitting that it is liable for the payment of royalties pursuant to the proposed tariff, Quebecor Media objects to:
 - (a) the rates proposed in the tariff. Said proposed fees do not reflect the fair, reasonable and appropriate value of the public performance of works in Re:Sound's repertoire.

¹ Quebecor Media Inc. notes that Re :Sound filed its Statement of proposed royalties in accordance with section 67.1(5) of the previous version of the *Copyright Act* that was in force at the time of filing. The current version of the *Act*, as amended by the *Budget Implementation Act, 2018, No. 2*, includes changes to the process for filing, publishing, and objecting to proposed tariffs and came into force on April 1, 2019.

Said proposed fees do not reasonably reflect either amount or the type of the impact of music use by a licensee; and

- (b) the reporting and auditing provisions contained in the Statement of Proposed Royalties. Said provisions are intrusive, require the disclosure of potentially sensitive confidential information, require the disclosure of information that is not necessarily available to licensees and place a disproportionate burden on licensees.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 10th day of July, 2019.