

Copyright Board
Canada



Commission du droit d'auteur
Canada

[CB-CDA 2018-216]

RULING OF THE BOARD

Proceeding: Online Music Services [SOCAN: 2007-2018; Re:Sound: 2013-2018; CSI: 2014-2018]

November 9, 2018

[1] On November 1, 2018, Rogers Communications and Bell Canada, advised the Board of the withdrawal of their objections to the proposed tariffs under consideration in the above-mentioned proceeding, and requested the issuance of an order requiring the remaining parties to the proceeding to destroy all of the information provided by them in response to interrogatories.

[2] Rogers and Bell made no submissions in support of their request for a destruction order.

[3] On November 5, 2018, Re:Sound filed an unsolicited response objecting to the request. This was followed by another unsolicited response, filed by CMRRA-SODRAC Inc., in support of Re:Sound's submissions.

[4] The request for a destruction order pertains to all of the information provided by Rogers and Bell during the interrogatories. In this regard, the Board notes that the Confidentiality Order 2018-061 remains in effect and provides the only parameters for the destruction of information in the present proceeding.

[5] In particular, the Confidentiality Order governs the retention and destruction of confidential information disclosed over the course of the proceeding, including those provided in response to interrogatories. The Board further points to paragraph 20 of the Confidentiality Order which deals with circumstances under which participants might apply for further direction from the Board with respect to its application. In the present case, the Board has been given no reason on which to vary the Confidentiality Order.

[6] Moreover, to the extent that the request covers the destruction of non-confidential information, the Board notes that Rogers and Bell had provided no basis nor made any submissions in support of their request. As such, the Board sees no reason to issue such an order with respect to non- confidential information. In fact, an order to destroy all of the information provided during the interrogatories would defeat the parameters set out for the destruction of confidential information in the Confidentiality Order.

[7] Finally, the Board would remind the parties to obtain leave prior to filing unsolicited responses. Failure to do so may lead to the submissions not being considered or not made of record.

Gilles McDougall

Secretary General