



# REQUEST FOR INFORMATION

## COPYRIGHT MARKET ANALYSIS

Solicitation No. SDA240025 – N de l'invitation SDA240025

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### 1. Purpose of the Request for Information

- 1 This Request for Information (RFI) invites respondents to respond to a series of questions to assist Canada in refining its approach to procure the services of a respondent to prepare an industry profile report of the copyright market in Canada.
- 2 This RFI is not a solicitation, nor will it be used to pre-qualify or otherwise restrict participation in any future procurement process (e.g. Request for Proposal (RFP)). A contract will not result from this RFI.
- 3 Responses to the RFI will not be used to identify a source list for the purposes of undertaking any future work.
- 4 Responding to this RFI is neither a condition nor a prerequisite for participation in any RFP if the stakeholders proceed with an RFP.
- 5 All responses must be submitted to [procurement@pbc-clcc.gc.ca](mailto:procurement@pbc-clcc.gc.ca).
- 6 Suppliers are encouraged to respond to all relevant questions as openly as possible. Following the close of the RFI, at its discretion, Canada may undertake engagements with respondents to seek further clarification or elaboration on their RFI response.
- 7 Canada will not reimburse any respondent for expenses incurred in responding to this RFI.
- 8 Responses will not be formally evaluated. The responses received will be used by Canada to help develop the solicitation. Canada will review all responses received by the RFI after closing date. Canada may, at its discretion, request a follow-up on responses after the closing date.
- 9 Each respondent should ensure their response is submitted on time.
- 10 There are no security requirements associated with responding to this RFI.
- 11 Responses to this RFI are requested to be presented in either of the official languages of Canada.

### 2. Background

The Copyright Board (CB) is an administrative tribunal and economic regulator, mandated by the *Copyright Act* (the Act) to establish fair and equitable tariffs and licences through timely and efficient processes. The Act requires that the Copyright Board intervenes in three areas, namely approving tariffs for content whose rights are managed by collective societies, the granting of licences for the use of content for which the right owners cannot be found, and intervention by request in the event a collective society and users cannot agree on royalties. The Copyright Board has approximately 25 employees and up to 5 Board members.

Canada grants copyrights to creators through legislation to control how works are used and to receive remuneration from these uses. This is intended to motivate rights holders to pursue their creative endeavours, increasing the benefits to them and society in the long run.

At the same time, granting exclusive rights implies creating monopolies, risks of market power abuse and a requirement for market oversight. Such monopoly regulation exists in a wide range of industries from transport to communications, but also pertains to intellectual property and copyright. It was one of the main reasons for the creation of the Copyright Board's precursor, the Copyright Appeal Board, in 1936.



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While the Act requires the Copyright Board to play a role in the collective administration of copyright, the Board's knowledge of the "market" for copyrights remains limited. The Copyright Board plays a role in the market by setting tariffs of general application and settling individual disagreements, parties are also free to enter into private agreements. In general, it is presumed that a very large part of the authorizations to use copyrighted works transacts through collective management societies ("collective societies"), but this remains to be confirmed.

Information about the Copyright Board can be found at the following link:

<https://cb-cda.gc.ca/en/homepage>

### 3. Scope & Current Thinking

The aim is to consolidate key information on the Canadian copyright industry that is generally either dispersed or not available to the Board. This will enable the Copyright Board to improve its economic knowledge of the industry it oversees. The following is an indicative but not an exhaustive list of key points of interest:

- Overall size of the industry for copyrighted works as a whole;
- Market structure including type and defining characteristics;
- The actors in the Canadian copyright market and their respective roles;
- Market share and revenues generated by type of protected works;
- The proportion of revenues generated through Copyright Board tariffs, agreements, and other ways (e.g., the owner directly, contracting to a company, other)

#### 3.1 SOW summary for the purpose of this RFI

##### 3.1.1 Phase 1 - Needs Analysis and Workplan

The Supplier would meet with the Project Authority (PA) and other stakeholders to discuss the objectives and requirements of the work. Provisional approach and methodology would be discussed as well as internal and external resources identified or provided by the PA to obtain contextual information. Information and sources known to the Copyright Board would be shared, including the Economic Impact of Copyright Industries in Canada, and data from Statistics Canada and other sources. The supplier would be required to submit a draft Workplan (approach, methodology) to the Project Authority for review, feedback, and approval.

##### 3.1.2 Phase 2 Workplan Implementation

The implementation of the approved Workplan would include a draft Copyright Market Analysis report and other identified deliverables to submit to the PA for review and comments. Once the report has been finalized and completed, a presentation of the findings, potential next steps and a question-and-answer period with staff would be required.

##### 3.1.3 Draft Timeline

No.	Deliverable	Content
1	Kick Off Meeting	Discussion on the objectives and Contractor's provisional approach.
2	Submission of Workplan	Contractor to submit a draft Workplan for CB PA review and approval
3	Submission of Phase 2 deliverables	Submission of draft deliverables according to the approved workplan
4	Submission of Phase 2 deliverables	Submission of final deliverables according to the approved workplan
5	Weekly Status Reports	Submission of weekly status reports to the CB PA
6	Close-Out Meeting	Close-out meeting and presenting the report



Copyright Board  
Canada

Commission du droit  
d'auteur du Canada

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### **Annex A Information Questions**

You are encouraged to provide feedback that is as detailed and complete as possible to aid Canada in its preparation for the Copyright Market Analysis.

To aid in Canada's review, please provide references to the paragraph numbers below along with your feedback, in a format of your choice.

#### **1 Evaluation methodology**

1.1 Do you see the possibility of the Copyright Board to request previous projects workplan with similar activities (Developed workplan & methodology) to evaluate companies?

1.1.1 Or, if it is impossible to provide, how would you suggest that CB rate a companies' capacity to develop such a report?

1.2 To evaluate companies, could the Copyright Board propose a Draft timeline for Phase 1 of the project for the Suppliers to input their estimates?

1.2.1 How would the Copyright Board evaluate the cost of the project?

1.2.2 For this type of workplan, what would your typical workforce level, rate and qualifications be?

#### **2 Scope & Current Thinking**

2.1 From the list under section 3. "Scope & Current Thinking" what are the other key points of interest that Copyright Board could benefit from receiving the information.

#### **3 Level of Effort**

3.1 What would be the typical timeline to produce such an analysis by your company?