

Copyright Board
Canada



Commission du droit d'auteur
Canada

[CB-CDA 2023-023]

RULING OF THE BOARD

Proceeding: Online Music Services (SOCAN: 2007-2018)

May 1, 2023

[1] On April 12, 2023, SOCAN filed an application (the “Application”) under paragraph 69(b) of the *Copyright Act* to exclude from the approved tariff certain acts set out in the following proposed tariffs: *SOCAN – Online Music Services* for the years 2014, 2015, 2016, 2017 and 2018 (the “Proposed Tariffs”).

[2] On April 27, 2023, SiriusXM, an objector (and later an intervener) in this proceeding, requested leave to provide comments on SOCAN’s Application by May 10, 2023.

[3] SiriusXM Canada is concerned that the relief sought in the Application may have spillover implications on the evaluation of Tariff 22.B for the years 2014 to 2018 and wishes to draw these considerations to the Board’s attention.

[4] The Board wishes to underscore that the Application, if granted, would not modify the Proposed Tariffs, as originally published in the Canada Gazette. The *Copyright Act* only permits excluding “a reference to an act set out in the proposed tariff to be excluded from the approved tariff;” it does not permit the modification of the scope of the Proposed Tariffs themselves.

[5] If SiriusXM still considers it necessary to comment on the Application, it may file comments that shall not exceed two pages.

[6] Any comments by SiriusXM must be filed by **May 10, 2023**.

[7] SOCAN may file a response by **May 17, 2023**.

Lara Taylor
Secretary General