

Copyright Board
Canada



Commission du droit d'auteur
Canada

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Member Nathalie Théberge
Proposed Tariffs SOCAN Tariff 5.B: Exhibitions and Fairs – Attendance at musical concerts (2018-2020)
Considered SOCAN Tariff 5.B: Exhibitions and Fairs – Attendance at musical concerts (2021)

Approval of Proposed Tariffs

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SOCAN Tariff 5.B – Exhibitions and Fairs – Attendance at musical concerts (2018-2021)

REASONS FOR DECISION

I. OVERVIEW

TARIFFS CONSIDERED

[1] The Society of Composers, Authors and Music Publishers of Canada (SOCAN) filed the proposed following tariffs, applicable to fairs and exhibitions, for approval by the Copyright Board:

- Statement of Proposed Royalties to Be Collected by SOCAN for the Public Performance or the Communication to the Public by Telecommunication, in Canada, of Musical or Dramatico-Musical Works (2018-2020), (29 April 2017) C Gaz Supplement, Vol 151 No 17;
- Statement of Proposed Royalties to Be Collected by SOCAN for the Public Performance or the Communication to the Public by Telecommunication, in Canada, of Musical or Dramatico-Musical Works (2021), (18 May 2019) C Gaz Supplement, Vol 153 No 20.

[2] The proposed tariffs were published in the *Canada Gazette* on the dates indicated above, and prospective users and their representatives were given notice of their right to file objections to the proposed tariffs. There were no objections raised by any users or their representatives for the years 2018 to 2021.

[3] For the following reasons, we find that SOCAN Tariff 5.B meets the requirement of being fair and equitable, and as a result, we approve it.

II. BACKGROUND

[4] SOCAN, a collective society administrating certain aspects of copyright in musical works, filed with the Copyright Board for approval its proposed tariffs for the use of its repertoire (Tariff 5.B) by fairs and exhibitions from 2018 to 2021, on March 31, 2017 and March 28, 2019.

[5] Tariff 5.B only applies if there is an admission charge for attendance at musical concerts taking place during an exhibition or fair, in addition to any charge that may apply for entrance to the fair or exhibition itself. In other words, this separate tariff applies in addition to Tariff 5.A, for the authorization to perform, at any time and as often as desired, any or all of the works in SOCAN's repertoire at an exhibition or fair held in the years specified.

[6] The royalty rate under Tariff 5.B is calculated as 3 per cent of gross receipts from ticket sales to the concert, exclusive of any applicable taxes. If the concert ticket allows the purchaser access to the exhibition grounds at any time after the opening on the day of the concert, the adult general grounds admission price is deducted from the ticket price to produce the net ticket price. The fees due for Tariff 5.B are calculated on a per concert basis and are payable immediately after the close of the exhibition.

[7] For other concert performances, SOCAN's Tariff 4 (Music Concerts) applies.

[8] SOCAN's proposed tariffs set out a rate and terms and conditions that are unchanged from the last approved Tariff 5.B. (for 2009-2017).

[9] SOCAN's proposals were duly published and never opposed by any potential users.

III. REASONS FOR THE DECISION

[10] The proposed tariffs set the same royalty rate as in the last approved tariff. We are not aware of any changes in the market that would lead us to conclude that such royalty rate is not fair and equitable for the years 2018 to 2021. Furthermore, we have not identified any other aspect of the proposed tariff that should be modified.

IV. CONCLUSION

[11] Compared with the last approved SOCAN Tariff 5.B (for 2009-2017), the royalty rate and terms and conditions of the tariff proposals are unchanged for the years 2018, 2019, 2020 and 2021. For the reasons described above, we find the tariff proposals to be fair and equitable, and approve them as *SOCAN Tariff 5.B – Exhibitions and Fairs – Attendance at musical concerts (2018-2021)*.