

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.G – Internet – Game Services (2027-2029)

1. This Reply is in response to the Notices of Grounds for Objection filed by Netflix Inc. and the Entertainment Software Association and the Entertainment Software Association of Canada (together the “Objectors”).
2. The Objectors have filed numerous grounds for objection. SOCAN denies these grounds and any factual or evidentiary assertions made therein and puts the Objectors to the strict proof thereof. SOCAN reserves the right to raise additional points in response during the proceeding.
3. SOCAN expressly denies the Objectors’ 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 by online services ordinarily accessed to play games, including gambling. SOCAN will advance evidence in support of its position in the course of this proceeding.
4. SOCAN expressly denies the Objectors’ assertion that the proposed royalties do not adequately reflect the principle of technological neutrality. SOCAN disagrees with the Objectors’ characterization of the role or application of the principle of technological neutrality in relation to the proposed tariff. Among other things, the Objectors conflate 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 expressly denies the Objectors’ 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.