

Copyright Board
Canada



Commission du droit d'auteur
Canada

Date 2018-07-13

Citation CB-CDA 2018-147

Regime Retransmission of Distant Signals
Copyright Act, subsection 73(1)

Members The Honourable Robert A. Blair
Mr. Claude Majeau
Mr. J. Nelson Landry

Proposed Tariffs Considered Radio Signals (2014-2018)

Statement of Royalties to be collected, in Canada, for the retransmission of distant signals

Reasons for decision

I. INTRODUCTION

[1] On March 28, 2013, the Canadian Broadcasters Rights Agency Inc. (CBRA), the Canadian Retransmission Right Association (CRRA), and the Society of Composers, Authors and Music Publishers of Canada (SOCAN) (the “Collectives”) filed with the Board their joint Statement of Proposed Royalties to be collected for the Retransmission of Distant Radio Signals, in Canada, for the years 2014 to 2018, in accordance with section 71 of the *Copyright Act*. The Statement was published in the *Canada Gazette* on June 1, 2013. Prospective retransmitters or their representatives were informed of their right to object by July 31, 2013.

[2] The proposed tariff applies to the retransmission of one or more distant signals that carry any work owned or controlled by any of the Collectives. The proposed tariff also sets out the allocation of royalties among the Collectives.

[3] Bell Canada, Bragg Communications Inc. (c.o.b. as Eastlink), Rogers Communications Inc., Shaw Communications Inc., Cogeco Cable Inc., Videotron G.P. TELUS Communications Company, MTS Inc., and the Canadian Cable Systems Alliance (the “Retransmitters”) filed objections on July 31, 2013.

[4] On December 13, 2013, the Parties jointly asked the Board to extend, on an interim basis, the application of the *Radio Retransmission Tariff, 2009-2013*¹ for the 2014-2018 period. On December 19, 2013, the Board issued an interim decision granting the request for an interim tariff.²

[5] On October 20, 2016, the Parties filed with the Board a joint request for certification of a tariff agreeable to all (the “Settlement Tariff”).

II. THE SETTLEMENT TARIFF

[6] The Settlement Tariff essentially maintains the status quo, the only changes to the existing tariff being to the definition of “signal” for the purpose of the Francophone market discount under section 8, the term and a minor amendment to section 23 on retention of personal information. The definition of LPTV has also been amended to reflect an update by the Department of Innovation, Science and Economic Development of *BPR4 – Application Procedures and Rules for Television Broadcasting Undertakings*, which became effective in February 2016.

[7] The change to section 8 concerns how to identify English premises in French markets that will be excluded from the Francophone market discount. English premises are deemed to be those that take a package of English only services or signals. The intent was to look at all services and signals, not just radio signals when defining English premises.

[8] The change to section 23 makes a reference to the Personal Information Protection and Electronic Documents Act, S.C. 2000, c. 5 and, as such, is not a material difference.

[9] The royalties in the Settlement Tariff are the same as in the last certified tariff. The royalty payable by small retransmission systems, and by unscrambled Low or Very Low Power Television Stations (LPTV) and unscrambled Multichannel Multipoint Distribution Systems (MDS) is \$12.50 per year. For all other systems, the royalty is 12 cents per year for each premises served by the system, and the Francophone market discount remains at 50 per cent. The allocation of royalties is also the same: CBRA: 38.635 per cent; CRRA: 11.365 per cent; and SOCAN: 50 per cent.

[10] Accordingly, we certify a tariff that reflects the Settlement Tariff.

¹ Statement of Royalties to be Collected for the Retransmission of Distant Television and Radio Signals for the Years 2009-2013 (29 November 2013) Copyright Board Decision.

² Interim Tariff for the Retransmission of Distant Television and Radio Signals, 2014-2018 (19 December 2013) Copyright Board Decision.

A handwritten signature in black ink, appearing to read "Gilles McDougall". The signature is fluid and cursive, with the first letter 'G' being particularly large and stylized.

Gilles McDougall
Secretary General