

REPLY TO NOTICE OF GROUNDS FOR OBJECTION

Filed with the Copyright Board by SOCAN on 2024-01-26 pursuant to Rule 21 of the *Copyright Board Rules of Practice and Procedure*

SOCAN TARIFF 1.A – COMMERCIAL RADIO (2025-2027)

1. This Reply is in response to the Notice of Grounds for Objection filed by the Canadian Association of Broadcasters (“CAB”).
2. The CAB has filed numerous grounds for objection. SOCAN denies these grounds and any factual or evidentiary assertions made in the CAB’s Notice of Grounds for Objection and puts the CAB to the strict proof thereof.
3. The CAB has objected to section 12(2)(f) of the proposed tariff. SOCAN notes that this language is consistent with accepted uses of confidential information outside the context of approved tariffs. Further, this language is found in a number of approved tariffs, including:
 - a. *SOCAN Tariff 22.B – Commercial Radio and Satellite Radio (2007-2018)* - 2023 CB 6-T-1
 - b. *SOCAN Tariff 22.C – Other Audio Websites (2007-2018)* - 2023 CB 6-T-2
 - c. *CPCC – Private Copying Tariff (2022-2024)* - 2021 CB 12-T
 - d. *SOCAN - Tariff 22.D.1 (Internet - Online Audiovisual Services), 2007-2013 [Redetermination]*
4. The CAB has objected to the inclusion in the definition of “gross revenue” income accruing “to or from” any allied or subsidiary business. This amendment is necessary to capture the full business relationship between broadcasting entities in such a way that includes all revenue generated by the use of SOCAN’s musical works.
5. Although Rule 22 of the *Copyright Board Rules of Practice and Procedure* provides that the Board may decide the matter of a proposed tariff only on the information provided under Part 3 of the Rules, SOCAN submits that it would not be appropriate in this case for the Board to decide the matter without hearing additional evidence and submissions from both SOCAN and the CAB absent a settlement or further developments between SOCAN and the CAB. For greater certainty, in the event of a settlement between SOCAN and the CAB, the Board should not rely on any of the information provided under Part 3 of the Rules.