

Copyright Board
Canada



Commission du droit d'auteur
Canada

Date 2005-01-14

Citation FILE: Public Performance of Sound Recordings 2003-2005

Regime Public Performance of Sound Recordings
Copyright Act, section 68(3)

Members Mr. Stephen J. Callary
Mrs. Sylvie Charron
Ms. Brigitte Doucet

Proposed Tariffs Considered 1.C – CBC RADIO IN 2003, 2004 AND 2005

Statement of Royalties to be collected by NRCC for the public performance or the communication to the public by telecommunication, in Canada, of published sound recordings embodying musical works and performer's performances of such works

Reasons for decision

Pursuant to subsection 67.1(1) of the *Copyright Act* (the *Act*), the Neighbouring Rights Collective of Canada (NRCC) filed on April 2, 2002¹, its statement of proposed royalties for the public performance or the communication to the public by telecommunication, in Canada, of published sound recordings embodying musical works and performer's performances of such works for the years 2003 to 2007. The statement was published in the *Canada Gazette* on May 11, 2002.

The Canadian Broadcasting Corporation (CBC) objected to this proposal on the grounds that it represented a substantial increase over what the Board had certified for the previous years, and that it was excessive.

On February 17, 2004, the NRCC informed the Board of an agreement reached with the CBC. For the years 2003, 2004 and 2005, parties agreed on a monthly royalty rate of \$80,000 which is identical to the one certified by the Board for the period 1998-2002.

¹ March 31, 2002 was a Sunday, and April 1, 2002, a holiday.

The Board takes note of the agreement and certifies for the period 2003-2005 a tariff identical to the one certified for 1998-2002, except as follows:

1. The title of the 1998-2002 tariff referred to “published sound recordings embodying musical works and performer’s performances of such works”, whereas section 1 referred to “published sound recordings of musical works”. The wording of section 1 is modified to be consistent with the title of the tariff.
2. Section 2 referred to the transitional royalty rates set out in the *Act*. Those rates are spent. Consequently, section 2 is deleted.
3. Section 7, which contains transitional provisions that are no longer relevant, is deleted.

The agreement pertains to a shorter period than that of NRCC’s proposed tariff. NRCC maintains its tariff proposal for the years 2006 and 2007 and CBC maintains its objection for these same years. The current certification thus excludes these two years.

A handwritten signature in black ink that reads "Claude Majeau". The signature is written in a cursive, flowing style.

Claude Majeau
Secretary General