

NOTICE OF GROUNDS FOR OBJECTION

Filed by **Canadian Association of Broadcasters**

In relation to proposed tariff *SOCAN Tariff 1.A – Commercial Radio (2025-2027)*

Filed with the Copyright Board on 2023-12-15 pursuant to Rule 18 of *Copyright Board Rules of Practice and Procedure*

The following Notice of Grounds for Objection (the “Notice”) is filed on behalf of the Canadian Association of Broadcasters (CAB) in respect of Proposed Tariff *SOCAN Tariff 1.A – Commercial Radio (2025-2027)* which was filed with the Copyright Board by SOCAN on 2023-10-23 pursuant to Rule 15 of *Copyright Board Rules of Practice and Procedure*. This Notice is filed in accordance with PN 2022-007 rev.1.

1. Any grounds for why the Board should not approve the proposed tariff despite any alteration of royalties or levies or fixation of terms and conditions

This proposed tariff applies to communications to the public by telecommunication of musical works in SOCAN’s repertoire in connection with both the over-the-air broadcasting operations and the simulcasting operations of commercial radio stations. The CAB objects to the rates and terms in the proposed tariff as outlined below.

2. Any grounds for objecting to any royalty or levy rates in the proposed tariff

SOCAN is proposing status quo rates for over-the-air broadcast and for simulcasting. The CAB is generally supportive of including simulcasting in the primary use tariff at the same rates and terms, but reserves the right to advance argument relating to the definition of simulcasting and the method of calculating of simulcasting income.

3. Any grounds for objecting to any terms or conditions in the proposed tariff

SOCAN has proposed to modify the definition of gross income to include any income accruing “to or from” any allied or subsidiary business, where the certified tariff only included income accruing from such businesses. SOCAN has not noted or explained this change in its Notice of Grounds for the Proposed Tariff. Absent justification, this change should be rejected.

Section 12(2)(f) allows for the sharing of confidential information with any person “who knows or is presumed to know the information.” This provision, as drafted, is overly vague and would benefit from clarification pertaining to how and whether SOCAN can make such presumptions.

Submitted on behalf of the CAB by

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