



Exhibit CPCC-3  
Private Copying Tariff: 2018-2019

The Use of Blank CDs for Music  
Copying in 2018 and 2019: Recent  
Trends and Projections

*THIS VERSION OF THE REPORT REDACTS  
**CONFIDENTIAL** INFORMATION*

Circum Network Inc. for the Canadian Private Copying Collective

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August 9, 2017

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# 1 INTRODUCTION

1. The purpose of this report is threefold. First, it provides the most recent available data on the copying of music onto recordable CDs for those variables considered by the Copyright Board in its decision to certify the 2017 private copying tariff. Second, I develop projections of these data for the years of the proposed tariffs, 2018 and 2019. Finally, I consider these projected figures in light of the standards the Copyright Board has applied in previous private copying decisions to determine whether recordable CDs may still be considered ordinarily used for the purpose of copying music.

This report is a direct update of Exhibit CPCC-3 (Private Copying Tariff: 2017) entitled “The Use of Blank CDs for Music Copying in 2017: Recent Trends and Projections”, dated May 13, 2016, and prepared by Paul Audley, Lisa Freeman, and Benoît Gauthier. The approach taken in the report has not changed; the projections have been updated.

2. A summary CV of the author is attached as Appendix A.

## 2 METHODOLOGICAL CONSIDERATIONS

3. As in all previous proceedings on CPCC's private copying tariffs, all data relied upon in this report with respect to the pattern of music copying in Canada are from the Music Monitor Survey conducted by Circum Network Inc. under the direction of Benoît Gauthier. The 2015-2016 edition of the Music Monitor maintained the tradition of rigour. The questionnaire was refocused on the essential questions that would inform the analysis pertinent to the 2017 tariff – and subsequently the 2018 and 2019 tariffs. The fieldwork continued to be conducted via monthly telephone surveys of the Canadian population aged 12 or more. One thousand interviews were completed each month from April 2015 through March 2016.
4. The survey response rate was much higher than the industry average, hovering between 30% and 35% from month to month. Ultimately, a data set based on 12,013 questionnaires was secured. The data were processed using the same procedures as in previous years, in particular with regard to the truncation of data to avoid the undue influence of extreme values. As in previous years the responses to the survey were also anchored based on a comparison of survey respondents' reported purchases of pre-recorded CDs with the actual level of purchases of pre-recorded CDs. The Music Monitor continues to be the only source of reliable information on the private copying of music in Canada.
5. In the second stage of CPCC's 2015-2016 tariff proceeding, the Copyright Board was presented with two different methodologies for forecasting future values of key data (Exhibit CPCC-4, October 8, 2014). In light of the Board's December 12, 2014 decision, and the subsequent December 16, 2016 decision, this report will apply only the Board's preferred methodology, then labelled "Technique 2", in order to forecast for 2018 and 2019. The technique involved projecting future values by calculating and applying an average percentage change for the period

from 2006 to the present (2013-2014 at that time).<sup>1</sup> It was preferred by the Board for the following two reasons: “First, technique 2 uses more data than does technique 1. Second, technique 2 better tracks the historical changes in the variables.” (2014 Decision, page 6)

6. The preferred technique required the interpolation of values for years where information from the Music Monitor Survey was not available.<sup>2</sup> In order to apply the Board’s chosen approach for the 2018 and 2019 tariffs, it will be necessary in the present analysis to impute survey data for “missing” years and to project trends into two future years. Also since the 2014 proceeding, key data from the Santa Clara Consulting Group have become available for the calendar years 2014 and 2015 and those actual figures now replace the estimates previously used.
7. For convenience in facilitating comparisons with the data relied on in the Board’s 2014 and 2016 decisions on the tariffs for 2015, 2016, and 2017, this report is organized in the same sequence as Exhibit CPCC-4 in the 2014 proceeding and Exhibit CPCC-3 in the 2016 proceeding. This same sequence is reflected in the spreadsheet of data and calculations included with this report as Appendix B. Also for ease of reference, I have reproduced as Appendix C the Appendix A from the 2016 Exhibit CPCC-4 (“Response to July 22, 2016 Notice of the Board” prepared by Paul Audley, Lisa Freeman, and Benoît Gauthier, September 1, 2016); no new data is available to augment the information supplied in 2016.

<sup>1</sup> In contrast, Technique 1 applied only the most recent known values to project future periods, with the rationale that the most recent past may be the best predictor of the immediate future.

<sup>2</sup> The Music Monitor Survey was initiated in 1999-2000 and, beginning in 2001-2002, was carried out based on 1,000 interviews each month (12,000 annually) until 2011-2012. It was suspended in 2012-2013, resumed on April 1, 2013 through March 31, 2014, and then suspended again until April 1, 2015 when it resumed for 12 months.

### 3 ESTIMATED NUMBER OF TRACKS COPIED

8. In past private copying tariff proceedings, the data considered by the Copyright Board has included an estimate of the total number of tracks of recorded music that are copied by individuals. The data used for this purpose have come from the Music Monitor Survey. The most recent Music Monitor data, as reported in the spreadsheet filed as Appendix B, provide an estimate that in 2015-2016 Canadians copied 252.3 million tracks onto blank CDs<sup>3</sup>. This estimated volume of copying represents a slight increase of 0.7% in the number of tracks copied onto blank CDs since the last survey period, 2013-2014.
9. For the period 2006-2007 through 2015-2016, actual data are available for seven of the ten years. Data for 2011-2012, 2012-2013, and 2014-2015 have been interpolated using the known values of the years immediately before and immediately after those periods. Projections for 2016-2017, 2017-2018, 2018-2019, and 2019-2020 can then be calculated based on the average decline of -8.1% in the number of tracks copied onto blank CDs between 2006-2007 and 2015-2016. Note that this is a conservative approach: between 2014 and 2016, there was an increase of 3.4 million tracks copied onto blank CDs, or +1.4% over two years which could indicate the beginning of a behavioral plateau. Since the tariffs for 2018 and 2019 would apply to the calendar years, while Music Monitor Survey data span parts of two calendar years, these projected survey years must be converted into projected calendar years. The resulting estimate is that 200.1 million tracks will be copied onto recordable CDs in 2018 and 183.9 million tracks in 2019.

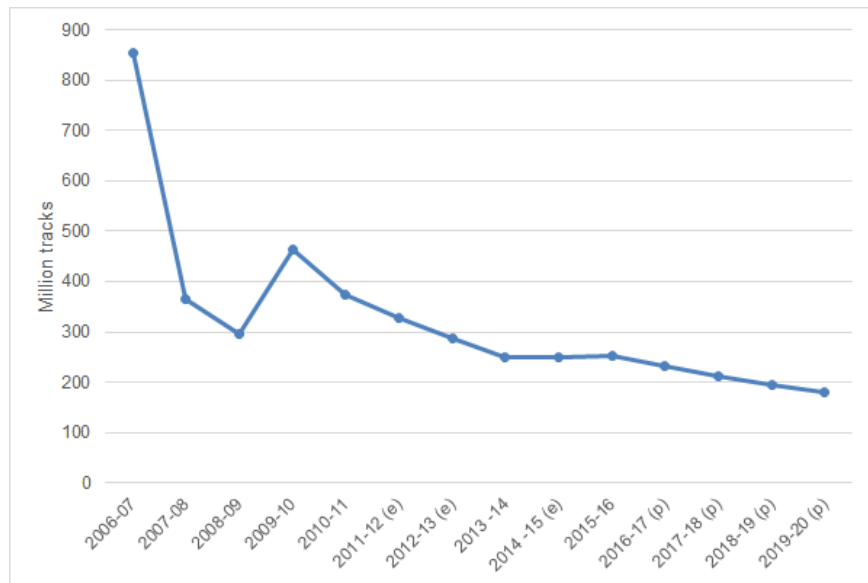
<sup>3</sup> This figure represents the low bound of the estimated volume of music copying on blank CDs. In the results of the 2015-2016 survey, the statistical precision is low, with the mid-point estimate of 376.4 million tracks having a statistical precision of  $\pm 33\%$ . To be conservative and to avoid overstating the anticipated volume of music copying onto blank CDs in 2017 I therefore rely in the calculations that follow on the low bound of the estimate, 252.3.

**TABLE A – Estimate of Tracks Copied onto Blank CDs in 2018 and 2019 Based on 2006-07 to 2015-16**

<b>Music Monitor Years</b>	<b>Tracks (millions)</b>	<b>% change</b>
July 1 2006-June 30 2007 (actual)	853.7	
July 1 2007-June 30 2008 (actual)	364.0	-57.4%
July 1 2008-June 30 2009 (actual)	294.5	-19.1%
July 1 2009-June 30 2010 (actual)	464.1	57.6%
July 1 2010-June 30 2011 (actual)	373.5	-19.5%
July 1 2011-June 30 2012 (est.)	328.3	-12.1%
July 1 2012-June 30 2013 (est.)	288.6	-12.1%
April 1 2013-March 31 2014 (actual)	248.9	-12.1%
April 1 2014-March 31 2015 (est.)	250.6	0.7%
April 1 2015-March 31 2016 (actual)	252.3	0.7%
<b>Average % Change 2006-07 to 2015-16</b>		<b>-8.1%</b>
April 1 2016-March 31 2017 (pr.)	231.9	-8.1%
April 1 2017-March 31 2018 (pr.)	213.1	-8.1%
April 1 2018-March 31 2019 (pr.)	195.8	-8.1%
April 1 2019-March 31 2020 (pr.)	179.9	-8.1%
<b>Calendar Year</b>		
Jan 1 2017-Dec 31 2017 (pr.)	217.8	
Jan 1 2018-Dec 31 2018 (pr.)	200.1	
Jan 1 2019-Dec 31 2019 (pr.)	183.9	

Source: Circum analysis based on Music Monitor data

**CHART A – Estimate of Tracks Copied onto Blank CDs in 2018 and 2019 Based on 2006-07 to 2015-16**





## 4 PERCENTAGE OF ALL TRACKS COPIED ONTO BLANK CDS

10. In previous decisions, in addition to considering the total number of tracks copied onto blank CDs as a determinant of ordinary use, the Board has considered this number expressed as a percentage of all tracks of recorded music that are copied onto media and devices. In this calculation, the Music Monitor Survey also provides the estimated volume of music tracks copied onto all media and devices, which necessarily includes copying onto media and devices that do not qualify as leviable, either because copies made onto devices are excluded as a result of court decisions, or because, as in the case of electronic memory cards, they have been excluded by government regulation.
11. For the 2015-2016 survey period, it is estimated that Canadians copied 2.569 billion tracks of music onto all media and devices (Appendix B). In Table B, below, I again calculate the estimates for missing survey years by applying the percentage change between the years immediately before and immediately after those periods. The estimate of 252.3 million tracks copied onto blank CDs in 2015-2016 is also seen to represent 9.8% of the total 2.569 billion tracks copied.<sup>4</sup>
12. Projecting the total number of tracks that will be copied onto all media and devices in 2017, 2018, and 2019 requires first calculating the average percentage change for the whole period from 2006-2007 through 2015-2016. That percentage (4.1%) is applied to future survey periods 2016-2017, 2017-2018, 2018-2019, and 2019-2020, and then those estimates are converted into calendar year estimates. On that basis, 2.869 billion tracks would be copied in 2018, and 2.987 billion in 2019. If I continue, as above, to rely upon the low bound estimate as representing the volume of copying onto blank CDs, then 7.0% of the

<sup>4</sup> As explained in footnote 3, I use throughout this report the low bound of the estimate of the number of tracks of recorded music copied onto blank CDs: 252.3 million. That figure represents 9.8% of the estimated total number of tracks. This calculation utilizes the midpoint estimate of the total number of tracks copied as opposed to its low bound because the statistical precision is much higher on this estimate than on the estimate of the number of tracks of recorded music copied onto blank CDs.

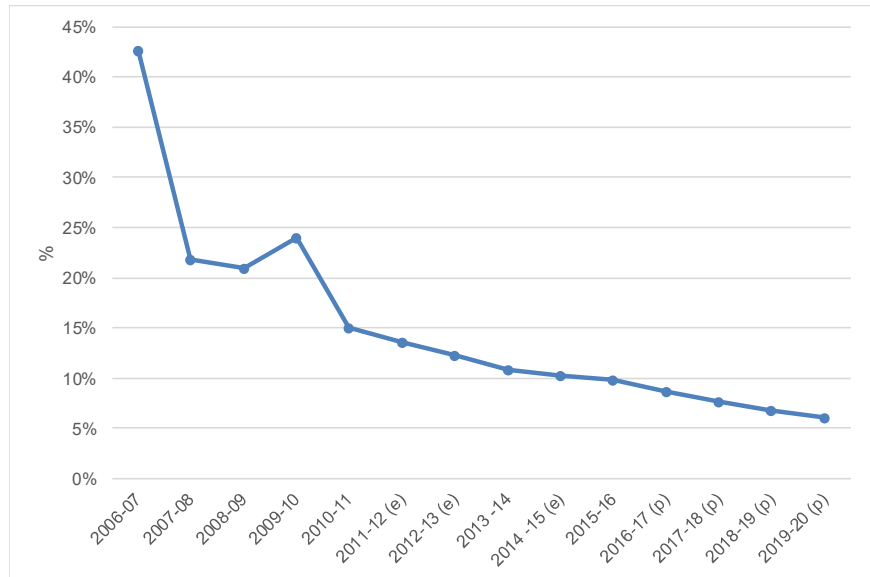
music tracks copied onto all media and devices in 2018 would be copied onto blank CDs, and 6.2% in 2019.

**TABLE B – Estimated Percentage of All Tracks Copied onto Blank CDs in 2018 and 2019, Based on 2006-07 to 2015-16**

Music Monitor Years	# of tracks copied onto blank CDs (millions)	# of tracks copied onto all media and devices (millions)	% change in total # of tracks copied	% of all tracks copied onto blank CDs
July 1 2006-June 30 2007 (actual)	853.7	1998.0		42.7%
July 1 2007-June 30 2008 (actual)	364.0	1671.0	-16.4%	21.8%
July 1 2008-June 30 2009 (actual)	294.5	1409.0	-15.7%	20.9%
July 1 2009-June 30 2010 (actual)	464.1	1931.0	37.0%	24.0%
July 1 2010-June 30 2011 (actual)	373.5	2490.0	28.9%	15.0%
July 1 2011-June 30 2012 (est.)	328.3	2420.3	-2.8%	13.6%
July 1 2012-June 30 2013 (est.)	288.6	2352.5	-2.8%	12.3%
April 1 2013-March 31 2014 (actual)	248.9	2299.0	-2.8%	10.8%
April 1 2014-March 31 2015 (est.)	250.6	2434.6	5.9%	10.3%
April 1 2015-March 31 2016 (actual)	252.3	2568.8	5.9%	9.8%
<b>Average % Change 2006-07 to 2015-16</b>			<b>4.1%</b>	
April 1 2016-March 31 2017 (pr.)	231.9	2674.1	4.1%	8.7%
April 1 2017-March 31 2018 (pr.)	213.1	2783.7	4.1%	7.7%
April 1 2018-March 31 2019 (pr.)	195.8	2897.8	4.1%	6.8%
April 1 2019-March 31 2020 (pr.)	179.9	3016.6	4.1%	6.0%
<b>Calendar Year</b>				
Jan 1 2017-Dec 31 2017 (pr.)	217.8	2756.3		7.9%
Jan 1 2018-Dec 31 2018 (pr.)	200.1	2869.3		7.0%
Jan 1 2019-Dec 31 2019 (pr.)	183.9	2986.9		6.2%

Source: Circum analysis based on Music Monitor data

**CHART B – Estimated Percentage of All Tracks Copied onto Blank CDs in 2018 and 2019, Based on 2006-07 to 2015-16**



## 5 NUMBER OF BLANK CDS PURCHASED BY INDIVIDUALS

13. In past private copying proceedings, the Board has also considered the number of blank CDs sold in the Canadian market that are being purchased by individuals. The calculation to produce that figure uses data from both the Music Monitor Survey and the Santa Clara Consulting Group.
14. Table C, below, provides **CONFIDENTIAL** data regarding the total number of blank CDs sold in Canada for each of the years from 2008 through 2015. Up to and including 2013, those figures are from the annual Santa Clara report, *The Flexible Media Industry for Data Recording, Canadian Market*. That report is not available to us for 2014, 2015 or 2016. Instead, the figures for 2014 and 2015 are taken from the global report published by Santa Clara: *CD Tracker, Trends for CD-R/RW Writer and Media Markets Year End Review* (its **CONFIDENTIAL** Appendix C).<sup>5</sup>
15. Over the period from 2006 through 2015, blank CD sales in Canada declined on a year-over-year basis by an average of just over **XX%**. Since 2012, when sales declined by only **XX%** from the previous year, a steadier trend has again emerged. Both 2014 and 2015 are more in line with the average for the whole period, as the more rapid decline between 2009 and 2011 has not recurred.

<sup>5</sup> While the differences have never been substantial, when figures concerning blank CDs sales in Canada have been available from both the Global CD Tracker Report and the exclusively Canadian Flexible Media Report, I have chosen to rely upon the latter, based on an assessment that it is likely to be more complete and accurate. For 2013, the most recent year for which I have both sets of data available, I note that the Flexible Media figure provided a figure 6.8% higher than the figure reported by CD Tracker. While I am comfortable relying upon the CD Tracker estimates for 2014 and 2015, I note that if figures from the Flexible Media Report were available they might be a little higher and this would result in a somewhat lower estimate of the percentage of all blank CDs sold in Canada that are purchased by individuals.

16. To forecast the level of sales of blank CDs after 2015, I use the average year-over-year decline between 2007 and 2015 to project blank CD sales in 2016, 2017, 2018, and 2019. On that basis, 2018 is projected in Table C, below, to show sales of **XX** million units, declining further to **XX** million units in 2019.

**TABLE C CONFIDENTIAL – Projection of Blank CD sales in 2018 and 2019 Based on Santa Clara Data for 2006 to 2015**

Year	Flexible Media Report Unit CD-R Sales (millions)	% Change
2006	XX	
2007	XX	XX
2008	XX	XX
2009	XX	XX
2010	XX	XX
2011	XX	XX
2012	XX	XX
2013	XX	XX
2014	XX	XX
2015	XX	XX
<b>Average % Change 2006-2015</b>		<b>XX</b>
2016 (p)	XX	XX
2017 (p)	XX	XX
2018 (p)	XX	XX
2019 (p)	XX	XX

Source: Santa Clara data (CONFIDENTIAL Appendix C) and projections (p) by Circum

17. The Santa Clara data on total CD sales in the Canadian market are for calendar years, whereas our data for purchases by individuals are for Music Monitor Survey periods. To calculate, using both sets of data, the proportion of CDs sold that are purchased by individuals, Santa Clara data must be adjusted to match Music Monitor years. The resulting figures are shown in the fourth column of Table D below.
18. Music Monitor data are provided in the second to last column of Table D. To be consistent with the equivalent analyses conducted in 2014 and 2016, I use the low bound estimate for 2015-16. On this basis, I estimate that Canadians purchased 19.01 million blank CDs over this period. (Appendix B)
19. The estimate of 19.01 million units purchased by individuals can then be expressed as a percentage of all blank CDs sold in Canada in 2015-2016. Using our estimate that, over the same 12-month period covered by the Music Monitor Survey, **XX million** blank CDs were sold, I calculate

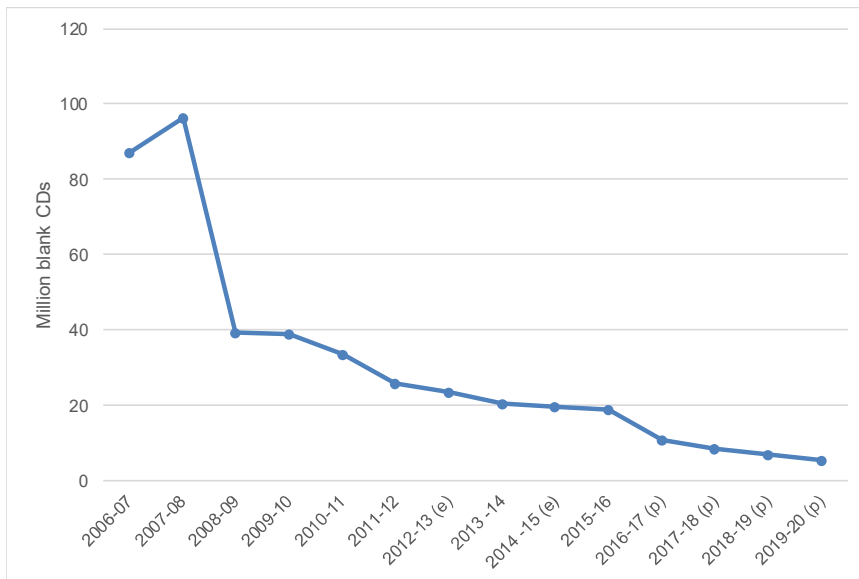
the percentage of all sales accounted for by individual purchases to be an estimated XX% (19.01/XX). If, for reasons noted in footnote 5, the estimate of total sales of blank CDs in the Canadian market were somewhat higher than XX million units, the corresponding percentage represented by purchases by individuals would be somewhat lower.

20. To project this ratio of individual purchases to total purchases of blank CDs, I first calculate the average ratio for the whole period from 2006-2007 through 2015-2016, using the Board's preferred methodology (see paragraph 5 above). The resulting average percentage is XX%. On that basis, I then project four additional Music Monitor years of blank CD purchases by individuals. The resulting estimates are that 6.72 million blank CDs will be purchased in 2018-2019 and 5.36 million in 2019-2020. Combining the relevant months covered by the two Music Monitor periods to produce calendar year figures results in estimates that 7.15 million blank CDs will be sold to individuals in 2018, and 5.70 million in 2019. In assessing ordinary use at paragraphs 37 to 39, below, I rely on this figure, since it is consistent with the overall methodology used in this report. However, for this variable, it may result in a significantly conservative estimate. I note that the projected number of blank CDs purchased by individuals would be substantially higher if I had projected simply based on the 2013 to 2015 trend in the proportion of all blank CDs that are purchased by individuals relative to purchases by business, institutional and other purchasers.

**TABLE D CONFIDENTIAL – Projection of Blank CDs Bought by Individuals in 2018 and 2019 Based on Data for 2006-07 to 2015-16**

Music Monitor years	Calendar years	# of blank CDs sold (M) (calendar year) CONFIDENTIAL	# of blank CDs sold (M) (Music Monitor year) CONFIDENTIAL	# of blank CDs bought by individuals (M) (Music Monitor year)	% of blank CDs bought by individuals
2006-2007	2006	XX	XX	87.10	XX
2007-2008	2007	XX	XX	96.30	XX
2008-2009	2008	XX	XX	39.30	XX
2009-2010	2009	XX	XX	38.90	XX
2010-2011	2010	XX	XX	33.40	XX
2011-2012	2011	XX	XX	25.85	XX
2012-2013 (e)	2012	XX	XX	23.47	XX
2013-2014	2013	XX	XX	20.40	XX
2014-2015 (e)	2014	XX	XX	19.52	XX
2015-2016	2015	XX	XX	19.01	XX
2016-2017 (p)	2016 (p)	XX	XX	10.58	XX
2017-2018 (p)	2017 (p)	XX	XX	8.44	XX
2018-2019 (p)	2018 (p)	XX	XX	6.72	XX
2019-2020 (p)	2019 (p)	XX	XX	5.36	XX
<b>Calendar Year Projection</b>					
Blank CDs bought by individuals: 2017				8.98	
Blank CDs bought by individuals: 2018				7.15	
Blank CDs bought by individuals: 2019				5.70	
Source: Circum analysis based on Music Monitor data and Santa Clara data (CONFIDENTIAL Appendix C); interpolated estimate (e) and projections (p) by Circum.					

**CHART C – Projection of Blank CDs Bought by Individuals in 2018 and 2019 Based on Data for 2006-07 to 2015-16**



**CHART D CONFIDENTIAL – Estimated Percentage of Blank CDs Bought by Individuals in 2018 and 2019 Based on Data for 2006-07 to 2015-16**



## 6 PERCENTAGE OF COPYING EVENTS ACCOUNTED FOR BY MUSIC

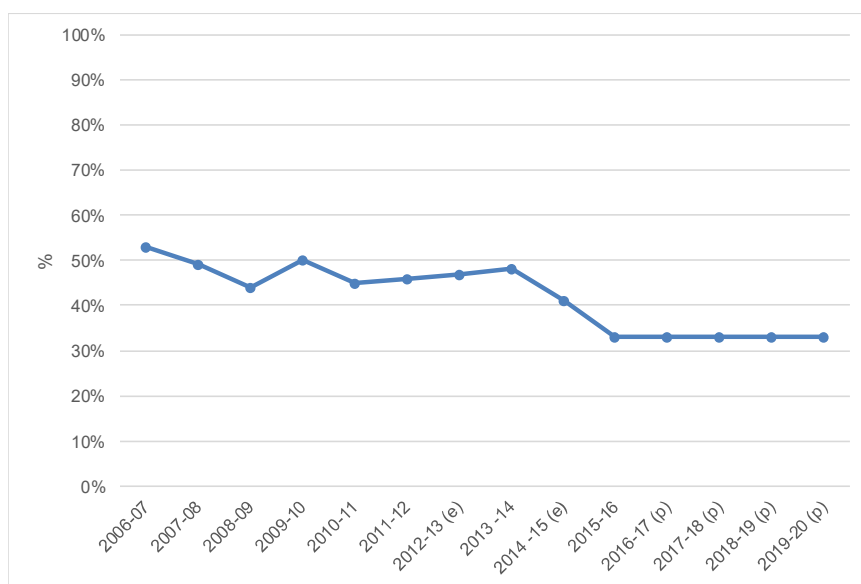
21. Finally, I turn to the percentage of music copying on blank CDs. In considering this variable, I note that the percentage breakdown available from the Music Monitor Survey for 2015-2016 is based on the nature of the content copied during the last copying event. As a result, this is not a percentage that represents the portion of the available storage space on a blank CD that is taken up by music relative to the percentage of storage space accounted for by other types of content. I have no reliable data available that would provide a basis for making comparisons with respect to the percentage of storage capacity taken up by each type of content. What I do know, as indicated above, is the estimated number of tracks of recorded music that are copied onto blank CDs.
22. Table E provides data and forecasts concerning the content individuals had copied onto blank CDs during their most recent copying event. As reported in that table, the most recent survey result, for 2015-2016, indicate that on 33% of the occasions when individuals had copied content onto a blank CD, what they had copied was music.

**TABLE E – Projection of Percentage of Music Individuals Copy onto Blank CDs in 2018 and 2019 Based on Data for 2006-07 to 2015-16**

Music Monitor years	% of copying music during the last event of copying onto CDs
2006-2007	53%
2007-2008	49%
2008-2009	44%
2009-2010	50%
2010-2011	45%
2011-2012	46%
2012-2013 (e)	47%
2013-2014	48%
2014-2015 (e)	41%
2015-2016	33%
2016-2017 (p)	33%
2017-2018 (p)	33%
2018-2019 (p)	33%
2019-2020 (p)	33%

Source: Music Monitor data and Circum analysis and projections (p)

**CHART E – Projection of Percentage of Music Individuals Copy onto Blank CDs in 2018 and 2019 Based on Data for 2006-07 to 2015-16**



23. Based on the pattern of survey results shown in the table, two options were considered for projecting the degree to which music copying would account for copying events on blank CDs in future years. First, the

projection could be based on the average figure for the period from 2006-2007 through 2015-2016. Over that 10-year period, on average the last time people had copied anything onto blank CDs they said that 46% of the time they had copied music. On that basis, it would be projected that in 2017 music would account for 46% of copying events. While it is possible that this might be the case, it appeared necessary to consider an alternative projection that would give greater weight to the finding from the 2015-2016 survey that music copying over that period had accounted for 33% of copying events, a significantly lower percentage than the 46% average for previous years.

24. In the 2016 report, we therefore considered the possibility that what was observed in the most recent survey might reflect either a declining percentage of copying events being accounted for by music, or a relatively stable but significantly lower percentage of copying events. To assist in making that assessment, we examined a breakdown by quarter of the survey findings for the period from April 1, 2015 through March 31, 2016. The quarterly breakdown is shown in Table F below:

**TABLE F – Content Copied During the Last Copying Event**

	2015Q2	2015Q3	2015Q4	2016Q1	2015-2016
Pre-recorded music	36%	33%	26%	38%	33%
Software	2%	1%	1%	3%	2%
Photos and videos	51%	54%	59%	51%	54%
Data	6%	10%	10%	5%	8%

Source: Music Monitor data

25. The finding that the percentage of last copying event was somewhat higher in the first quarter of 2016 than the average percentage for the 12-month period does not support an inference that there is a pattern of ongoing decline in the percentage of blank CD copying accounted for by music. Instead, it seems more likely to indicate a relatively stable pattern, with photographs and videos accounting currently for a higher percentage of copying events and music a lower percentage than in the past. Although I recognize that the traditional pattern could well be re-established, the most reasonable assumption appears to be that, while the pattern of use of blank CDs has changed, there is a reasonable measure of stability at the 33% level. On that basis, I projected that, in 2017, 33% of copying events will be of music. I have also maintained the same 33% proportion for 2018 and 2019 under the assumption that this is a new plateau, much like the one that was observed from 2007 to 2013 at around 45%.

## 7 ASSESSMENT OF “ORDINARY USE”

26. In its December 12, 2014 decision, the Board noted its use of a two-part approach in reaching a conclusion as to whether blank CDs would still qualify as a medium ordinarily used for private copying pursuant to section 79 of the *Copyright Act*. As it has for every year since 1999, the Board concluded that CDs still qualified for 2015 and 2016. However, that finding reflected not only its usual assessment of whether the *levels* of private copying activity reached satisfactory thresholds, but also explicitly accounted for the *trends* in those levels. The Board reiterated that conviction in its 2016 decision (paragraph 21). Both approaches are considered below in assessing whether CDs will continue to qualify as a leviable medium in 2018 and 2019.
27. For convenience in applying the Board’s approach to the forecasts developed above in relation to the test of ordinary use, a summary is provided in Table G, showing the projections for 2018 and 2019 of each of the four variables included in the Board’s 2014 analysis and reiterated in its 2016 decision (paragraph 20).

**TABLE G – Summary of Projections for 2018 and 2019**

	2018	2019
# of tracks copied on blank CDs (million)	200.1	183.9
% of all tracks copied	7.0%	6.2%
# of CDs bought by individuals (million)	7.15	5.70
% music of copying on CDs	33%	33%

28. The Board’s 2014 decision noted that the last two of the criteria shown in the table are less useful for making a determination concerning ordinary use. First, the Board did not find the number of CDs bought by individuals to be determinative, characterizing it as of “limited usefulness”. At paragraph 22, the Board describes this criterion as “a measure of the ordinariness of the use of CDs themselves, not the ordinariness of private copying onto CDs”, although the decision acknowledges that the measure provides an upper limit to any estimate of the subset of CDs used for private copying. The Board did not change

its position in this regard in its 2016 decision. Nevertheless, for reference, I address the updated figures for this variable below.

29. Similarly, with respect to the fourth variable, the 2014 decision states at paragraph 21 that, because the percentage of music in copying onto blank CDs has been relatively constant over time, with no definitive upward or downward trend since 2006-2007, its usefulness is “severely limited.” However, the Music Monitor data for 2015-2016 indicate a significant departure from the relative constancy previously found.
30. I turn first to the two variables identified in the Board’s previous decision as most determinative of whether a medium still qualifies as leviable. The findings of our research, as reported above, project that, in the calendar year 2018, 200.1 million tracks of recorded music will be copied onto blank CDs and that this copying will account for 7.0% of all copies of recorded music made onto all media and devices, without regard to whether such media and devices are leviable. The equivalent numbers for 2019 are 183.9 million tracks representing 6.2% of all copying.
31. With respect to the total number of tracks copied, in the second of the questions the Board addressed to the CPCC in the 2014 proceeding, it referred to its decision on CPCC’s inaugural tariff (Private Copying I). As noted in our response to that question, the Board’s decision of December 17, 1999, contained the following statement with respect to the eligibility of blank CDs:

*Finally CD-R and CD-RW qualify. The proportion of these media used for private copying is almost certainly between 5 and 15 per cent. Even the lower figure would mean that two million private copies were made onto these media in 1999. Such a number definitely meets the threshold of ordinariness as the Board interprets it. (Page 32)*

32. The low estimate then is that at least two million copies would have been made onto blank CDs, assuming that 5% of CD-Rs were sold or used for music copying. Even if I assume that the reference to two million copies in the 1999 Board decision is a reference to the number of complete albums copied, rather than the number of single tracks, if each album contained 13 tracks, 26 million tracks would have been copied onto blank CDs at that time.
33. In the 2014 proceeding, the team that I was a member of noted as well the context of the comment quoted above with respect to blank CDs. The Board did not present its conclusion with respect to blank CDs as one that represented a minimum standard that should be used to define ordinary use. Instead, having reviewed the evidence available at the

time, the Board concluded that blank CDs satisfied the necessary criteria and that the making of two million private copies “definitely meets the threshold of ordinariness as the Board interprets it.”

34. With respect to the number of tracks copied, I have also looked back at the Board’s decision of December 5, 2008 regarding Private Copying 2008-2009 in which the Board considered whether audiocassettes continued to qualify as a leviable medium. At that time, the Board concluded that audiocassettes continued to meet the test of ordinary use and certified a tariff through 2009. Subsequently, at page 28 the Board’s decision on November 2, 2010 stated that “in absolute terms, the number of tracks copied onto audio cassettes fell from 26.1 million in 2006-2007 to 8.9 million in 2008-2009”. Page 27 of the same decision provides a table showing both absolute numbers and the percentage of all copying (addressed further below) that is accounted for by a variety of media and devices. The extract from the table below summarizes the figures for audiocassettes. These data were relied upon as a basis for the decision that, beginning in 2010, audiocassettes should no longer be subject to a levy.

**TABLE H – Percentage of Total Private Copies of Tracks Made on Audiocassettes (1999-2009)**

Year	Number of Tracks Copied (million)	Percentage of Tracks Copied
1999-2000	306.3	54%
2001-2002	173.4	19%
2005-2006	36.4	4%
2006-2007	26.1	2%
2008-2009	8.9	1%

Source: Reasons for Decision, November 2, 2010, extract of data from table on page 27.

35. If a comparable standard were used to determine whether for 2018 and 2019 blank CDs continue to qualify as a leviable medium, the projection that 200 and 184 million tracks will be copied onto blank CDs is more than seven times greater than the criterion used in defining media as ordinarily used, and establishing or continuing a tariff, in earlier proceedings. In the case of audiocassettes, the Board continued the tariff for 2008-2009 despite the fact that in 2006-2007 only 26.1 million tracks were copied onto audiocassettes. The levy was not removed until 2010, following the Board’s finding that in 2008-2009 the figure had dropped to 8.9 million tracks. Although it represents an estimate, as noted in paragraph 32 above, in its first private copying decision the Board certified a levy on blank CDs with the volume estimated at 26 million tracks.

36. Next, I consider the second of the key determinants of ordinary use, addressing the finding that an estimated 7.0% of all of the tracks copied will be copied onto blank CDs in 2018 and 6.2% in 2019. For comparison purposes, I note that the Board's first private copying decision states in support of a decision to certify a levy on blank CDs that the percentage of all copying activity accounted for by such media was "almost certainly between 5 and 15 per cent" (see paragraph 31, above). I note as well that in 2005-2006 and in 2006-2007 the Board continued a levy on audiocassettes, although they accounted for 4% and 2% respectively of all copying of recorded music. By this test as well the projected percentage of copying onto blank CDs in 2018 and 2019 will substantially exceed the standard applied in previous decisions.
37. The third variable considered by the Board was the number of blank CDs purchased by individuals. Our projection for 2018 is that private individuals will purchase 7.15 million blank CDs; I project 5.70 units purchased by individuals in 2019. The most appropriate comparison is with the corresponding figure for blank audiocassettes when the Board considered whether to certify the CPCC's proposed tariff for 2008 and 2009. As noted above, the Board certified the tariff based on its finding that 26.1 million tracks had been copied onto blank audiocassettes in 2006-2007. While no specific estimate of the number of audiocassettes purchased by individuals in that year is stated in the decision, it can be inferred based on the information that the decision does provide. In addition to the finding that 26.1 million tracks were copied onto audiocassettes, the Board found that on average 17.3 tracks were copied onto each audiocassette (Decision, December 5, 2008, paragraph 24). On that basis, 1,508,670 audiocassettes would have been used specifically to copy music. The Board accepted as well, and used in its rate calculations, an estimate that 57% of audiocassettes purchased by individuals were used to copy music (paragraph 21). Consequently, the total number of cassettes purchased by individuals would have been 2,646,789 ( $100/57 \times 1,508,670$ ). The projection that there would be 7.15 million blank CDs purchased by individuals in 2018 is almost three times higher than this figure; for 2019, 5.70 units purchased by individuals would be twice as much as the same figure.
38. Our projections also provide an estimate that 2.25 million blank CDs purchased by individuals will be used specifically to copy music in 2018 and 1.79 million in 2019. In the reasons for its decision of November 2, 2010, referring to its initial decision certifying a levy on blank CDs, the Board made the following statement with respect to the sale of blank CDs to individuals:

*... in PC I, a levy was imposed on CDs even though only five per cent of them were used by individual consumers to copy music.<sup>49</sup>*



*If one looks at the combined sales volumes of CD-Rs and CD-RWs for 1998 to 2000, which amounted to 21 million, 46 million and 88 million respectively, this means that the Board believed that the sale of 1.05 million, 2.3 million and 4.3 million units satisfied the threshold of “ordinary use”. (Para 61, pages 23-24)*

39. Although the Board has judged this standard less useful than the two factors considered above, the projection that 2.25 million blank CDs will be used in 2018 (and 1.79 million in 2019) to copy music also exceeds the standard the Board applied in its initial private copying proceeding.
40. Finally, I consider the projection that on 33% of the occasions that individuals copy anything onto blank CDs, what they will be copying is music. Although this represents a significant change from the percentage of music copying events reported during earlier surveys for the period from 2006-2007 to 2013-2014, this is not a percentage that represents the portion of the available storage space on a blank CD that is taken up by music. Neither does it indicate the overall volume of tracks of recorded music that will be copied onto blank CDs over that period. As noted in paragraph 23, other approaches to accounting for the lower than historical figure of 33% found in 2015-2016 (i.e., using a historical average of 46%) would lead to a conclusion that would be in line with previous observations and conclusions by the Copyright Board. Nevertheless, in its 2016 decision (paragraph 22), the Board concluded:

*We note that the forecasted percentage of music copied onto blank CDs by individuals (about 33 per cent) is historically low. For CDs, this variable has varied between 40 per cent and 50 per cent. For other media for which the Board has certified a levy in the past, this percentage was higher than 50 per cent. However, **33 per cent remains a significant measure**, in our opinion. (emphasis added)*

Taken in combination with the finding with respect to the number of tracks of recorded music that are projected to be copied onto blank CDs, this factor also is consistent with a conclusion that in 2018 and 2019 blank CDs will continue to be ordinarily used by consumers to copy music.



## APPENDIX A

### BENOÎT GAUTHIER'S CV



**BENOÎT GAUTHIER**  
**President, Circum Network**  
**CE, Adm.A., CMC**

Mr. Gauthier has very strong experience in research — in academic, private and public settings. He has specialized in strategic and organizational research and intervention, in market research, in program evaluation, in applied social research and in policy analysis. Over the years, his involvement in more than 500 research and intervention assignments (including more than 100 evaluations) has allowed him to build a particular expertise in the measurement and the management of client satisfaction, health and social services, technology, immigration, housing, human resource management, arts and culture, and management information systems. From a methodological standpoint, Mr. Gauthier has developed an enviable reputation both as a top-level quantitative and qualitative analyst and as a strong project manager.

After his doctoral studies, Mr. Gauthier has successively occupied the positions of chief of research in a branch of Justice Canada, senior evaluator at the Canada Mortgage and Housing Corporation, evaluation manager then director of program evaluation at Communications Canada and executive vice president and chief of operations at Ekos Research Associates. Early in 1996, he founded Circum Network Inc. Since then, Mr. Gauthier has developed an interest in organizational management issues; this interest has allowed him to bridge measurement concerns and management concerns. He has acquired the Credentialed Evaluator, Certified Marketing Research Professional (relinquished since then), and Certified Management Consultant certifications. He is a member of the *Ordre des administrateurs agréés du Québec*.

Mr. Gauthier has taught social research methodology, program evaluation and decision-making methods at the undergraduate and graduate levels at the Quebec École nationale d'administration publique,

Carleton University, University of Ottawa, and Université du Québec en Outaouais. He is an associate professor at ÉNAP, lecturer at Carleton University, and Honorary Fellow of the Northern Institute, Charles Darwin University. He is the joint editor of the textbook entitled *Recherche sociale : de la problématique à la collecte des données*, an introduction to social research, which has gone through six French editions so far (1984, 1992, 1997, 2003, 2008, 2016; Presses de l'Université du Québec) and one Portuguese edition (2003; Lusociência).

Mr. Gauthier has completed a Master's degree in political science at Université Laval, a Master's degree in public administration at ÉNAP and the course work and comprehensive examinations towards a doctorate in political science at Carleton University.

## STUDIES AND CERTIFICATIONS

- » Honorary Fellow, Northern Institute, Charles Darwin University (2015-2018)
- » Credentialed evaluator, Canadian Evaluation Society (2010)
- » Certified Marketing Research Professional, Professional Marketing Research Society (2004-2017)
- » Certified Management Consultant, Canadian Association of Management Consultants (CMC, 1999; certified for the preparation of PSGGR conformity opinions in March 2001)
- » Master's (Public Administration), École nationale d'administration publique, Québec (1991)
- » Master's Diploma (Public Sector Management), École nationale d'administration publique, Québec (1987)
- » PhD, course work and comprehensive examinations (Political Science), Carleton University, Ontario (1984)
- » Master's (Political Science), Laval University, Québec (1979)
- » BA (Political Science), Laval University, Québec (1978)

## PROFESSIONAL AFFILIATIONS

- » Member, Canadian Evaluation Society
  - Treasurer and member of the Board of Trustees, International Organization for Cooperation in Evaluation (2016-2018); Co-chair of the VOPE Toolkit Project
  - Past-President (2016-2018)
  - President of the National Board of Directors (2014-2016)
  - Vice-President, Professional Designation Program (2013-2014)
  - Credentialed Evaluator (2010-)
  - Member of the CES Credentialing Board (2010-2013)
  - 2006 CES Award for Contribution to Evaluation in Canada
  - 2003 CES-NCC Leadership Recognition Award
  - 2002 CES Exemplary Service Award
  
- » Member, Canadian Evaluation Society Education Fund
  - 2009 CESEF Award for Contribution to Research on Evaluation Practice
  
- » Member, Société québécoise d'évaluation de programme
  
- » Member, American Evaluation Association
  
- » Member, American Association for Public Opinion Research
  
- » Certified Management Consultant (CMC); certified for the preparation of PSGGR conformity opinions
  
- » Member, Ordre des administrateurs agréés du Québec (Adm.A.)

## PAST PROFESSIONAL EXPERIENCE

**Executive Vice-President and Chief of Operations**, Ekos Research Associates, 1989-1996. Management and participation in almost 100 research assignments dealing primarily with program evaluation and public opinion research. Daily management of a company staffed with 25 full-time employees and about 150 part-time employees.

**Director of Program Evaluation**, Communications Canada, Ottawa, 1988-1989. Responsible for the quality, the usefulness, the pertinence and the synchronization of evaluation studies and their transcription into strategic advice.

**Senior Program Evaluation Manager**, Communications Canada, Ottawa, 1986-1988. Management of program evaluation studies used by

the department for strategic planning, resource allocation and program planning and analysis.

**Senior Evaluator and Methodologist**, Canada Mortgage and Housing Corporation, Ottawa, 1983-1986. Preparation of program evaluation studies used by the department in strategic planning and in program planning and analysis.

**Chief of Research**, Canadian Unity Information Office, Ottawa, 1983. Management of a multidisciplinary team dealing with requests for program evaluation studies, market research studies, mass communication research and attitude and opinion measurement.

## TRAINING EXPERIENCE

- » Associate Professor, École nationale d'administration publique, 2017-
- » Short training sessions in evaluation, survey research, qualitative and quantitative research methods offered in Quebec, Canada, United-States, Australia, Senegal, Morocco, Uganda, and Kyrgyzstan.
- » Course on quantitative methods in evaluation, Carleton University, Ottawa, 2016-
- » Course on decision making, Université du Québec en Outaouais, Gatineau, c. 2005
- » Course on research methods and intervention in organizations, École nationale d'administration publique, Gatineau, 1992-
- » Comparative politics course, Université d'Ottawa, Ottawa, 1982
- » Course on research methods in political science, Université d'Ottawa, Ottawa, 1981

## PRESENTATIONS AND WORKSHOPS SINCE 2000

- » *The Future of Professionalization in Evaluation*, panel at the Canadian Evaluation Society Conference, Vancouver, May 3, 2017
- » *Evaluation of the Sustainable Development Goals*, panel at the Canadian Evaluation Society Conference, Vancouver, May 2, 2017
- » *Excel pour l'analyse qualitative*, breakfast session, National Capital Chapter of the Canadian Evaluation Society, Gatineau, April 19, 2017
- » *Professionalizing evaluation: the CES experience*, opening panel, African Evaluation Association Conference, Kampala, March 2017

- » *The IOCE VOPE Toolkit: workshop on professionalizing VOPE action*, African Evaluation Association Conference, Kampala, March 2017
- » *Contribution to the "Ultimate Deliverology and Evaluation Debate"*, CES-NCC Annual Learning Event, February 16, 2017
- » *The Future of Evaluation in 2025: An Interactive Debate*, online debate with the Newfoundland and Labrador Chapter of the Canadian Evaluation Society, February 17, 2017
- » *Evaluation in Canada in 2025: what ought to be, what will be, what to do*, Canadian Evaluation Society webinar, February 11, 2017
- » *Structuration des VOPEs francophones : synthèse des débats*, Second Forum international francophone de l'évaluation, Marrakech, December 16, 2016
- » *Structuration des VOPEs francophones Panel 2 : Attentes des bailleurs de fonds à l'égard des VOPEs et actions d'appui envisageables*, Second Forum international francophone de l'évaluation, Marrakech, December 16, 2016
- » *Les contributions possibles de l'évaluation à un meilleur développement*, Second Forum international francophone de l'évaluation, Marrakech, December 14, 2016
- » *Workshop : Excel pour l'analyse qualitative*, Second Forum international francophone de l'évaluation, Marrakech, December 13, 2016
- » *Learning Circles for Advanced Professional Development in Evaluation*, American Evaluation Association Conference, Atlanta, October 27, 2016, with Natalie Kishchuk, Shelley Borys and Simon Roy
- » *Professionalizing evaluation: Why did the CES need a professional designation?* American Evaluation Association Conference, Atlanta, October 28, 2016
- » *Role reversal: when the evaluator is the evaluatee. The evaluatee perspective*, American Evaluation Association Conference, Atlanta, October 29, 2016

- » *Indigenous Evaluation: Rethinking our Practice*, presentation at the Canadian Evaluation Society Conference, St. John's, June 7, 2016.
- » *Evaluation today and tomorrow*, Canadian Association of International Development Professionals Conference “Renewal: A New Era for International Development Professionals”, Ottawa, May 9, 2016
- » *Le titre d'Évaluateur accrédité de la SCÉ*, Colloque étudiant en action publique, École nationale d'administration publique, Montreal, March 17, 2016
- » *Evaluation in Canada and Elsewhere: Some Remarks*, symposium on Evaluation and its applications in the economic and social fields, Moncton, January 2016
- » *Evaluating Evaluation Policy: The Canadian Federal Experience*, presentation (discussant) made at the 2015 American Evaluation Association Annual Conference, Chicago, November 2015
- » *High Impact Intervention in Canada: the Credentialed Evaluator Program*, presentation made at the 2015 American Evaluation Association Annual Conference, Chicago, November 2015
- » *Impacts of the 2009 Government of Canada Policy on Evaluation on the federal government evaluation system*, presentation made at the 2015 American Evaluation Association Annual Conference, Chicago, November 2015 (with Natalie Kishchuk).
- » *Qualitative analysis for the humble: spreadsheets at your service*, presentation to the Analyzing and Presenting Information for Impact symposium, Charlottetown, Prince Edward Island, October 1, 2015
- » *Professionalizing Evaluation Practice: what does it mean?*, presentation to the Analyzing and Presenting Information for Impact symposium, Charlottetown, Prince Edward Island, October 1, 2015
- » *Advanced Issues in Evaluation Survey Research and Design*, workshop delivered at the 2015 Australasian Evaluation Society Annual Conference, Melbourne, September 2015.
- » *Impacts of the 2009 Government of Canada Policy on Evaluation on the federal government evaluation system*, presentation made at the 2015 Australasian Evaluation Society Annual Conference, Melbourne, September 2015 (with Natalie Kishchuk).



- » *Evaluation in Canada in 2025: what ought to be, what will be, and how to reach across these boundaries*, presentation made at the 2015 Australasian Evaluation Society Annual Conference, Melbourne, September 2015.
- » *The Canadian Evaluation Society's Professional Designations Program: Views from Members*, presentation made at the 2015 Australasian Evaluation Society Annual Conference, September 2015 (with Shelley Borys, Natalie Kishchuk, and Simon Roy).
- » *Impacts of the 2009 Government of Canada Policy on Evaluation on the federal government evaluation system*, presentation made at Supporting Implementation of the Enhanced Commonwealth Performance Framework, Canberra, September 2015 (with Natalie Kishchuk).
- » *Evidence-Based Policy-Making in Canada: Some Remarks*, presentation made at the Evidence and Policy in Northern Contexts Symposium, Charles Darwin University, Darwin, September 2015.
- » *Evaluation Frameworks: Advanced Techniques*, workshop delivered for the CES Alberta Chapter, Edmonton, September 2015 (with Simon Roy).
- » *Economy and Efficiency*, workshop delivered for the CES Alberta Chapter, Edmonton, September 2015 (with Simon Roy).
- » *Learning Circles for Advanced Professional Development in Evaluation*, presentation delivered for the CES Alberta Chapter, Edmonton, September 2015 (with Natalie Kishchuk, Shelley Borys and Simon Roy).
- » Le Programme des titres professionnels de la Société canadienne d'évaluation : points de vue des membres. Presentation to the Colloque de la Société québécoise d'évaluation de programme, Quebec, November 7, 2014 (with Shelley Borys, Natalie Kishchuk, and Simon Roy).
- » What evaluation has to say on serving the needs of decision-makers, Social Impact Analyst Association 2014 Talking Data: Measurement with a Message Conference. Toronto, November 3, 2014.
- » *La professionnalisation de l'évaluation au Canada*, Forum international francophone de l'évaluation, Dakar, Octobre 28, 2014.



- » *Evaluator Competencies: a Cornerstone of the CES' Professional Designation Program*, presentation made at the 2014 American Evaluation Association conference, Denver, October 2014 (with Keiko Kuji-Shikatani and others).
- » *The Canadian Evaluation Society's Professional Designations Program: Views from Members*, presentation made at the 2014 American Evaluation Association conference, Denver, October 2014 (with Shelley Borys, Natalie Kishchuk, and Simon Roy).
- » *The Canadian Evaluation Society's Professional Designation Program: Views from Members*, presentation made at the 2014 European Evaluation Society conference, Dublin, October 2014 (with Natalie Kishchuk, Shelley Borys, and Simon Roy).
- » *Le programme des titres professionnels de la SCÉ*, webinar presented for the Canadian Evaluation Society, June 26, 2014.
- » *The CES Professional Designations Program*, webinar presented for the Canadian Evaluation Society, June 25, 2014.
- » *The CES Professional Designations Program: Views from CES Members*, presentation made at the 2014 Canadian Evaluation Society Annual Conference, Ottawa, June 2014 (with Natalie Kishchuk, Shelley Borys, and Simon Roy).
- » *Professionalization of Evaluation in Canada*, presentation made at the 2014 Canadian Evaluation Society Annual Conference, Ottawa, June 2014 (with Keiko Kuji-Shikatani and others).
- » *Evaluation Frameworks: Advanced Techniques*, workshop delivered at the 2014 Canadian Evaluation Society Annual Conference, Toronto, June 2014 (with Simon Roy).
- » *Advanced Issues in Evaluation Survey Research and Design*, workshop delivered at the 2014 Canadian Evaluation Society Annual Conference, Toronto, June 2014 (with Simon Roy).
- » *Learning Circles for Advanced Professional Development in Evaluation: Spreading the Gospel*, presentation to Lunch and Learn for Evaluators in Ottawa, Ottawa, June 2013 (with Simon Roy, Kathryn Radford, Natalie Kishchuk, and Shelley Borys).
- » *Survey on Evaluation Training Needs and Preferences*, presentation made at the 2013 Canadian Evaluation Society Annual Conference, Toronto, June 2013 (with Simon Roy, Natalie Kishchuk, and Shelley

Borys).

- » *A renewed approach to document, file, and administrative data review: the program vitae*, presentation made at the 2013 Canadian Evaluation Society Annual Conference, Toronto, June 2013 (with Claude-Anne Godbout-Gauthier and Natalie Kishchuk).
- » *Evaluation Frameworks: Advanced Techniques*, workshop delivered at the 2013 Canadian Evaluation Society Annual Conference, Toronto, June 2013 (with Simon Roy).
- » *Advanced Issues in Evaluation Survey Research and Design*, workshop delivered at the 2013 Canadian Evaluation Society Annual Conference, Toronto, June 2013 (with Simon Roy).
- » *Learning Circles for Advanced Professional Development in Evaluation: Two Experiences*, presentation to the 2013 Canadian Evaluation Society National Capital Chapter Annual Learning Event, Ottawa, February 2013 (with Natalie Kishchuk, Simon Roy, Shelley Borys, and Kathryn Radford).
- » *Learning Circles for Advanced Professional Development in Evaluation*, 2012 Canadian Evaluation Society Conference, Halifax, May 2012 (with Natalie Kishchuk, Shelley Borys and Simon Roy).
- » *Conducting Complex Evaluations*, workshop at the 2012 Canadian Evaluation Society Conference, Halifax, May 2012 (with Simon Roy).
- » *Dear Proposal Writer... Dear RFP Writer... Dialogue on Successes and Failures of the Request for Proposal Process*, 2011 Canadian Evaluation Society Conference, Edmonton, May 2011 (with Simon Roy, Shelley Borys and Stephen Kester).
- » *With a Little Help from Our Friends: A Study of Evaluators' Networks*, 2010 Canadian Evaluation Society Conference, Victoria, May 2010 (with Simon Roy, Natalie Kishchuk and Shelley Borys).
- » *A Debate on Evaluation Standards*, 2010 Canadian Evaluation Society Conference, Victoria, May 2010 (with Simon Roy, Greg Mason, Robert Malatest and Shelley Borys).
- » *Multi-Level Evaluation Design: Challenges of A Mixed Methods Approach*, 2009 Canadian Evaluation Society Conference, Ottawa, June 2, 2009 (with Heather MacDonald and Annette Przygoda).

- » *The Lay of the Evaluation Land, 2009*, organization of a panel for the 2009 Canadian Evaluation Society Conference, Ottawa, June 1, 2009.
- » *Will they join the team and stay? A study of potential and new program evaluator*, presentation to the 2008 Canadian Evaluation Society Conference, Québec, May 2008 (with Simon Roy, Natalie Kishchuk and Shelley Borys).
- » *La collecte de données en ligne en évaluation*, presentation to the 2008 Canadian Evaluation Society Conference, Québec, May 2008 (with Simon Roy).
- » *Do you Feel Part of the Family? Study on the Sense of Belonging to the Program Evaluation Profession*, presentation to the 2006 Canadian Evaluation Society Conference, Charlottetown, June 2006 (with Simon Roy).
- » *Les visages alternatifs de la radiodiffusion : concurrence, complémentarité*, presentation to the Rencontres professionnelles de l'industrie québécoise du disque, du spectacle et de la radio, April 20, 2006.
- » *Survey of Evaluation Practice and Issues in Canada*, presentation to the 2005 Canadian Evaluation Society and American Evaluation Association Conference, Toronto, October 26, 2005 (with Shelley Borys, Natalie Kishchuk and Simon Roy).
- » *A Strategic Analysis of the Situation of Program Evaluation in Canada*, organization of a panel for the 2003 Canadian Evaluation Society Conference, Vancouver, June 2, 2003.
- » *Satisfaction de la clientèle: mesure et utilisation*, presentation to the Quebec City Chapter of the Professional Marketing Research Society, April 15, 2003.
- » *La copie privée au Canada, 1998-2000*, presentation to the Rencontres professionnelles de l'industrie québécoise du disque, du spectacle et de la radio, March 21, 2002.
- » *Assessing Survey Research, A Principled Approach*, presentation at the 2001 Canadian Evaluation Society conference, Banff, May 21, 2001.
- » *Learning about survey research through a principled approach*, half-day workshop offered at the 2001 Canadian Evaluation Society

conference, Banff, May 20, 2001.

- » *Assessing Survey Research, A Principled Approach*, presentation at the 2001 conference of the American Association for Public Opinion Research, Montreal, May 19, 2001.
- » *Assessing Survey Research, A Principled Approach*, presentation at the 2001 Riding the Communications Revolution Professional Marketing Research Society conference, Ottawa, April 24, 2001.
- » *Comment mesurer adéquatement le taux de satisfaction de sa clientèle?*, half-day workshop at the conference entitled *Le service à la clientèle : virage-client dans le secteur public*, organized by the Institute for International Research, Quebec, January 24, 2001.
- » *La mesure de la satisfaction de la clientèle*, one-day workshop for the Société québécoise d'évaluation de programmes, Quebec, October 5, 2000.
- » *Internet and Program Evaluation, The Non Existent Relationship*, presentation for the National Capital chapter of the Canadian Evaluation Society, Ottawa, September 26, 2000.
- » *L'évaluation de la satisfaction de la clientèle, méthodes et limites*, half-day workshop at the 2000 Joint Annual Conference of the Canadian Evaluation Society and of the Société québécoise d'évaluation de programme, Montréal, May 14, 2000.

## MAIN PUBLICATIONS

### WEB SITES

Canadian Evaluation Society Web site, <http://evaluationcanada.ca>, 2001-2017, 50,000 pages

On-line documentation for the CallWeb software, <http://callweb.ca>, 2001-2017, 250 pages

Circum Network Inc. Web site, <http://circum.com>, 1996-2017, 200 pages

### BOOKS

*Recherche sociale : de la problématique à la collecte des données*, Québec, Presses de l'Université du Québec, 1984, second edition 1992, third edition 1997, fourth edition 2003, fifth edition 2008, sixth edition with

Isabelle Bourgeois 2016, 670 pages (*Recherche sociale* was published in Portuguese in 2003 by Lusociência under the title *Investigação Social*)

*PUNCH Documentation, user manual for the PUNCH software*, Circum Network Inc., 1996-1999, 100 pages

*Recherche sociale : cahier d'exercices*, Québec, Télé-Université, Université du Québec, 1988, second edition 1993, 367 pages

*Recherche sociale : corrigé des exercices*, Québec, Télé-Université, Université du Québec, 1988, second edition 1993, 150 pages

*SAS, manuel d'introduction*, with Jean Crête, Ottawa, Ottawa University Bookstore, 1983, 165 pages

*Méta-évaluation en affaires sociales : analyse de cent cas d'évaluations de programmes*, Québec, Conseil québécois de la recherche sociale, Social Affairs Department, 1983, 304 pages

*Logement et politiques gouvernementales : le cas de Donnacona*, Québec, Université Laval, Master's thesis published by the Laboratoire d'études politiques et administratives, 1979, 265 pages

## **ARTICLES**

"Evaluation in Canada in 2025: what could be, what should be, and what to do now", Evaluative Voices series, Northern Institute, Charles Darwin University, September 2016.

"Impact = Content x Influence: Evaluation, evidence and policy in Canadian Government contexts", Evaluative Voices series, Northern Institute, Charles Darwin University, January 2016.

"On the Future of Program Evaluation", Canadian Government Executive Magazine, December 2015, pages 18-20.

"La professionnalisation de l'évaluation dans l'espace francophone, et au-delà", Forum thématique no 6, Actes du 1<sup>er</sup> Forum international francophone de l'évaluation, October 29, 2015, with Marie Gervais.

"The CES Professional Designations Program: Views from Members", *Canadian Journal of Program Evaluation*, vol. 29, no. 3, special issue 2014, pages 98-133, with Natalie Kishchuk, Shelley Borys, and Simon N. Roy.

"View from the Credentialing Board: Where We've Been and Where We're Going", *Canadian Journal of Program Evaluation*, vol. 29, no. 3, special issue 2014, pages 86-97, with Gail Vallance Barrington, Christine Frank, and Karyn Hicks.

"Professional Standards for Evaluators: The Development of an Action Plan for the Canadian Evaluation Society", *Revue Canadian Journal of Program Evaluation*, vol. 29, no. 3, special issue 2014, pages 21-32, with Gerald Halpern and James C. McDavid.

"Learning Circles for Advanced Professional Development in Evaluation" *Canadian Journal of Program Evaluation*, vol. 28, no. 1, Spring 2013, pp. 87-96, with Natalie Kishchuk, Simon Roy and Shelley Borys.

"The lay of the land: evaluation practice in Canada in 2009" (et alii), *Canadian Journal of Program Evaluation*, vol. 24, no. 1, Spring 2009, pp. 1-49.

"Evaluation practice in Canada: results of a national survey", *Canadian Journal of Program Evaluation*, vol. 21, no. 3, special issue 2006, pp. 1-42, with Shelley Borys, Natalie Kishchuk and Simon Roy.

"Enquête sur les pratiques et les enjeux de l'évaluation au Canada", *Bulletin de la Société québécoise d'évaluation de programme*, vol. 18, no. 2, December 2005, with Shelley Borys, Natalie Kishchuk et Simon Roy.

"Are all samples of telephone numbers created equal?", *Vue*, February 2005, pp. 14-17.

"Electronic Collaboration Tools: Opening Up a New World of Possibilities for Evaluators", *Evaluation Exchange*, vol. 10, no. 3, fall 2004, p. 21, <http://www.gse.harvard.edu/hfrp/eval/issue27/pp4.html>

"The lay of the land: evaluation practice in Canada today" (et alii), *Canadian Journal of Program Evaluation*, vol. 19, no. 1, spring 2004, pp. 143-178.

"Le concours de simulation : le point de vue d'un juge", *Canadian Journal of Program Evaluation*, vol. 18, no. 1, spring 2003, pp. 119-126.

"Performance tools — Web data collection", *Measuring Up*, vol. 1, no. 4, October 2002, pp. 19-20.

"Conservateurs et réformistes, le mariage impossible", *Le Droit*, June 13, 1997, p. 17, with François-Pierre Gingras.



"L'avenir de la droite fédérale en Ontario passe-t-elle par la fusion du Parti réformiste et du Parti progressiste-conservateur?", June 4, 1997, with François-Pierre Gingras.

"La question du chômage et le caractère distinctif de l'électorat québécois au scrutin fédéral de 1993", *Revue québécoise de science politique*, no. 27, spring 1996, pp. 51-122, with François-Pierre Gingras and Frank Graves.

"Lecture et société", *Documentation et bibliothèques*, January 1994.

"L'avenir de l'évaluation au Québec et la place des conseillers privés et universitaires", *L'avenir de l'évaluation au Québec*, proceedings from the November 18, 1991, conference organised by the Société québécoise d'évaluation de programmes and the École nationale d'administration publique, 1992, pp. 55-63.

"Évaluation des programmes de sciences et de technologie dans une perspective ministérielle", *L'évaluation de programmes : Bulletin d'actualités*, November 1989, pp. 5-6.

"Client Satisfaction and Program Evaluation", *Social Indicators Research*, vol. 19, no. 2, 1987, pp. 229-254

"La satisfaction de la clientèle en évaluation de programmes", *Newsletter: Canadian Evaluation Society*, vol. 5, no. 4, winter 1986, pp. 10-13

"La satisfaction des clients en évaluation de programmes", *L'évaluation de programmes : Bulletin d'actualités*, Bureau du Contrôleur général du Canada, April 1986, pp. 2-3

"Méta-évaluation en affaires sociales", Conseil québécois de la recherche sociale, *Actes du Colloque sur la recherche sociale*, Québec, Québec Government, 1984, pp. 67-78

"Le mode de scrutin : une fausse justification", *Le Devoir*, August 25, 1982, p. 11

"Les femmes à l'Assemblée nationale", *Le Devoir*, July 16, 1982, p. 13

"Les sondages ne mentent pas, c'est leur traitement journalistique qui serait déficient", *Le Devoir*, April 13, 1982, p. 17

## **BOOK REVIEWS**

Twenty book reviews in *Politique* and in the *Canadian Political Science Review*



## APPENDIX B

# DATA AND CALCULATIONS

**CONFIDENTIAL Appendix B: Data and Calculations**

Music Monitor years Calendar years	2006-2007 2006	2007-2008 2007	2008-2009 2008	2009-2010 2009	2010-2011 2010	2011-2012 2011	2012-2013 2012	2013-2014 2013	2014-2015 2014	2015-2016 2015	2016-2017 2016	2017-18 (p) 2017	2018-19 (p) 2018	2019-20 (p) 2019	2020-21 (p) 2020	2021-22 (p) 2021
# of tracks copied onto blank CDs (M) (Music Monitor year)	853.7	364.0	294.5	464.1	373.5	328.3	288.5	248.9	250.6	252.3	231.9	213.1	193.8	179.9	179.9	183.9
Annualized % change in # of tracks copied onto blank CDs		-57.4%	-19.1%	57.6%	-19.5%	-12.1%	-12.1%	-12.1%	0.7%	0.7%	-8.1%	-8.1%	-8.1%	-8.1%	-8.1%	-8.1%
# of tracks copied onto all media and devices (M) (Music Monitor year)	1998.0	1671.0	1409.0	1931.0	2490.0	2420.3	2352.5	2299.0	2434.6	2568.8	2674.1	2783.7	2897.8	3016.5	3016.5	2980.9
Annualized % change in # of tracks copied onto all media and devices		-16.4%	-15.7%	37.0%	28.9%	-2.8%	-2.6%	-2.6%	5.8%	5.9%	4.1%	4.1%	4.1%	4.1%	4.1%	4.1%
% of all tracks copied onto blank CDs (all media and devices) (Music Monitor year)	42.7%	21.8%	20.9%	24.0%	15.0%	13.6%	12.3%	10.8%	10.3%	9.8%	8.7%	7.7%	6.8%	6.0%	6.0%	6.2%
# of blank CDs sold (M) (Sierra Clara, calendar year)																
% change in # of blank CDs sold (M) (Sierra Clara, calendar year)																
# of blank CDs sold (M) (Sierra Clara, Music Monitor year)																
# of blank CDs bought by individuals (M) (Music Monitor year)	87.10	96.30	99.30	30.90	33.40	25.85	23.47	20.40	19.32	19.01	10.56	8.44	6.12	5.36	5.36	5.70
% of blank CDs bought by individuals																
% of copying music during the last event of copying onto CDs (Music Monitor year)	53%	49%	44%	50%	45%	40%	47%	48%	41%	33%	33%	33%	33%	33%	33%	33%
# of blank CDs used for music copying (M) (Music Monitor year)	43.85	44.83	16.43	18.48	14.28	11.30	10.48	9.30	7.60	5.06	3.32	2.65	2.11	1.68	1.68	1.79

**Notes:** Yellow cells denote confidential information. Italicized numbers are estimates or projections (p).

## APPENDIX C

### TABLEAUX CHOISIS 2015-2016

**TABLEAU 4.5**  
**Événements de copie privée en 1999-2016**

	1999-2000	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2013-2014	2015-2016
Nombre moyen de pistes par événement	12,3	15,2	16,1	18,0	19,6	21,2	32,2	30,7	31,2	35,3	38,1	22,0	30,6
Nombre moyen de pistes copiées annuellement par chaque Canadien	26,0	44,4	37,2	31,2	51,6	42,0	73,2	61,2	51,6	70,8	91,2	79,2	88,6
Nombre total de pistes copiées au Canada (millions)	569	1 132	948	795	1 315	1 071	1 998	1 671	1 409	1 931	2 490	2 299	2 569
% des pistes copiées dans le cadre de copies d'albums <sup>1</sup>	34 %	16 %	16 %	17 %	20 %	15 %	14 %	30 %	19 %	20%	23%	38%	s/o
% des pistes copiées dans le cadre de copies de quelques pistes d'un album	18 %	16 %	11 %	13 %	8 %	7 %	7 %	4 %	5 %	15%	16%	11%	s/o
% des pistes copiées dans le cadre de compilations	49 %	68 %	73 %	71 %	71 %	78 %	79 %	66 %	75 %	65%	61%	51%	s/o

1 Les pistes ont été distribuées entre les trois types de copies en tenant pour acquis que le dernier événement de copie est caractéristique de l'activité totale.

**TABLEAU 4.10**  
**Pistes copiées en 2015-2016 selon les médias sources et cibles**

	TOTAL	Média cible					
		CD	DVD	Cartes mémoires	EAP <sup>1</sup>	Cellulaire	Autres <sup>2</sup>
<b>Média source</b>		<b>Nombres des pistes copiées (millions)</b>					
TOTAL <sup>3</sup>	2 568,8	376,4 <sup>4</sup>	4,1	60,3	496,6	1 438,7	192,8
CD/DVD							
Cassettes							
Internet							
Radio							
Télévision							
Autres							
<b>Média source</b>		<b>Proportion de l'ensemble des pistes copiées</b>					
TOTAL	100,0 %	14,7 %	0,2 %	2,3 %	19,3 %	56,0 %	7,5 %
CD/DVD							
Cassettes							
Internet							
Radio							
Télévision							
Autres							

Nota : seules les données disponibles en 2015-2016 sont présentées.  
<sup>1</sup> Enregistreurs audio-numériques portatifs  
<sup>2</sup> Inclut les MiniDiscs et tout autre support non mentionné à la question 52 du questionnaire.  
<sup>3</sup> Le total affiché dans ce tableau a été ajusté pour correspondre au total de pistes copiées en raison de réponses imprécises quant aux sources et cibles du dernier événement.  
<sup>4</sup> Cette valeur est l'estimation centrale; la borne inférieure d'estimation est de 252,3 millions.

**TABLEAU 5.1**  
**Achats privés de médias vierges en 2015-2016**

	% ayant acheté au cours des 2 mois précédents	Nombre moyen d'unités achetées annuellement (toute la population)	Nombre total acheté annuellement (millions)		
			Estimation ponctuelle centrale	Limite inférieure <sup>1</sup>	Limite supérieure <sup>1</sup>
Cédéroms vierges	3%	0,72	20,99M	19,01M	22,97M
Cartes mémoires	s/o	s/o	s/o	s/o	s/o
DVD vierges	s/o	s/o	s/o	s/o	s/o

1 Limites inférieure et supérieure de l'estimation à un niveau de confiance de 95 % tenant compte du nombre de réponses obtenues et de la variance des réponses (donc de la marge d'erreur échantillonnale de l'estimation, soit 9 %).

**TABLEAU 5.2**  
**Utilisation des supports vierges, 2015-2016**

	% ayant utilisé le média pour des fins de copie au cours des 12 derniers mois	% des derniers événements faits de musique	% que représente la musique de l'ensemble de la copie	% n'enregistrant que de la musique	n <sup>1</sup>
Cédéroms vierges <sup>2</sup>	12%	33%	s/o	s/o	1 370
Cartes mémoire					
DVD					
Enregistreur audio-numérique portable					
Téléphone cellulaire					
1 La taille de l'échantillon indiquée s'applique aux proportions d'événements et à la proportion que la musique représente de l'ensemble de la copie. Le pourcentage ayant utilisé chaque médium est basé sur l'échantillon complet.					
2 Ces données combinent les réponses obtenues au sujet des cédéroms réinscriptibles et non-réinscriptibles.					

### Contenu copié lors du dernier événement de copie

	2015Q2	2015Q3	2015Q4	2016Q1	2015-2016
Musique préenregistrée	36%	33%	26%	38%	33%
Logiciels	2%	1%	1%	3%	2%
Photos et vidéos	51%	54%	59%	51%	54%
Données	6%	10%	10%	5%	8%
Autres	5%	1%	4%	4%	3%
n	352	366	306	346	1370