

## NOTICE OF GROUNDS FOR PROPOSED TARIFF

Filed with the Copyright Board by CMRRA and SOCAN on 2025-10-21 pursuant to Rule 15 of Copyright Board Rules of Practice and Procedure

### NON-COMMERCIAL RADIO REPRODUCTION TARIFF (CMRRA AND SOCAN 2027-2029)

#### **1. Description and examples of the activities covered by the proposed tariff.**

The Tariff covers the reproduction of musical works in the repertoire of CMRRA or SOCAN (the “**Collectives**”) by a conventional, over-the-air non-commercial radio station for the purposes of:

- (a) its radio broadcasting operations and simulcasting (the “**Broadcast Purposes**”); and
- (b) transmitting a musical work in a digital file via the Internet or another similar digital network as
  - (i) a part of a webcast, if the digital file contains only an individual musical work; or
  - (ii) a download, on-demand stream, or part of a webcast, if the file contains a “program segment” (as defined in the Tariff).

(the “**Online Purposes**”)

The Tariff also entitles a non-commercial radio station to authorize another person to reproduce a musical work for the purpose of delivering to the non-commercial radio station a file that can then be reproduced and transmitted for the Online Purposes.

The Tariff also entitles a non-commercial radio station to authorize members of the public in Canada to further reproduce, for their own private use, a musical work that has been reproduced and transmitted via the Online Purposes.

The Tariff does not authorize the use of a copy made under the Tariff in association with a product, service, cause or institution.

The Tariff also does not authorize the reproduction of a musical work in a medley, for the purpose of creating a mashup, or for use as a sample, in connection with Online Purposes.

The Tariff does not apply to any non-commercial audio service that is not a conventional, over-the-air radio broadcasting service.

## **2. Description of the group of users that are intended to be covered by the proposed tariff.**

The Tariff applies only to non-commercial radio stations.

“Non-commercial radio station” means any AM or FM radio station other than a Canadian Broadcasting Corporation radio station, licensed under the *Broadcasting Act*, S.C. 1991, c. 11, by the CRTC as a station owned or operated by a not-for-profit corporation or organization, whether or not any part of its gross operating costs is funded by advertising revenues, including any station that is owned or operated on a not-for-profit basis, or any AM or FM radio station owned or operated by a similar corporation or organization, that holds a licence from the CRTC.

## **3. Explanation of how the royalty rates or levies were determined.**

The proposed royalty is based on the previously approved tariff, [CMRRA/SOCAN – Non-Commercial Radio Reproduction Tariff \(2020-2023\)](#) (the “**2020-2023 Tariff**”). The proposed royalty rate has been increased since the previously approved tariff, which was approved in 2025 for the years 2020 to 2023 ([2025 CB 7](#)).

The royalty rates in the Tariff, like those in the 2020-2023 Tariff, reflect the rates agreed upon for 2020 and later years in the Non-Commercial Radio Reproduction Royalties Settlement Agreement (2003-2019) (the “**Settlement Agreement**”) between the Collectives and L’Alliance des radios communautaires du Canada, l’Association des radiodiffuseurs communautaires du Québec and the National Campus and Community Radio Association/L’Association nationale des radios étudiantes et communautaires (together, the “**Associations**”). In its decision approving the 2020-2023 Tariff (the “**2020-2023 Decision**”), the Copyright Board held that the Settlement Agreement “constitutes a good basis to approve fair and equitable tariffs” ([2025 CB 7](#) at para 21).

The royalty rate payable on account of the Online Purposes has been increased since the 2020-2023 Tariff, to \$127.16 to CMRRA and \$5.30 to SOCAN. This proposed increase accounts for inflation according to the Board's established CPI-adjustment formula and the Board's default methodology as published by the Board in its *Inflation Adjustment to Royalty Rates – Default Methodology*. The inflation calculation commences in January 2020. The Collectives have estimated the appropriate inflationary increase based on projected CPI for years that full CPI data is not available. According to the Board's adjustment formula, this figure will likely change once actual CPI data is available. Notwithstanding the proposed royalty rate, the Collectives request that the Board certify the maximum inflationary increase that they are entitled to under the Board's adjustment formula at the time of approval of the tariff.

**4. Explanation of how the information that would be collected by the Collectives pursuant to the Tariff would be used.**

Under the Tariff, non-commercial radio stations must provide basic information relating to the stations' income, financial statements (for a non-commercial radio station with gross operating costs of \$1,250,000 or greater), and operating costs (for a non-commercial radio station with gross operating costs of less than \$1,250,000).

Upon request from the Collectives, non-commercial radio stations must provide basic information relating to the use of the Collectives' repertoires.

The information collected under the Tariff is needed and would be used to calculate and verify the royalties paid by the stations and to distribute those royalties to the appropriate rights holders.

**5. In the case of a proposed tariff based on a previously-approved tariff, identification and explanation of all changes not explained in any of the points above.**

The Tariff is identical in substance to the 2020-2023 Tariff, save for the proposed increase to the royalty rate for the Online Purposes, which is described above.

The Tariff includes a transitional provision, similar to that in the 2020-2023 Tariff. Like the 2020-2023 Tariff, the transitional provision is based on the terms of the Settlement Agreement (see the [2020-2023 Decision](#) at para 25).