

Copyright Board
Canada



Commission du droit d'auteur
Canada

[CB-CDA 2022-063]

NOTICE OF THE BOARD

File: Online Music Services [SOCAN: 2007-2018]

October 27, 2022

[1] As mentioned in Order CB-CDA, 2022-060, the Board requests that Parties address the following questions related to SOCAN 22.A in their closing arguments on November 9, 2022:

- Which of the following rate structures should the Board adopt and why: percentage of revenues, per-subscriber fees, per-file fees, or a “greater-of” structure?
- Which facts on which the Board’s OMS decisions in 2007, 2012, and 2017 relied are no longer true in relation to the OMS industry for the years 2014-2018?
- The Parties have discussed a competitive market at some length, as one of the considerations the Board may take into account in determining what is fair and equitable. The Board also may consider “public interest” in its determination. How do the Parties’ proposals treat the public interest for SOCAN 22.A?
- Pandora’s expert speculated as to how SOCAN’s agreements could be adjusted to make them usable proxies, or as a comparison point with the tariffs requested for approval (in Exhibit SOCAN-4). Pandora put forward the approved tariff SOCAN 22.A (2011-2013) as an alternative proxy. How could that alternative proxy be adjusted to take into account the increasing maturity of the retail market for OMS, particularly in respect of hybrid services?

[2] In answering the above questions, Parties shall confine themselves to the evidence already on the record.

Lara Taylor
Secretary General