

ONLINE MUSIC SERVICES /
SERVICES DE MUSIQUE EN LIGNE

SOCAN Tariff 22.A (2007-2010) and CSI Tariff (2008-2010) /
Tarif 22.A de la SOCAN (2007-2010) et Tarif de CSI (2008-2010)

LIST OF EXHIBITS FILED / LISTE DE LA PREUVE DÉPOSÉE

CMRRA/SODRAC (CSI)

- CSI-1: ***Contains Confidential Information*** – Statement of Case of CMRRA/SODRAC Inc.
[filed April 30, 2010]
(public version available)
- CSI-1.A: ***Contains Highly Confidential Information*** – Supplementary Statement of Case of
CMRRA/SODRAC Inc.
[filed June 9, 2010]
(public version available)
- CSI-2: Witness Statement of Caroline Rioux, CMRRA, Lori Ellis, CMRRA and Joël Martin,
SODRAC (with Appendix A)
[filed April 30, 2010]
- CSI-3: ***Contains Highly Confidential and Confidential Information*** – *The Value of the Use
of the Repertoire of CSI by Online Music Services*, prepared by Paul Audley, Paul
Audley & Associates Ltd. and Douglas Hyatt, Professor, Rotman School of
Management and Centre for Industrial Relations, University of Toronto, April 29,
2010 (with Appendices A to G)
[filed April 30, 2010]
(public version available)
- CSI-4: ***Contains Confidential Information*** – Apple Replies to CSI Interrogatories Relied
Upon (with Appendices A to C)
[filed April 30, 2010]
(public version available)
- CSI-5: ***Contains Highly Confidential Information*** – Bell Canada Replies to CSI
Interrogatories Relied Upon (with Appendices A to C)
[filed April 30, 2010]
(public version available)

- CSI-6: **Highly Confidential** – EMI Music Canada Replies to CSI Interrogatories Relied Upon (with Appendices A to D)
[filed April 30, 2010]
- CSI-7: Rogers Wireless Replies to CSI Interrogatories Relied Upon (with Appendices A to C)
[filed April 30, 2010]
- CSI-8: **Highly Confidential** – Sony Music Canada Replies to CSI Interrogatories Relied Upon (with Appendices A to H)
[filed April 30, 2010]
- CSI-9: **Contains Confidential Information** – Telus Replies to CSI Interrogatories Relied Upon (with Appendices A and B)
[filed April 30, 2010]
(public version available)
- CSI-10: **Highly Confidential** – Universal Music Canada Replies to CSI Interrogatories Relied Upon (with Appendices A to D)
[filed April 30, 2010]
- CSI-11: **Highly Confidential** – Warner Music Canada Replies to CSI Interrogatories Relied Upon (with Appendices A to E)
[filed April 30, 2010]
- CSI-12: **Contains Highly Confidential Information** – *Comments on the Reports Filed by Dr. Tasneem Chipty and by Dr. George Barker*, prepared by Dr. Marcel Boyer, Emeritus Professor of Economics, Université de Montréal, June 9, 2010 (with Appendices A to D)
[filed June 9, 2010]
(revised version filed June 16, 2010)
(public version available)
- CSI-13: **Contains Highly Confidential and Confidential Information** – *Response to the Chipty Report (Exhibit Apple-3) and the Barker Report (Exhibit CRIA-4)*, prepared by Paul Audley, President, Paul Audley & Associates Ltd. and Douglas Hyatt, Professor, Rotman School of Management and Centre for Industrial Relations, University of Toronto, June 9, 2010 (with Appendices A to C)
[filed June 9, 2010]
(revised versions filed June 16 and June 23, 2010)
(public version available)

- CSI-14: ***Contains Highly Confidential Information*** – *Comments on the Liebowitz Report (Exhibit SOCAN-4)*, prepared by Paul Audley, President, Paul Audley & Associates Ltd. and Douglas Hyatt, Professor, Rotman School of Management and Centre for Industrial Relations, University of Toronto, June 9, 2010
[filed June 9, 2010]
(revised version filed June 24, 2010)
(public version available)
- CSI-15: *CSI Presentation – Online Music Services Tariff, June 22, 2010*, PowerPoint Presentation, presented by the CSI Witness Panel during their testimonies
[filed and revised June 22, 2010]
- CSI-16: ***Contains Highly Confidential Information*** – *Copyright Board of Canada – Online Music Services – CSI Online Music Tariff (2008-2010) – SOCAN Tariff 22.A (2007-2010)*, June 2010, PowerPoint Presentation, presented by Professor Marcel Boyer during his testimony
[filed June 22, 2010]
(revised versions filed June 24 and June 29, 2010)
(public version available)
- CSI-17: *Learn to think inside the box*, article by Rick Spence, Financial Post, June 16, 2010 (from Canada.com)
[filed June 22, 2010]
- CSI-18: Responses to the undertakings given by the CSI Panel on June 22, 2010 with respect to a breakdown for the sales identified by CSI
[filed June 24, 2010]
- CSI-19: ***Highly Confidential*** – *Telus Reply to Interrogatory CSI/SOCAN-12*, revised April 14, 2010
[filed June 25, 2010]
- CSI-20: *iTunes Store Top Music Retailer in the US*, Press Release, April 3, 2008
[filed June 28, 2010]
- CSI-21: *The NPD Group: Amazon Ties Walmart as Second-Ranked U.S. Music Retailer, Behind Industry-Leader iTunes – Digital music continued to gain on CDs in the first quarter, as iTunes increased its lead in overall U.S. music sales*, Press Release, May 26, 2010
[filed June 28, 2010]
- CSI-22: *The Nielsen Company and Billboard's 2009 Canadian Industry Report – Canadian Album Sales Down 2.2% in 2009 – Digital Track and Digital Album Sales Reach New Highs*, Press Release, February 4, 2009, Scoop Marketing
[filed June 28, 2010]

- CSI- 23: *Ventes d'enregistrements sonores au Québec : Les albums québécois maintiennent leur vente en 2009*, article par Claude Fortier, chargé de projet, OCCQ, Statistiques en bref, Observatoire de la culture et des communications du Québec, n° 61/Juin 2010 [déposée le 28 juin 2010]
- CSI-24: **Highly Confidential** – iTunes Store Tracker Survey – FYQ4 2008, Apple Market Research & Analysis, March 2009 [filed June 28, 2010]
- CSI-25: **Highly Confidential** – iTunes Canada Plan – 2008, by Peter Lowe and Lane Dunlop, December 16, 2009 [filed June 28, 2010]
- CSI-26: Slides used during the cross-examination of Eddy Cue [filed June 28, 2010]
- CSI-27: **Contains Confidential Information** – Excerpt of Transcript from the *SOCAN Tariff 16 – Music Services for Background Use (2007-2008)* Proceeding, Copyright Board of Canada, January 2008 [filed June 28, 2010]
- CSI-28: CSI Response to Question posed by the Copyright Board in it's Order of June 18, 2010 [filed June 29, 2010]
- CSI-29: **Contains Highly Confidential Information** – Slides used during the cross-examination of Dr. Tasneem Chipty [filed June 29, 2010] (*public version available*)
- CSI-30: **Highly Confidential** – Excerpt of Transcript from the *CSI Online Music Services 2005-2007* Proceeding, Copyright Board of Canada, September 18, 2006, Vol. 6 [filed June 29, 2010]
- CSI-31: Excerpt of Transcript from the *CSI Online Music Services 2005-2007* Proceeding, Copyright Board of Canada, September 18, 2006, Vol. 9 [filed June 29, 2010]
- CSI-32: **Highly Confidential** – iTunes Music Store Business P&L Q105 - Q206 – APPLE CONFIDENTIAL (Canada) [filed June 28, 2010]

- CSI-33: *MarketWatch – A Weekly National Music Sales Report*, Week Ending: December 30, 2007, Compiled and provided by Nielsen SoundScan Canada
[filed June 29, 2010]
- CSI-34: *MarketWatch – A Weekly National Music Sales Report*, Week Ending: December 28, 2008, Compiled and provided by Nielsen SoundScan Canada
[filed June 29, 2010]
- CSI-35: **Highly Confidential** – Response to Interrogatory Number 12 (CRIA - SONY BMG)
[filed June 29, 2010]
- CSI-36: **Highly Confidential** – Response to Interrogatory Number 17 (CRIA - SONY BMG)
[filed June 29, 2010]
- CSI-37: **Highly Confidential** – Response to Interrogatory Number 12 (CRIA - Warner)
[filed June 29, 2010]
- CSI-38: **Highly Confidential** – Response to Interrogatory Number 17 (CRIA - Warner)
[filed June 29, 2010]
- CSI-39: Excerpt from a Service bulletin – *Sound Recording and Music Publishing*, Service Industries Division, Statistics Canada, 2008
[filed June 29, 2010]
- CSI-40: *Where your money goes – Average cost of a CD purchased in Canada \$14.99*, Pie Chart used by Graham Henderson during his testimony in the *CSI Online Music Services 2005-2007* Proceeding, Copyright Board of Canada, September 2006
[filed June 29, 2010]
- CSI-41: Canadian Soundscan Year-End Figures for 2005-2009 and U.S. Soundscan Year-End Figures for 2005-2009
[filed June 30, 2010]
- CSI-42: **Contains Highly Confidential and Confidential Information** – Outline of Final Submissions of CMRRA-SODRAC Inc.
[filed July 7, 2010]
(public version not available)
- CSI-43: **Highly Confidential** – Summary of Appendix C to Exhibit Apple-2 (Cue Witness Statement), Comparison of Minimum Rates in Three Scenarios for Calendar Quarter – January 2010 to March 2010
[filed July 7, 2010]

Society of Composers, Authors and Music Publishers of Canada (SOCAN)

- SOCAN-1: Statement of Case of SOCAN
[filed April 30, 2010]
- SOCAN-1.A: Reply Statement of Case of SOCAN
[filed June 9, 2010]
- SOCAN-2: SOCAN Proposed Tariff 22.A (2007 to 2010)
[filed April 30, 2010]
- SOCAN-3: Witness Statement of Marc Paquette, Team Leader, Media / Customer Operations /
Licensing Department, SOCAN
[filed April 30, 2010]
- SOCAN-4: ***Contains Highly Confidential Information*** – *Economic Analysis of SOCAN
Tariff 22.A*, prepared by Dr. Stanley J. Liebowitz, Professor of Economics,
University of Texas at Dallas, April 30, 2010 (with Appendices A to C)
[filed April 30, 2010]
(public version available)
- SOCAN-4.A: ***Contains Highly Confidential Information*** – *Comments on Professor Barker’s
“Online Music Services: SOCAN Tariff 22.A (2007-2010) and
CMRRA/SODRAC Inc. Tariff (2008-2010) Valuation Analysis”*, prepared by
Dr. Stanley J. Liebowitz, Professor of Economics, University of Texas at Dallas,
June 9, 2010 (with Appendix A)
[filed June 9, 2010]
(public version available)
- SOCAN-4.B: ***Contains Highly Confidential Information*** – *Comments on Professor Chipty’s
“Economic Analysis of Reasonable Royalty Rates for the Reproduction and
Communication of Musical Works, in Canada, by Online Music Services”*,
prepared by Dr. Stanley J. Liebowitz, Professor of Economics, University of Texas
at Dallas, June 9, 2010
[filed June 9, 2010]
(public version available)
- SOCAN-4.C: ***Contains Highly Confidential Information*** – Revised Tables for Liebowitz
Reports
[filed June 21, 2010]
(public version available)
- SOCAN-5: ***Contains Highly Confidential and Confidential Information*** – Responses to
Interrogatories Relied Upon
[filed April 30, 2010]
(public version available)
- SOCAN-6: Screen shots from the InMusic MP3 Store / Boutique MP3 EnMusique, Bell

Music Store Website
[filed June 25, 2010]

SOCAN-7: Screen shots, myTELUS Website
[filed June 25, 2010]

SOCAN-8: SOCAN Response to Question posed by the Copyright Board in it's Order of
June 18, 2010
[filed June 28, 2010]

SOCAN-9: Excerpt from *File-Sharing and Copyright*, Working Paper by Felix
Oberholzer-Gee and Koleman Strumpf, Harvard Business School
[filed June 29, 2010]

SOCAN-10: Interrogatories from CMRRA-SODRAC Inc. (CSI) to CRIA and CRIA members
that produce master recordings and/or release pre-recorded CDs, October 23, 2009
[filed June 29, 2010]

SOCAN-11: ***Contains Highly Confidential Information*** – Outline for SOCAN Closing
Argument
[filed July 7, 2010]
(public version available)

SOCAN-12 *Explication of my Results and Response to Dr. Chipty's "Comments on SOCAN's
Response on Displacement Ratio"*, prepared by Dr. Stan J. Liebowitz, Professor of
Economics, University of Texas at Dallas, July 16, 2010
[filed July 16, 2010]

"Cable/Telcos" (*Bell, Rogers, Telus, Vidéotron*)

Cable/Telco-1: Statement of Case of Bell Canada, Rogers Communications Inc., Telus
Communications Company, Vidéotron Ltd. ("Cable/Telcos")
[filed April 30, 2010]

Cable/Telco-2: ***Contains Highly Confidential Information*** – Witness Statement of Nauby
Jacob, Vice President, User Experience & Content, Bell Mobility
[filed April 30, 2010]
(public version available)

Cable/Telco-3: ***Contains Highly Confidential Information*** – Witness Statement of Upinder
Saini, Vice President, Product Development, Rogers Communications Inc.
[filed April 30, 2010]
(public version available)

Cable/Telco-4: ***Contains Highly Confidential and Confidential Information*** – Witness

Statement of Christina Litz, Director, Business Development & Strategic Planning, Content, Telus Communications Company
[filed April 30, 2010]
(revised version filed June 16, 2010)
(public version available)

Cable/Telco-5: ***Contains Highly Confidential Information*** – Witness Statement of Alain Maynard, Vice President, Administration and Finance, Groupe Archambault Inc.
[filed April 30, 2010]
(public version available)

Cable/Telco-6: Supplementary Statement of Case of Bell Canada, Rogers Communications Inc., Telus Communications Company, Vidéotron Ltd. (“Cable/Telcos”)
[filed June 9, 2010]

Cable/Telco-7: Music Video Demonstration during the Cross-Examination of Dr. Stanley J. Liebowitz [electronic file]
[filed June 25, 2010]

Cable/Telco-8: Response to undertaking from Rogers during the Cross-Examination of the Wireless Panel by CSI with respect to songwriter information
[filed June 30, 2010]

Cable/Telco-9: ***Highly Confidential*** – *Comments on SOCAN’s Response on Displacement Ratio*, prepared by Dr. Tasneem Chipty, Charles River Associates, July 5, 2010
[filed July 7, 2010]

Cable/Telco-10: Outline of Final Argument
[filed July 7, 2010]

Apple Inc.

APPLE-1: Statement of Case of Apple Inc.
[filed April 30, 2010]

APPLE-2: ***Contains Highly Confidential and Confidential Information*** – Witness Statement of Eddy Cue, Vice President of Internet Services, Apple Inc. (with Appendices A to C)
[filed April 30, 2010]
(public version available)

- APPLE-3: ***Contains Highly Confidential and Confidential Information*** – *Economic Analysis of Reasonable Royalty Rates for the Reproduction and Communication of Musical Works, in Canada, By Online Music Services*, prepared by Dr. Tasneem Chipty, Charles River Associates, April 29, 2010
[filed April 30, 2010]
(public version available)
(jointly commissioned by Apple and the Cable/Telcos)
- APPLE-3.A: ***Contains Highly Confidential Information*** – Tables, Appendices and Figures to CRA Report (with Appendices 1 to 3)
[filed April 30, 2010]
(public version available)
(jointly commissioned by Apple and the Cable/Telcos)
- APPLE-4: ***Contains Highly Confidential Information*** – *Economic Analysis of Reasonable Royalty Rates for the Reproduction and Communication of Musical Works, in Canada, By Online Music Services*, Rebuttal Report prepared by Dr. Tasneem Chipty, Charles River Associates, June 9, 2010
[filed June 9, 2010]
(public version available)
(jointly commissioned by Apple and the Cable/Telcos)
- APPLE-5: ***Confidential*** – Apple’s Revision of *Table 1 – Comparison of Penny Rates Paid to Authors/Publishers in Canada, Australia, New Zealand, Japan, United Kingdom and the European Economic Area* found in Paul Audley’s Report (Exhibit CSI-13)
[filed June 24, 2010]
- APPLE-6: ***Contains Highly Confidential Information*** – Slides used during testimony of Dr. Chipty
[filed June 28, 2010]
- APPLE-7: ***Highly Confidential*** – Responses to undertakings given by APPLE with respect to Gift Card Sales and Investors Conference Call 2003
[filed July 5, 2010]
- APPLE-8: ***Highly Confidential*** – Response to undertaking with respect to APPLE’s Revenues and Contribution Margins
[filed July 6, 2010]
- APPLE-9: ***Highly Confidential*** – Response to undertaking with respect to head counts for iTunes and iTunes Canada
[filed July 6, 2010]
- APPLE-10: ***Contains Highly Confidential Information*** – Final Argument of Apple Inc.
[filed July 7, 2010]
(public version not available)

Canadian Recording Industry Association (CRIA)

- CRIA-1: Statement of Case of the Canadian Recording Industry Association
[filed April 30, 2010]
- CRIA-2: Witness Statement of Graham Henderson, President, CRIA (with Appendices A and B)
[filed April 30, 2010]
- CRIA-3: Witness Statement of CRIA Financial Panel:
Kevin Dales, Vice President, Finance, EMI Music Canada
Darryl Short, Vice President, Finance, Sony Music Canada
Mark Jones, Vice President, Universal Music Canada, Finance and Information Technology
Neil Kerr, Vice President, Finance, Warner Music Canada
[filed April 30, 2010]
(revised version filed June 25, 2010)
- CRIA-4: ***Contains Highly Confidential Information*** – Valuation Analysis, prepared by Dr. George Barker, Director of the Centre for Law and Economics, Australian National University
[filed April 30, 2010]
(public version available)
- CRIA-4.A: Curriculum Vitæ of Dr. George Barker
[filed June 25, 2010]
- CRIA-4.B: ***Contains Highly Confidential Information*** – Executive Summary and revised Appendices
[filed June 29, 2010]
(public version available)
- CRIA-5: Reply Statement of Case of the Canadian Recording Industry Association
[filed June 9, 2010]
- CRIA-6: ***Contains Highly Confidential Information*** – Reply Report, prepared by Dr. George Barker, Director of the Centre for Law and Economics, Australian National University (Canberra), June 9, 2010 (with Appendix 1)
[filed June 9, 2010]
(revised version filed June 29, 2010)
(public version available)
- CRIA-7: *Downloading Music*, CBC News In Depth: Internet, May 1, 2006
[filed June 25, 2010]
- CRIA-8: ***Contains Highly Confidential Information*** – CRIA Response to Questions posed by the Board in its Order of June 18, 2010

[filed June 27, 2010]
(*public version available*)

CRIA-9: ***Contains Highly Confidential Information*** – Summary of Dr. Barker’s Updated Testimony

[filed June 28, 2010]
(*public version available*)

CRIA-10: Canadian Recording Industry Association – Industry Statistics for the Month of May 2010 (Units and dollars expressed in thousands)

[filed June 29, 2010]

CRIA-11: ***Contains Highly Confidential Information*** – *Evidence-in-chief of Dr. George Barker*, June 29, 2010, PowerPoint Presentation presented by Dr. Barker during his testimony

[filed June 29, 2010]
(*public version available*)
(*revised pages filed June 30, 2010*)

CRIA-12: ***Confidential*** – Using Global Market Rates to Predict Canada’s Royalty (using data in Apple-5 royalty rate data)

[filed June 30, 2010]

CRIA-13: ***Contains Highly Confidential Information*** – Responses to Undertakings on Behalf of Dr. George Barker

[filed July 5, 2010]
(*public version available*)

CRIA-14: Outline of Argument

[filed July 7, 2010]