

Copyright Board
Canada



Commission du droit d'auteur
Canada

Date	2025-10-10
Citation	Online Music Video Services (2014-2018), 2025 CB 17
Proceeding	Online Music Video Services (2014-2018)
Proposed Tariffs Considered	SOCAN Tariff 22.A – Online Music Services (2014, 2015, 2016, 2017, 2018) [music videos only] SODRAC Tariff 6 – Online Music Services - Music Videos (2014) SODRAC Tariff 6 – Reproduction of Musical Works Embedded in Musical Audiovisual Works for Transmission by a Service (2015, 2016, 2017, 2018) [online music services & online music video services only]
Members	The Honourable Luc Martineau Katherine Braun René Côté

Application to Withdraw and Amend Proposed Tariffs

Reasons for Decision

I. Overview

[1] On July 7, 2025, the Society of Composers, Authors and Music Publishers of Canada (SOCAN) applied to withdraw—in whole or in part—some of the proposed tariffs under consideration in this proceeding (the Application).

[2] For the reasons below, we are satisfied that the conditions in section 69 of the *Copyright Act* (the “Act”) are met, and we grant the Application.

II. Background

A. Procedural History

[3] In 2018, SOCAN acquired Society for Reproduction Rights of Authors, Composers and Publishers in Canada (SODRAC). With that acquisition, SOCAN became responsible for the proposed tariffs that were previously filed with the Copyright Board

by SODRAC. This includes some of the proposed tariffs under consideration in this proceeding, which cover the reproduction of musical works in audiovisual works.

[4] In Ruling CB-CDA 2023-047, Case Manager Th  berge placed the following proposed tariffs, and portions of proposed tariffs, into this proceeding (the “Proposed Tariffs”):

- SOCAN Tariff 22.A – Online Music Services (2014, 2015, 2016, 2017, 2018) [music videos only];
- SOCAN Tariff 22.D – Audiovisual Content (2014, 2015) [online music video services only]
- SOCAN Tariff 22.D.1 – Internet – Other Uses of Music - Audiovisual Content (2016, 2017, 2018) [online music video services only];
- SODRAC Tariff 6 – Online Music Services - Music Videos (2014); and
- SODRAC Tariff 6 – Reproduction of Musical Works Embedded in Musical Audiovisual Works for Transmission by a Service (2015, 2016, 2017, 2018) [online music services & online music video services only].

[5] Ruling CB-CDA 2023-047 explained that this proceeding would cover the activities of the following services:

- online music video services (an online service that predominantly transmits music videos and is neither an online user-generated content service, nor an allied audiovisual service), and
- online music services, when they transmit music videos.

B. SOCAN’s Application

[6] In its Application, SOCAN seeks to withdraw, pursuant to paragraph 69(a) of the Act, proposed SODRAC Tariff 6 – Online Music Services – Music Videos for the year 2014 (“Tariff 6 (2014)”).

[7] It further seeks to exclude, pursuant to paragraph 69(b) of the Act, certain acts from certain Proposed Tariffs. Namely,

to exclude from proposed SODRAC Tariff 6 – Reproduction of Musical Works Embedded in Musical Audiovisual Works for Transmission by a Service, for the years 2015 through 2018 (“Tariff 6 (2015-2018)”), references to acts of reproducing and authorizing the reproduction of (i) musical works embodied in music videos, in connection with the operation of an online music service and its authorized distributors, and (ii) musical works embodied in audiovisual works, including music videos, in connection with the operation of an online music video service and its authorized distributors;¹

¹ Application para 2.

and

to exclude from proposed tariff SOCAN Tariff 22.A – Online Music Services, for the years 2014 through 2018 (“Tariff 22.A”), acts of communicating to the public musical works embodied in music videos in connection with the operation of an online music service and its authorized distributors.²

[8] SOCAN explains that, if granted, the Application will have the following results:

- a) Tariff 6 (2014) will be withdrawn in its entirety;
- b) Tariff 6 (2015-2018) will cease to apply to online music services, online music video services, and their authorized distributors, but not to any other users to which it might apply, including online audiovisual services and user-generated content services; and
- c) Tariff 22.A will apply only to the communication to the public by telecommunication of one or more musical works in SOCAN’s repertoire as embodied in an audiovisual program, including a music video, and only in connection with the operation of an online music video service and its authorized distributors.³

III. Issues

[9] Section 69 of the Act provides that a collective society may, before approval of its proposed tariff, make an application to the Board requesting that the proposed tariff be withdrawn, in whole or in part.

[10] If the Board is satisfied that the requirements set out in paragraphs 69.1(1)(a)–(c) have been met, it must approve the application.

[11] In the present Application, paragraph 69.1(1)(c) does not apply, as it relates to cases where an application is made with respect to a portion of the proposed effective period. In this case, however, SOCAN seeks the withdrawal, or partial withdrawal, of the Proposed Tariffs for the entire period of their application.

[12] Consequently, only the requirements in paragraphs 69.1(1)(a) and (b) apply. We therefore consider the following issues:

1. Did SOCAN provide sufficient public notice of its intention to make the application to withdraw its Proposed Tariffs (s. 69.1(1)(a))?
2. Have all persons who paid royalties that will not be payable if the Application is approved consented to the Application, received a refund, or entered into an agreement (s. 69.1(1)(b))?

² Application para 2.

³ Application para 3.

IV. Analysis

A. Did SOCAN provide sufficient public notice?

[13] Paragraph 69.1(1)(a) requires that the Board be satisfied that “the collective society has provided sufficient public notice of its intention to make the application.”

[14] On June 19, 2025, SOCAN published a Notice of Intent to Withdraw the Proposed Tariffs (the “Notice”), in English and in French, on its website at www.socan.com.

[15] On June 20, 2025, SOCAN provided the Board with copies of the Notice, in English and French, and requested that the Board publish the Notice on its website. As a courtesy, SOCAN copied counsel for all former participants in this proceeding on its email to the Board. On June 23, 2025, the Board published a copy of the Notice, in English and French, on its website.

[16] SOCAN states that it “has not received any comments, objections, or inquiries in response to the publication of the Notice or its distribution by email.”⁴

[17] We have reviewed the Notice, as published on SOCAN’s website. It is posted in the “Media Centre” (*centres des medias*) section. This section is accessed by hovering over “Contact” in the menu, and then selecting “Media” in the sub-menu. We are of the view that the Notice is not easy to find, and does not seem to be in a section of the website that would be frequented by users, or potential users.

[18] Despite this shortcoming, in the specific context of this Application, where

- all users that have made payments to SOCAN have done so under a direct agreement— (see paragraphs **Erreur ! Source du renvoi introuvable.**–**Erreur ! Source du renvoi introuvable.**, below) and,
- given the effective period of the Proposed Tariffs (2014–2018), and the fact that the Application is being filed well after this period, there are no users that can be negatively affected by the granting of this Application,⁵
- we conclude that the public notice SOCAN has provided is sufficient in this case.

B. Have all those who have paid royalties been addressed?

[19] Paragraph 69.1(1)(b) requires that

every person who, in respect of the proposed effective period, has paid royalties that would not be payable if the application were approved has

⁴ Application at para 31.

⁵ *Copyright Act*, s. 73.4(b) (“no proceedings may be brought against a person [...] if [...] (b) the act occurs during the effective period set out in the proposed tariff and before the first anniversary of the day on which the collective society made its application under section 69 [...]).

- (i) consented to the application,
- (ii) received a refund of the royalties, or
- (iii) entered into an agreement under subsection 67(3) that covers the act, repertoire or proposed effective period that is the subject of the application

[20] SOCAN states that “[a]ll of the royalties that SOCAN has collected from users in respect of those activities, in respect of the years 2014 through 2018, have been collected under [agreements under subsection 67(3) of the Act].”⁶

[21] We accept this claim, and therefore agree with SOCAN⁷ that there are no persons that have paid royalties “that would not be payable if the application were approved.”

[22] As such, the requirement set out in paragraph 69.1(1)(b) of the Act does not apply here.

V. Decision

[23] Since the requirements in subsection 69.1(1) have been met, we approve the Application to withdraw or amend the Proposed Tariffs, as requested by SOCAN.

[24] The relevant Proposed Tariffs are withdrawn or partially withdrawn as of the date this decision is issued. The Board will mark them accordingly.

⁶ Application at para 33.

⁷ Application at para 34.