

REPLY TO NOTICES OF GROUNDS FOR OBJECTION

Filed with the Copyright Board by SOCAN on February 20, 2026 pursuant to Rule 21 of the *Copyright Board Rules of Practice and Procedure*

SOCAN Tariff 22.B – Internet – Commercial Radio (2027-2029)

1. This Reply is in response to the Notice of Grounds for Objection filed by the Canadian Association of Broadcasters (the “CAB”).
2. The CAB has filed numerous grounds for objection. SOCAN denies these grounds and any factual or evidentiary assertions made therein and puts the CAB to the strict proof thereof. SOCAN reserves the right to raise additional points in response during the proceeding.
3. SOCAN expressly denies the CAB’s objections to the proposed royalty rate structure and the proposed royalty rates, including the proposed minimum fees. The proposed royalty structure and royalty rates, including any applicable minimum fees, are fair and equitable, and properly reflect the value of the use of musical works in connection with online communication of audio-only content by commercial radio stations. SOCAN will advance evidence in support of its position in the course of this proceeding.
4. SOCAN expressly denies the CAB’s assertion that the proposed royalties do not adequately reflect the principle of technological neutrality. SOCAN disagrees with the CAB’s characterization of the role or application of the principle of technological neutrality in relation to the proposed tariff. Among other things, the CAB conflates technological neutrality with the concept of functional equivalence. The Supreme Court of Canada has confirmed that, in the valuation context, technological neutrality is not a matter of functional equivalence. It requires a qualitative assessment of the value that a user is able to extract from the use of the copyright.
5. SOCAN clarifies that the proposed tariff does not apply to the simulcasting activities of commercial radio broadcasters. Section 1(1) of the proposed tariff expressly excludes simulcasts from the scope of the tariff. All objections by the CAB with respect to simulcasts are therefore misplaced.
6. SOCAN expressly denies the CAB’s objections to the proposed terms and conditions. The proposed terms and conditions are found in recently approved or proposed tariffs, or closely mirror the terms and conditions in other recently approved or proposed tariffs and are, in any event, fair and equitable.