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Registry
Copyright Board of Canada
56 Sparks St, Suite 800
Ottawa, Ontario
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To whom it may concern,

Re: Notice of Grounds for Objection- SOCAN TARIFF 22.G (Game Sites), 2024-2026

This is the Notice of Grounds for Objection of the Entertainment Software Association and the Entertainment Software Association of Canada (“ESA and ESAC”) to the Statement of Proposed Royalties to be Collected by SOCAN for Game Sites for 2024-2026 (the “Statement of Proposed Royalties” or “proposed SOCAN Tariff 22.G”), filed by SOCAN and published on the Copyright Board website on November 18, 2022 pursuant to the provisions of section 68.2 of the *Copyright Act*.

ESA and ESAC respectfully reserve the right to rely upon objections raised by other parties to the proceedings, *mutatis mutandis*. ESA and ESAC also reserve their right to raise additional substantive points of objection throughout the proceedings related to the Statement of Proposed Royalties.

These objections are filed in accordance with the *Copyright Act* and the Practice Notice on the Filing of Grounds for Objection.

Inter alia and without limiting their general objection, and without admitting that they are liable for the payment of royalties pursuant to the proposed tariff, ESA and ESAC object to:

Grounds for Objecting to Royalty Rates in the Proposed Tariff

ESA and ESAC object to the rates set out in section 3.

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Said proposed fees do not reflect the fair, reasonable, and appropriate value of the public performance or the communication to the public by telecommunication of works in SOCAN's repertoire. Said proposed fees do not reasonably reflect either the amount or the type of the impact of music use by a licensee.

ESA and ESAC object to the fact that the Statement of Proposed Royalties seeks to include in the rate base revenues which are in no way connected to the use or value of SOCAN's repertoire.

Grounds for Objecting to Terms and Conditions in the Proposed Tariff

ESA and ESAC object to the reporting and auditing provisions contained in the Statement of Proposed Royalties at sections 4, 5, and 9. Said provisions are intrusive, require the disclosure of potentially sensitive confidential information, require the disclosure of information that is not necessarily available to licensees, and place a disproportionate burden on licensees.

Additional Grounds for Objecting to the Proposed Tariff

ESA and ESAC object to the fact that the Statement of Proposed Royalties does not adequately reflect the principle of technological neutrality and does not adequately reflect the risk and investment by users in new technology.

Yours truly,

FASKEN MARTINEAU DuMOULIN LLP

A handwritten signature in black ink, appearing to read "Jay Kerr-Wilson". The signature is written in a cursive, flowing style.

Jay Kerr-Wilson