

August 12, 2015

BY EMAIL

Mr. Gilles McDougall
Secretary General
Copyright Board of Canada
56 Sparks Street, Suite 800
Ottawa, Ontario K1A 0C9

Subject: Re:Sound Tariffs 5.A, B, D, E, I, J – 2016-2020

Dear Mr. McDougall,

CAPACOA objects to Re:Sound Tariffs 5.A, B, D, E, I, J for the years 2016-2020 on the following bases:

- Some tariffs have very similar applications, but inconsistent royalty structures and rates. The applications of Tariff 5.E (circus only) and 5.I (Comedy and magic show) are very similar to 5.A, which applies to “any type of live entertainment event including theatrical, dance, acrobatic arts, integrated arts, contemporary circus arts or other live performances.” The nature of the performing arts is such that it can be difficult to classify certain performances under a given discipline or form. Introducing distinct tariffs for different types of live entertainment is bound to create confusion among licencees, which may lead to improper licencing and/or lower compliance rates. Moreover, it fails to establish a standard fair value for the use of recorded music.
- Similarly, Tariff 5.J (Concerts) is essentially a background music tariff in a concert setting. Considering that background music is already accounted for under Tariff 3, the introduction of Tariff 5.J would be unduly redundant. Moreover the inconsistency in royalties between Tariff 5.J and 3 would create the same issues identified above.
- The proposed royalty rates for all tariffs are excessive in view of existing rates and considering the financial realities of performing arts organizations.

CAPACOA reserves the right to raise additional objections to these proposed tariffs after the interrogatory phase of the proceedings has been completed.

CAPACOA intends to undertake constructive discussions with Re:Sound in order to attempt to resolve our objection before the hearing phase of the proceedings. CAPACOA worked constructively with Re:Sound in the past, and we are pleased to note that the proposed Tariff 5.A follows the application and the royalty structures that CAPACOA and Re:Sound settled on with respect to tariffs for the 2008-2015 period.

About CAPACOA

The Canadian Arts Presenting Association/l'Association canadienne des organismes artistiques (CAPACOA) serves the performing arts touring and presenting community through its commitment to integrate the performing arts into the lives of all Canadians. CAPACOA represents over 150 professional for-profit and not-for-profit presenters, festivals, presenter networks, artistic companies, agents, managers and other stakeholders working across the presenting and touring sector in Canada. Collectively our network members represent more than 2000 professional and volunteer organizations, associations and companies.

Yours truly,

A handwritten signature in black ink, appearing to read 'Paul Gravett', with a stylized, cursive script.

Paul Gravett
President, CAPACOA