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January 17, 2023

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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- Artisti Pay Audio Services Tariff, 2024-2026

This is the Notice of Grounds for Objection of Bell Canada, Rogers Communications Canada Inc., Shaw Communications Inc., Cogeco Communications Inc., Québecor Média Inc., TELUS Communications Company, and the Canadian Cable Systems Alliance (the “Service Providers”) to the Statement of Proposed Royalties to be Collected by Artisti for the Reproduction of Performers’ Performances by Pay Audio Services for 2024-2026 (the “Statement of Proposed Royalties”) filed by Artisti and published on the Copyright Board website on November 18, 2022 pursuant to the provisions of section 68.2 of the *Copyright Act*.

The Service Providers respectfully reserve the right to rely upon objections raised by other parties to the proceedings, *mutatis mutandis*. The Service Providers 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, the Service Providers object to the following:

Grounds for Objecting to Royalty Rates in the Proposed Tariff

The Services Providers object to the rates set out in section 4.

This document has not been made nor issued by the Copyright Board. It has not been translated and is only available in the language in which it was filed with the Board.

Le présent document n'émane pas de la Commission du droit d'auteur. Il n'a pas été traduit et il est disponible uniquement dans la langue dans laquelle il a été déposé auprès de la Commission.

Said proposed fees do not reflect the fair, reasonable and appropriate value of reproduction of works in Artisti's repertoire. Said proposed fees do not reasonably reflect either the amount or the type of the impact of performance use by a licensee.

Grounds for Objecting to Terms and Conditions in the Proposed Tariff

The Service Providers object to the reporting and auditing provisions contained in the Statement of Proposed Royalties at sections 6 to 8. 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

The Service Providers understand that performers typically assign the exclusive rights to reproduce their performances for any purpose to the sound recording makers. As a result, Artisti is not in a position to licence the reproduction right to pay audio services.

As well, the proposed tariff proposes to licence the reproduction of performers' performances and targets, in part, Broadcast Distribution Undertakings (BDUs), despite the fact that BDUs do not reproduce any performers' performances in connection with the transmission of pay audio services.

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