

Copyright Board
Canada



Commission du droit d'auteur
Canada

Date 2012-12-20

Citation File: Reproduction of Musical Works

Regime Collective Administration in Relation to Rights Under Sections 3, 15, 18 and 21
Copyright Act, section 66.51

Members Mr. Justice William J. Vancise
Mr. Claude Majeau
Mr. J. Nelson Landry

Statement of Royalties to be collected by SODRAC for the reproduction, in Canada, of musical works embodied into cinematographic works for the purposes of distribution of copies of the cinematographic works for private use or of theatrical exhibition for the years 2009 to 2012

Reasons for decision

[1] The December 3, 2012 application of the Canadian Association of Film Distributors and Exporters for an interim decision is granted. The application of *SODRAC Tariff No. 5 (Reproduction of Musical Works in Cinematographic Works for Private Use or for Theatrical Exhibition), 2009-2012* is suspended. The *SODRAC Tariff (Reproduction of Musical Works in Video-copies), 2004-2008* replaces the 2009-2012 tariff on an interim basis. It follows that the only payment and reporting requirements enforceable from January 1, 2009 are those set out in the 2004-2008 tariff, on an interim basis and until the Board decides otherwise.

[2] Reporting requirements under the interim tariff are those set out in the 2004-2008 tariff. Distributors are not required to comply with the reporting requirements set out in the 2009-2012 tariff, *for the time being*. Were the Board to conclude that the CBC rate structure for video-copies is also suited to the market targeted in Tariff 5, the reporting requirements set out in the 2009-2012 tariff probably would be reinstated. Distributors will wish to govern themselves accordingly and to ensure they have access to the required information, at least with respect to their dealings as of January 1, 2013.

A handwritten signature in black ink, appearing to read "Gilles McDougall". The signature is fluid and cursive, with the first name "Gilles" being more prominent and the last name "McDougall" following in a similar style.

Gilles McDougall
Secretary General