

Appendix “A” to Comments of Re:Sound in response to “A Consultation on Options for Reform to the Copyright Board of Canada”

Proposed Reform	Summary of Re:Sound’s Comments	Method of Reform
1. Explicitly require or authorize the Board to advance proceedings expeditiously	Agree, however must be accompanied by statutory time-limits in order to have effect.	Amendment of Act or by Regulation for expediency
2. Create new deadlines or shorten existing deadlines in respect of Board proceedings	Agree. Re:Sound proposes: <ul style="list-style-type: none"> • Decisions within 12 months of hearing • Decisions within 6 months for settlements/unopposed tariffs • Prioritization of inaugural tariffs • Rulings on interim procedural issues within 2 weeks 	Regulation
3. Implement case management of Board proceedings	Agree, particularly in lieu of written interrogatory motions.	Through Rules of Procedure or Regulation
4. Empower the Board to award costs between parties	Disagree.	No change required
5. Require parties to provide more info at the commencement of tariff proceedings	Disagree. Propose eliminating the filing of written replies.	No change required re additional information. Amendment of Act for removal of replies.
6. Permit all collective societies to enter into licensing agreements of overriding effect with users independently of the Board	Agree. Similar provisions as sections 70.1-70.6 should apply to collectives subject to sections 67-68. In addition, propose a fast-track procedure for approval of tariff settlements with criteria for certification and deadlines. Disagree with proposal to make all agreements public and filed with the Board. Individual dispute resolution process not practical for Re:Sound.	Amendment of the Act for permitting agreements of overriding effect. Rules of Procedure or Regulation for fast-track settlement process.

7. Change the time requirements for the filing of proposed tariffs	Filing of multiple year tariffs should be encouraged but not required. Propose instead, a minimum tariff length for certification of 3-5 years.	Rules of Procedure or Regulation
8. Require proposed tariffs to be filed longer in advance of their effective dates	Agree with moving filing deadline to January 31 of year before tariff takes effect. However additional reforms required such as deadlines for certification and fast-track settlement procedure.	Amendment of the Act
9. Allow for the use of the copyrighted content at issue and the collection of royalties pending the approval of tariffs in all Board proceedings	Agree with maintaining section 68.2(3) of the Act but additional reforms necessary to address inaugural tariffs.	No change required to s.68.2(3) of the Act
10. Codify and clarify specific Board procedures through regulation	Agree, with proposed modifications such as case conference calls in lieu of written interrogatory motions, fast-track settlement/unopposed tariff procedure, availability of simplified procedure options for all proceedings, direction/clarity on evidence, and protection of confidentiality for commercially sensitive information.	Regulation
11. Stipulate a mandate for the Board in the Act	Agree	Amendment of the Act
12. Specify decision-making criteria that the Board is to consider	Agree. Criteria should include: <ul style="list-style-type: none"> a. Market rates / willing buyer/willing seller b. International rates c. Settlement agreements d. The best evidence provided by the parties 	Regulation
13. Harmonize the tariff-setting regimes of the Act	Agree	Amendment of the Act
<u>Additional Proposal</u> 14. The Board should consist of at least 3 full-time members	To better equip the Board to convene hearings and render decisions on an expedited basis.	No legislative or regulatory change required
<u>Additional Proposal</u> 15. Collectives should not be required to propose rates at the time of filing tariffs	To eliminate confusion and additional process caused by proposing rates prior to preparation of evidence.	Amendment of the Act

