

Copyright Board
Canada



Commission du droit d'auteur
Canada

Date 2020-09-04

Citation *SOCAN Tariffs 10.A and 10.B (2018-2022)*, 2020 CB 013

Member Nathalie Théberge

**Proposed
Tariff(s)** SOCAN Tariff 10.A – Parks, Parades, Streets And Other Public Areas – Strolling
Musicians and Buskers; Recorded Music (2018-2020)

Considered SOCAN Tariff 10.A – Parks, Parades, Streets And Other Public Areas – Strolling
Musicians and Buskers; Recorded Music (2021-2022)
SOCAN Tariff 10.B – Parks, Parades, Streets and Other Public Areas - Marching
Bands; Floats with Music (2018-2020)
SOCAN Tariff 10.B – Parks, Parades, Streets and Other Public Areas - Marching
Bands; Floats with Music (2021-2022)

Approval of Proposed Tariff(s)

As

***SOCAN Tariff 10.A – Parks, Parades, Streets and Other Public Areas –
Strolling Musicians and Buskers; Recorded Music (2018-2022)***

***SOCAN Tariff 10.B – Parks, Parades, Streets and Other Public Areas –
Marching Bands; Floats with Music (2018-2022)***

REASONS FOR DECISION

I. OVERVIEW

TARIFFS CONSIDERED

[1] The Society of Composers, Authors and Music Publishers of Canada (SOCAN), a collective society administrating certain aspects of copyright in musical works, filed the following proposed tariffs (“the Proposed Tariffs”), 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 (2021-2022), (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 2022.

[3] For the following reasons, we find that the Proposed Tariffs meet the requirement of being fair and equitable, and as a result, we approve them.

II. TARIFF 10.A – PARKS, PARADES, STREETS AND OTHER PUBLIC AREAS – STROLLING MUSICIANS AND BUSKERS; RECORDED MUSIC

A. BACKGROUND

[4] SOCAN filed with the Board for approval its proposed tariffs 10.A for the use of its repertoire by strolling musicians or buskers, or by means of recorded music, in parks, streets or other public areas from 2018 to 2022 on March 31, 2017 and March 28, 2019.

[5] The proposed tariffs set out a rate and terms and conditions that are unchanged from the last approved Tariff 10.A (for 2013-2017).

B. REASONS FOR THE DECISION

[6] The proposed tariffs set the same royalty rate as in the last approved tariff, namely \$34.93 for each day on which music is performed, up to a maximum fee of \$239.21 in any three-month period. 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 2022. Furthermore, we have not identified any other aspect of the proposed tariffs that should be modified.

III. TARIFF 10.B – PARKS, PARADES, STREETS AND OTHER PUBLIC AREAS – MARCHING BANDS; FLOATS WITH MUSIC

A. BACKGROUND

[7] SOCAN filed with the Copyright Board for approval its proposed tariffs 10.B for the use of its repertoire by marching bands or floats with music, in parks, streets or other public areas from 2018 to 2022 on March 31, 2017 and March 28, 2019.

[8] The proposed tariffs set out a rate and terms and conditions that are unchanged from the last approved Tariff 10.B (for 2013-2017).

B. REASONS FOR THE DECISION

[9] The proposed tariffs set the same royalty rate as in the last approved tariff, namely \$9.42 for each marching band or float with music participating in the parade, subject to a minimum fee of \$34.93 per day. 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 2022. Furthermore, we have not identified any other aspect of the proposed tariffs that should be modified.

IV. CONCLUSION

[10] Compared with the last approved SOCAN Tariffs 10.A and 10.B (for 2013-2017), the royalty rate and terms and conditions in the Proposed Tariffs are unchanged for the years 2018, 2019, 2020, 2021 and 2022. For the reasons above, we find these proposed tariffs to be fair and equitable, and approve them as *SOCAN Tariff 10.A – Parks, Parades, Streets And Other Public Areas – Strolling Musicians and Buskers; Recorded Music (2018-2022)* and *SOCAN Tariff 10.B – Parks, Parades, Streets and Other Public Areas - Marching Bands; Floats with Music (2018-2022)*.