

# **Copyright Board of Canada**

**2004-2005  
Estimates**

**Report on Plans and Priorities**

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David L. Emerson  
Minister of Industry



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## **Section I: Messages**

### **Minister's Portfolio Message**

As Minister of Industry, I am proud to report on Industry Portfolio initiatives to foster the creation and growth of a thriving, innovative economy. Through the programs of the Copyright Board of Canada and the other federal departments and agencies that make up the Industry Portfolio, we have encouraged progress on a number of priorities for Canadians, including improving Canada's business environment, continuing investment in the creation and commercialization of knowledge, building a skilled workforce, strengthening our communities, increasing health research and advancing sustainable development.

Canada is gaining recognition as a world leader in the knowledge economy. This is due in part to our significant investments in advanced research and ground breaking developments by Canadians in new technologies. By increasing our focus on research and development and working in partnership with Canadian firms, post-secondary institutions and not-for-profit organizations, we have stimulated innovation and have improved the productivity and competitiveness of Canadian businesses.

In the coming years we must make a concerted effort to improve Canada's performance even further by achieving greater successes in the industries that have brought Canada to where it is today. We must make it a priority for our businesses, large and small, to be leaders in developing the enabling, transformative technologies of tomorrow. As part of our commitment to building a thriving 21st century economy, we will foster the creation and growth of innovative Canadian companies by strengthening our focus on science and technology, increasing the commercialization of university research, and improving access to early-stage financing.

We are committed to supporting small business access to markets, promoting leading-edge technologies with emphasis on the health and environmental sectors, and information and communications technologies (ICTs) sectors, and promoting the development of value-added industries, particularly those related to the resource sectors. We will make our expertise available to the small businesses that drive the social economy, and we will collaborate with key stakeholders to widen the scope of programs currently available to small and medium-sized enterprises to include social enterprises.

These initiatives will build upon the excellent work that has been achieved to date by the Department and its Portfolio partners. Their work will continue to drive Canada's economic growth in the future and allow us to seize opportunities that present themselves, enabling us to leverage and showcase Canadian creativity and expertise in the global marketplace.

It is my pleasure to present the *Report on Plans and Priorities* for the Copyright Board of Canada. This report describes the department's anticipated achievements and results over the next three years as we embark on building an economy for the 21st century.

Intellectual property rights provide an incentive for investment in new creative works (films, software, music, etc.) and their exploitation, thereby contributing to improved competitiveness, employment and innovation. Studies of the contribution of these

“copyright industries” estimate the value to the national economy at 7.4% of Canada’s GDP in 2000. Most importantly, these industries are growing faster than any other industry segment. Furthermore, the creative contribution of our authors, composers, musicians, singers and performers, filmmakers, artists and heritage workers strengthens and enriches our sense of identity as Canadians.

The Board is an economic regulatory tribunal that serves Canadians by conducting public hearings to set fair and equitable royalties for copyright owners and users of copyright protected works. The Board also issues non-exclusive licences authorizing the use of published works when copyright owners cannot be located. Members and staff of the Board also participate in national and international meetings dealing with copyright policy, law and regulation and provide advice and guidance on intellectual property directly to Canadians. The Board’s website at [www.cb-cda.gc.ca](http://www.cb-cda.gc.ca) serves as an authoritative and educational source of information on Canadian copyright law, Board decisions, scheduled hearings and other regulatory activities.

We are on our way to ensuring that Canada remains a nation with unique strengths that supports a growing economy and values social enterprise, a country where we can continue to build a better standard of living with quality jobs and competitive wages. We must create opportunities and overcome the economic and social challenges that will arise. In short, we must commit ourselves to the pursuit of excellence, leveraging the ingenuity and creativity of our people.

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David L. Emerson  
Minister of Industry

## Management Representation Statement

March 2004

### *Report on Plans and Priorities 2004-2005*

I submit, for tabling in Parliament, the 2004-2005 Report on Plans and Priorities (RPP) for the Copyright Board of Canada.

This document has been prepared based on the reporting principles and disclosure requirements contained in the *Guide to the preparation of the 2004-2005 Reports on Plans and Priorities*.

- It accurately portrays the Board's plans and priorities.
- The planned spending information in this document is consistent with the directions provided in the Minister of Finance's Budget and by TBS.
- It is comprehensive and accurate.
- It is based on sound underlying departmental information and management systems.

The reporting structure, on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

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Stephen J. Callary  
Vice-Chairman and Chief Executive Officer

## **Section II: The Board's Overview**

### **2.1 Raison d'être**

The Copyright Board of Canada's program objective is to serve Canadians by establishing royalties that are fair and equitable to both copyright owners and the users of copyright-protected works, and to issue non-exclusive licences authorizing the use of works when the copyright owner cannot be located.

#### **Planning Overview (Strategic Plan)**

The Board is funded through operating expenditures.

The Board is an independent administrative agency that has been conferred department status for purposes of the *Financial Administrative Act*.

The mandate of the Board is set out in the *Copyright Act* (the *Act*). As an economic regulatory body, the Board is empowered to establish, either mandatorily or at the request of an interested party, the royalties to be paid for the use of copyrighted works when the administration of such works is entrusted to a collective administrative society.

The *Act* requires that the Board certify tariffs in the following fields: the public performance or communication of musical works and of sound recordings of musical works, the retransmission of distant television and radio signals, the reproduction of television and radio programs by educational institutions and private copying. The *Act* also allows any other collective societies to proceed by way of tariffs rather than individually negotiated agreements.

The examination process is always the same. The collective society must file a statement of proposed royalties (on or before the 31<sup>st</sup> of March prior to its expected date of coming into effect) which the Board publishes in the *Canada Gazette*. The users targeted by the proposal (or in the case of private copying, any interested person) or their representatives may object to the statement within sixty days of its publication. The collective society in question and the opponent will then have the opportunity to argue their case in a public hearing conducted before the Board. After examination, the Board certifies the tariff, publishes it in the *Canada Gazette*, and explains the reasons for its decision in writing.

The Copyright Board of Canada is an economic regulator. It deals with complex social, cultural, demographic, economic and technological issues (e.g., communications technology, use of music over the Internet, blank CDs, electronic systems to protect music or administer its rights). The Board's decisions are not appealable, but can be the subject of judicial review by the Federal Court of Appeal. The Board has existed in one form or another since the 1930s, but its jurisdiction was significantly expanded in 1989 and 1997. In accordance with sections 92(1) and (2) of the *Act*, the provisions and operation of the *Act* have been made the subject of a report by the Minister and presented to Parliament.

The report is currently before the Standing Committee on Canadian Heritage in the House of Commons.

The Board is responsible for tariffs that are estimated to be worth over \$300 million annually. In fact, copyright tariffs underpin several industries which together generated \$66 billion in sales in 2000, representing 7.4% of Canada's GDP. The stakes are considerable both for copyright holders and for users of copyright. Consequently, interventions before the Board are thorough, sophisticated and often involving expert witnesses, litigation specialists and detailed econometric, business and financial studies, surveys and evidence.

The Board must consider the underlying technologies (such as the Internet, digital radio, satellite communications), the economic issues and the interests of owners and users in order to contribute, with fair and equitable decisions, to the continued growth of this component of Canada's knowledge industries. Sound tariff decisions avoid serious disruption in affected sectors of the national economy and costly and time-consuming court challenges.

The key objective of the Board is to set royalties which are fair and equitable to both copyright owners and users of copyright-protected works. This includes setting fair and equitable terms and conditions so as to permit the use of works when the owner of the copyright cannot be located.

These objectives underlie the achievement of strategic outcomes related to the treatment in Canada of copyrighted works. As noted in *Canada's Performance 2003* ([http://www.tbs-sct.gc.ca/report/govrev/03/cp-rc\\_e.asp](http://www.tbs-sct.gc.ca/report/govrev/03/cp-rc_e.asp)), Canadians enjoy one of the highest economic growth in the world. The report also notes that "to promote a strong and vibrant economy, the federal government must work with other governments, businesses, institutions, and Canadians to help ensure that Canada is a magnet for investment, skilled knowledge workers, cutting-edge research, and science and innovation." For example, Canada's Innovation Strategy ([www.innovationstrategy.gc.ca](http://www.innovationstrategy.gc.ca)) is designed to improve the economy's productivity and competitiveness by improving Canada's level of innovation.

Our country's handling of intellectual property matters is a critical element in our long-term success in innovation, and by extension, to our long-term economic health. The terms and conditions by which intellectual property owners (such as owners of copyrighted works) are compensated will largely define the incentive structure for innovation in and creation of copyrighted materials. As noted by the Conference Board in its *4<sup>th</sup> Annual Innovation Report*, the design and implementation of regulations can have a significant impact on innovation and competitiveness, particularly in the areas of intellectual property rights, competition policy and environmental protection ([www.ocri.ca/events/ConfBoard2002innovationreport.pdf](http://www.ocri.ca/events/ConfBoard2002innovationreport.pdf)).

Innovation through new knowledge has become a main source of competitive advantage in all areas of economic endeavor. The use and re-use of cultural and entertainment



content (such as musical works) have become widespread with the advent of new media and on-line services, new playback and editing technologies and new uses in conventional media.

These matters manifest themselves in some of societies most complex and contentious issues, including the downloading of musical content over the Internet using file-sharing software, the use of digital decoders to receive scrambled TV signals and the sale of computers which have the capability to duplicate CDs and DVDs.

The February 2, 2004 Throne Speech identified a related objective of promoting and disseminating Canada's cultural products and works around the world. The judicious and efficient operation of the Board will assist in getting timely and broad distribution for our creations to international audiences.

The Copyright Board of Canada recognizes the need to ensure an effective and efficient copyright regulatory regime in order to attain the maximum productivity in those sectors that create and use copyrighted works. Further, the strategic outcomes of a fair and competitive marketplace and reasonable opportunities for Canadian firms to export goods and services in the music content creation and programming areas, as well as the downstream broadcasting, publishing and entertainment industries will be impacted by the performance of the Copyright Board.

In general, the Copyright Board is focused on two strategic outcomes: I) improving the efficiency of its regulatory processes; and ii) achieving fair decision-making which provides proper incentives for the creation and use of copyrighted works to benefit copyright owners and users in their domestic and international business opportunities.

## 2.2 Plans and Priorities by Strategic Outcome

Strategic Outcomes	Priorities	Type of Priority
1. Improving the efficiency of the regulatory process	1. Minimizing costs of participating in the hearings while ensuring a fair process and decision. 2. Facilitation of hearing process by providing appropriate guidance, information and analysis.	- Ongoing  - Ongoing
2. Achieving fair decision-making to provide proper incentives for the creation and use of copyrighted works	3. Timely, fair and consistent decisions. 4. Greater participant satisfaction in the hearing process. 5. Demonstrated leadership in the domestic and international arenas to advance the analytical framework for decisions and the regulatory processes for tariff-setting. 6. Responsiveness to the challenges of new technologies and their impact on the use of copyrighted works.	- Ongoing  - Ongoing  - Ongoing  - Ongoing

Strategic Outcome
<p><b>1. Improving the Efficiency of the Regulatory Process</b></p> <ul style="list-style-type: none"> <li>• The Board is looking at ways to improve efficiency of the hearing process by minimizing the overall participants' expenses while ensuring that the process and the tariffs remain fair and equitable.</li> <li>• The bulk of the Board's resources is expended on the next strategic outcome (fair and informed decision-making), although the Vice-Chairman of the Board and its Secretary General may spend up to 50 per cent of their time in the pursuit of this strategic outcome. Up to 10 per cent of remaining resource time of other personnel may go toward improving the efficiency of the regulatory process.</li> </ul>

<b>Key Partners</b>
<ul style="list-style-type: none"> <li>The key partner groups in this endeavor are the private interest parties who appear before the Board. They are representatives of the various collective societies that represent rights owners such as the Society of Composers, Authors and Music Publishers of Canada (SOCAN), the Neighbouring Rights Collective of Canada (NRCC), the Canadian Private Copying Collective (CPCC) and associations and organisations representing users of copyrighted works such as the Canadian Association of Broadcasters (CAB) and the hotel and restaurant associations.</li> </ul>
<b>Key Targets and Overall Results</b>
<ul style="list-style-type: none"> <li>Key targets for this outcome include procedures for the Board that will produce fair tariffs while minimizing the time of the tariff hearing process.</li> <li>Although parties appearing before the Board tend to be adversarial, there seems to be a common agreement that improved regulatory process will benefit all parties. On the basis of this recognized common benefit, the Board is continually exploring means to reduce regulatory burden.</li> </ul>
<b>Program, Resources and Results Linkages</b>
<ul style="list-style-type: none"> <li>There are no identifiable causal expenditures related to this program other than the salaries of Board's members and staff.</li> </ul>

<b>Strategic Outcome</b>
<p><b>2. Achieving Fair Decision-making</b></p> <ul style="list-style-type: none"> <li>The Board's decisions materially affect the terms under which owners of copyrighted works are compensated and, by extension, the prices that are paid by users of copyrighted works. The economic health of the music industry, as well as the related broadcast, film, publishing and entertainment technology industries, depends on the fairness of the Board's decisions. The quality of the Board's decisions will directly impact the productivity and competitiveness of these industrial sectors.</li> <li>Roughly 90 per cent or more of the Board's resources are directed toward producing fair, balanced and rigorously reasoned decisions.</li> </ul>
<b>Key Partners</b>
<ul style="list-style-type: none"> <li>There are no key partnership arrangements in the Board's pursuit of this strategic outcome.</li> </ul>

### **Key Targets and Overall Results**

- Key targets include gaining greater participant satisfaction in decisions that are timely, fair and consistent.
- The Board is also targeting a continued leadership role in identifying best practices in common with similar bodies in other countries.
- As parties appearing before the Board are usually adversarial, there is a constant challenge to gain widespread satisfaction with the Board's decisions.

### **Program, Resources and Results Linkages**

- The Board is examining alternative processes to assess participant satisfaction and methods for ongoing improvement to the hearing process.
- Regarding international leadership in copyright regulation, the Board organized an International Conference on National Copyright Administration in the fall of 2003 which was attended by copyright administrators from around the world. The Board is providing the secretariat function for this developing association and is working with other countries to hold the next conference in 2005-2006.

### **Details for Strategic Outcomes and Priorities**

The first strategic outcome (Improving efficiency of the regulatory process) has two priorities: I) minimizing costs of participation in hearings while ensuring a fair process and decision; and ii) facilitation of the hearing process by providing appropriate guidance, information and analysis.

Minimizing participation costs of the regulatory process is expected to have the result of encouraging the participation of appropriate parties, streamlining the process, providing more timely decisions and leading to the most satisfactory decisions. The monitoring of these planned results will be achieved by initially conducting a survey of hearing participants, with follow-up examination and determination of alternative procedural practices to improve the efficiency of the regulatory process. The rationale for this priority is directly related to the federal government's program to improve regulatory efficiency. To the extent that this priority also leads to fairer decision-making, the overall innovation capability of parties affected by the copyright tariff process will be improved.

Facilitation through guidance, information and analysis is expected to have the result of having better informed parties and better quality of tariff decisions. The achievement of this result is directly monitored through timely conduct of hearing processes and the lack of interruption in proceedings due to administrative and technical delays. Initiatives designed to achieve this result include pre-hearing meetings with interested parties, telephone advisories, and case management meetings with legal representatives. In addition, the implementation of a pre-hearing joint statement of (non-contested) facts and

handling of legal issues solely through written submissions will improve the efficiency of the process. The rationale underlying this priority is to minimize the administrative costs to Canadians from the setting of tariffs and to streamline the process in the face of increasing complexities in hearing subject matter.

The second strategic outcome involves achieving fair decision-making to provide proper incentives for the creation and use of copyrighted works. There are four priorities associated with this strategic outcome: i) timely, fair and consistent decisions; ii) greater participant satisfaction; iii) domestic and international leadership; and iv) responsiveness to technological change.

Over the next three years, the Board's priority of timely, fair and consistent decision-making will be challenged by an ever-changing technological environment, global events and new business models. These challenges will continue to be met, and risk minimized, by engaging in pre-hearing consultations, information gathering and web site postings. These procedures will assist in conducting well-organized proceedings which address key issues facing copyright-related industries.

The priority of greater participant satisfaction is closely linked to the timeliness and orderly conduct of formal proceedings. The Board plans to continue to examine (for each proceeding over the next three years) how to structure and sequence witnesses and hearing stages so as to eliminate duplication and maximize time spent on relevant issues.

In addition, in 2004-2005 the Board will examine alternatives to current procedures based upon input from hearing participants as part of a plan to develop and implement a more active involvement in pre-hearing information gathering aimed at reducing time and cost to participants while safeguarding the fairness of procedures.

Leadership in copyright matters will continue to build on the groundwork performed in 2003-2004, as noted in the Departmental Planning Report of that year. The Board plans to continue its leadership role in the establishment and expansion of international activities such as sharing of procedures, data, analysis and other information. In this regard, the Board will continue its work on the establishment of a formal international body of copyright tribunal administrators.

The Board expects to play a key organisational role in arranging fora to bring the international community together. The next major forum is targeted for 2005. The Board views its leadership within the international community as a primary horizontal initiative over the next three years.

The international initiative is also a key tool in addressing the challenges of changing technology and the impact of global events. By comparing experiences across different countries, the Board expects to gain early warning of significant developments and their likely impacts on the Canadian situation.

Among the most significant risks which the Board faces in achieving its strategic outcomes are the potentially disruptive impact of new technologies (i.e., in terms of how copyright material is utilized, distributed and monitored). The Board's approach to managing the technology risk is to systematically monitor relevant journals, other publications and web-sites, and to attend industry seminars and conferences (such as the international fora noted earlier). The rationale for the Board's "screening" activities is to identify and assess industry trends before they undermine existing copyright regimes.

## **2.3 Mandate, Role and Responsibilities**

### **Mandate**

The mandate of the Copyright Board of Canada is set out in the *Copyright Act* (the *Act*) as amended in 1997.

The Board's jurisdiction extends to the following four areas (the manner in which the Board is seized of a matter is indicated between brackets):

1. Copyright in works
  - Public performance of music (compulsory filing of tariffs);
  - Retransmission of distant signals (compulsory filing of tariffs);
  - Other rights administered collectively (optional filing of tariffs);
  - Other rights administered collectively (arbitration of conditions of licences, upon request from a collective society or a user);
  - Issuance of licences when the rights owner cannot be located (upon request by the potential user).
2. Copyright in performers' performances and sound recordings
  - Public performance of recorded music (compulsory filing of tariffs);
  - Other rights administered collectively (optional filing of tariffs);
  - Other rights administered collectively (arbitration of conditions of licences, upon request from a collective society or a user);
  - Issuance of licences when the rights owner cannot be located (upon request by the potential user).
3. Private copying of recorded musical works, recorded performers' performances and sound recordings
  - Reproduction for private use (compulsory filing of tariffs).
4. Off-air taping and use of radio and television programs for educational or training purposes (works, performances, sound recordings and communication signals)
  - Reproduction and public performance (compulsory filing of tariffs).

## **Role**

The Board is an economic regulatory body empowered to establish, either mandatorily or at the request of an interested party, the royalties to be paid for the use of copyrighted works, when the administration of such copyright is entrusted to a copyright collective society. Moreover, the Board supervises agreements between users and licensing bodies, issues licences when the copyright owner cannot be located, and may determine the compensation to be paid by a copyright owner to a user when there is a risk that the coming into force of a new copyright might adversely affect the latter.

The Board has powers of a substantive and procedural nature. Some powers are granted to the Board expressly in the *Copyright Act*, and some are implicitly recognized by the courts. The Board is a court of record and has powers to hold hearings and issue subpoenas.

## **Responsibilities and Organization**

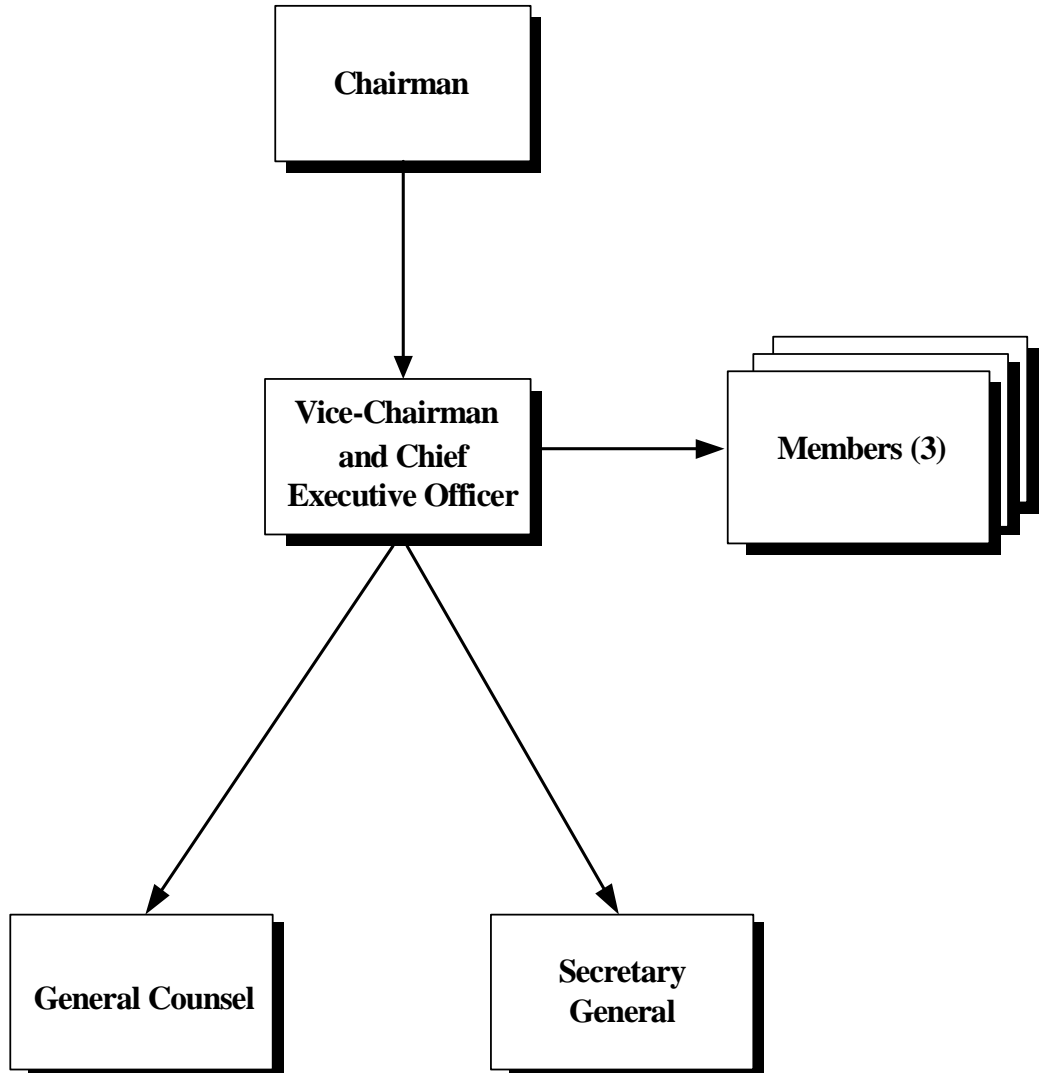
Board members are appointed by the Governor in Council to hold office during good behaviour for a term not exceeding five years. They may be reappointed once.

The *Act* requires that the Chairman must be a judge, either sitting or retired, of a superior, county or district court. The Chairman directs the work of the Board and apportions its caseload among the members.

The *Act* also designates the Vice-Chairman as Chief Executive Officer of the Board. He or she exercises direction over the Board and supervises its staff.

The organisational structure of the Board follows the requirements set out in section 66 and following sections of the *Copyright Act*.

**Accountability**



**Program:** Copyright Board of Canada  
**Business Line:** Copyright Royalty Decisions

**The Board has five Governor in Council appointees and 12 Full time equivalents.**



## 2.4 Board's Planned Spending

(thousands of dollars)	Forecast Spending 2003-2004 <sup>1</sup>	<b>Planned Spending 2004-2005<sup>3</sup></b>	Planned Spending 2005-2006	Planned Spending 2006-2007
Copyright Board of Canada				
Budgetary Main Estimates (gross)	2,471	<b>2,539</b>	2,537	2,537
Less: Respendable revenue	-	-	-	-
<b>Total Main Estimates</b>	2,471	<b>2,539</b>	2,537	2,537
Adjustments (Planned Spending not in Main Estimates) <sup>2</sup>				
- Salary increases, collective bargaining agreements and 5% carry forward	49			
- Implementation of the revised policies on evaluation and internal audit	20			
Total Adjustments	69			
<b>Net Planned Spending</b>	2,540	<b>2,539</b>	2,537	2,537
Plus: Cost of services received without charge	295	<b>339</b>	339	339
<b>Net cost of Program</b>	2,835	<b>2,878</b>	2,876	2,876
<b>Full Time Equivalents<sup>4</sup></b>	12	<b>12</b>	12	12

<sup>1</sup> Reflects the best forecast of total net planned spending to the end of the fiscal year.

<sup>2</sup> Adjustments are to accommodate approvals obtained since the Main Estimates and to include Supplementary Estimates and other in-year approved adjustments. The Board also received funding for the implementation of the revised policies on evaluation and internal audit .

<sup>3</sup> In 2004-2005, the Board received an increase of \$68,000 which reflects compensation for salary increases and collective bargaining agreements.

<sup>4</sup> Members who are appointed by the Governor in Council are not included in this category.

## **Section III: Plans, Results, Activities and Resources**

### **3.1 Business Line Details**

The Copyright Board of Canada has only one single business line.

#### **Business Line Title**

The Copyright Board of Canada's single line of business is Copyright Royalty Decisions.

#### **Business Line Objective**

The Copyright Board of Canada's program objective is to serve Canadians by establishing royalties that are fair and equitable to both copyright owners and the users of copyright-protected works, and to issue non-exclusive licences authorizing the use of works when the copyright owner cannot be located.

#### **Business Line Description**

The Copyright Board of Canada was established on February 1, 1989, as the successor of the Copyright Appeal Board. Its responsibilities under the *Copyright Act* are to:

- certify tariffs for the public performance or the communication to the public by telecommunication of musical works and sound recordings [sections 67 to 69];
- certify tariffs, at the option of a collective society referred to in section 70.1, for the doing of any protected act mentioned in sections 3, 15, 18 and 21 of the *Act*. [sections 70.1 to 70.191];
- set royalties payable by a user to a collective society, when there is disagreement on the royalties or on the related terms and conditions [sections 70.2 to 70.4];
- certify tariffs for the retransmission of distant television and radio signals or the reproduction and public performance by educational institutions, of radio or television news or news commentary programs and all other programs, for educational or training purposes [sections 71 to 76];
- set levies for the private copying of recorded musical works [sections 79 to 88];
- rule on applications for non-exclusive licences to use published works, fixed performances, published sound recordings and fixed communication signals, when the copyright owner cannot be located [section 77];
- examine, at the request of the Commissioner of Competition appointed under the *Competition Act*, agreements made between a collective society and a user which

have been filed with the Board, where the Commissioner considers that the agreement is contrary to the public interest [sections 70.5 and 70.6];

- set compensation, under certain circumstances, for formerly unprotected acts in countries that later join the Berne Convention, the Universal Convention or the Agreement establishing the World Trade Organisation [section 78].

In addition, the Minister of Industry can direct the Board to conduct studies with respect to the exercise of its powers [section 66.8].

Finally, any party to an agreement on a licence with a collective society can file the agreement with the Board within 15 days of its conclusion, thereby avoiding certain provisions of the *Competition Act* [section 70.5].

### **3.2 Modern Comptrollership**

The implementation of Modern Comptrollership (MC) will continue to be a key priority for the Copyright Board. The Board will continue to work in partnership with three other small quasi-judicial agencies namely, the Canadian Artists and Producers Professional Relations Tribunal, the Competition Tribunal, and the Transportation Appeal Tribunal (formerly the Civil Aviation Tribunal) who have formed a cluster group to implement MC. Most of the activities listed in both the Cluster Group MC Action Plan and the Board's Individual MC Action Plan were completed in 2003-2004.

The focus for the cluster group in 2004-2005 will be on sustaining MC and building on the work undertaken in 2003-2004 related to implementing the Internal Audit and Evaluation policies, the Integrated Risk Management Framework and Values and Ethics. In addition, the cluster group will look at the feasibility of developing a performance measurement framework and conduct an analysis of current performance indicators to determine their appropriateness.

Relative to its Individual MC Action Plan, in 2004-2005 the Board intends to examine alternatives to current procedures based upon input from hearing participants. The Board will continue to develop and implement its existing "interested party" satisfaction and feedback system over the next three years. The Board also intends to evaluate the demand and possible processes for electronic filing.

### **3.3 Service Improvements**

Progressive implementation of e-filing of tariff applications and associated documents is continuing with the involvement of the Board's clients. The Copyright Board is following closely the Federal Court of Canada's e-filing initiative to develop agreed standards and process for Canadian courts and tribunals. The already substantive Board Web site at [www.cb-cda.gc.ca](http://www.cb-cda.gc.ca) will be further developed and used for rapidly communicating with the Board's Canadians and international constituency.

### 3.4 Key Results Commitments, Planned Results, Related Activities and Resources

Copyright Board of Canada			
Key Results Commitments	Planned Results	Related Activities	Resources (\$)
<p>To serve Canadians by:</p> <ul style="list-style-type: none"> <li>• Establishing royalties which are fair and equitable to both copyright owners and users of copyright-protected works.</li> <li>• Issuing non-exclusive licences authorizing the use of published works when the copyright owner cannot be located.</li> <li>• Providing authoritative information about copyright law, Board decisions, regulations and activities.</li> <li>• Improving service to Canadians.</li> </ul>	<p>Sound, thorough, efficient and well-reasoned tariff decisions which are fair and equitable.</p> <p>To process in a timely manner all licence applications for use of works when a copyright owner cannot be located.</p> <p>Effective communication to parties regarding applications and information for Canadians about the Board's decisions, activities and copyright regulations.</p> <p>Improved client satisfaction (collective societies and users) evidenced by rapid electronic communication of tariff proposals and Board's decisions through the Board's Web site, electronic filing of objections, relevant evidence and correspondence, the establishment of fair and equitable tariffs.</p>	<p>Sound conduct of Board's hearings and other processes related to Board's decisions. Full analysis and consideration of evidence. Appointment of qualified Staff. Continuing education for Members and Staff on Administrative and Copyright Law. Enhanced legal, regulatory process and economic research capability.</p> <p>Continued efforts to streamline the unlocatable copyright owner licence process.</p> <p>Continued development of the Board's Web site. Regular client contact and participation in public meetings and fora to explain mandate and activities of the Board. Publication and wide distribution of detailed Annual Report.</p> <p>Professional, courteous and expeditious service to clients. Tight schedules for filing evidence and holding hearings. Parameters for issues Board is willing to examine and the type of evidence it would like to see presented on these issues. Motivate small users to collectively present views to the Board. Accelerated certification for non-contested tariffs before they come into force. In consultation with Board clients to evolve to full e-filing and the use of electronic documents at Board's tariff application hearings. Aligning the comptrollership function to focus on results and values so as to better serve Canadians.</p>	<p>2004-2005 \$2,539,000</p> <p>2005-2006 2006-2007 \$2,537,000</p>

## Section IV: Annexes

### Annex 1: Net Cost of Program for the Estimates Year

<b>Copyright Board of Canada</b>	(thousands of dollars)
Net Planned Spending (Gross Budgetary and Non-budgetary Main Estimates plus Adjustments)	<b>2,539</b>
<i>Plus: Services Received without Charge</i>	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	<b>216</b>
Contributions covering employers' share of employees' insurance premiums and expenditures paid by TBS	<b>123</b>
	<b>339</b>
<i>Less: Non-respendable Revenue</i>	-
<b>2004-2005 Net cost of Program</b>	<b>2,878</b>

### Annex 2: Regulatory Initiatives

<b>Regulations</b>	<b>Planned Results</b>
Regulations Establishing the Period for Royalty Entitlements of Non-members of Collective Societies (Retransmission).	To update regulations so as to reflect recent changes in the enabling legislation.
Regulations Establishing the Period of Royalty Entitlements of Non-members of Collective Societies (Educational Rights).	To adopt regulations that will set the delays within which claims by non-members of a society can validly be made.

### **Annex 3: Other Information on the Copyright Board of Canada**

*Copyright Act*, R.S.C., 1985, c. C-42

Act modifying the *Copyright Act*, S.C., 1997, c. 24

#### **References**

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Web site: [www.cb-cda.gc.ca](http://www.cb-cda.gc.ca)

(The content includes: decisions of the Board, proposed tariffs, certified tariffs, upcoming schedule for hearings, international copyright administration information, links about copyright collective societies and the *Copyright Act* and Regulations.)