

Copyright Board  
Canada



Commission du droit d'auteur  
Canada

October 30, 2020

In accordance with section 68.2 of the *Copyright Act*, the Copyright Board hereby publishes the following proposed tariffs:

- SOCAN Tariff 1.A – Commercial Radio, 2022-2024
- SOCAN Tariff 1.B – Non-commercial Radio Other than the CBC, 2022-2024
- SOCAN Tariff 2.A – Commercial Television Stations, 2022-2024
- SOCAN-SODRAC Tariff 2.A.R – Commercial Television, 2022-2024
- SOCAN Tariff 3.A – Cabarets, Cafes, Clubs, etc. – Live Music, 2022-2024
- SOCAN Tariff 4.A – Live Performances at Concert Halls, etc. – Popular Music Concerts, 2022-2024
- SOCAN Tariff 4.B – Live Performances at Concert Halls, etc. – Classical Music Concerts, 2022-2024
- SOCAN Tariff 5.A – Exhibitions and Fairs, 2022-2024
- SOCAN Tariff 5.B – Concerts at Exhibitions and Fairs, 2022-2024
- SOCAN Tariff 6 – Motion Picture Theatres, 2022-2024
- SOCAN Tariff 14 – Performance of an Individual Work, 2022-2024
- **SOCAN Tariff 15.A – Background Music in Establishments not Covered by Tariff 16 – Background Music, 2022-2024**
- SOCAN Tariff 15.B – Background Music in Establishments not Covered by Tariff 16 – Telephone Music on Hold, 2022-2024
- SOCAN Tariff 16 – Background Music Suppliers, 2022-2024
- SOCAN Tariff 17 – Transmission of Pay, Specialty and Other Television Services by Distribution Undertakings, 2022-2024
- SOCAN Tariff 23 – Hotel and Motel In-Room Services, 2022-2024

By that same section, the Copyright Board hereby gives notice to any person affected by these proposed tariffs that users or their representatives who wish to object to the above-mentioned proposed tariffs must file written objections with the Board, at the address indicated below, no later than the 30th day after the day on which the Board published the proposed tariffs, that is no later than **November 30, 2020**.

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Copyright Board Canada  
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PROPOSED TARIFF

Filed with the Copyright Board pursuant to subsection 67(1) of the *Copyright Act*

2020-10-15

SOCAN

*Tariff 15.A*

For the public performance of musical or dramatico-musical works

2022-01-01 – 2024-12-31

Proposed citation:

*SOCAN Tariff 15.A, Background Music in Establishments Not Covered by Tariff No. 16 –  
Background Music (2022-2024)*

## PROPOSED STATEMENT OF ROYALTIES TO BE COLLECTED BY THE SOCIETY OF COMPOSERS, AUTHORS AND MUSIC PUBLISHERS OF CANADA (SOCAN)

in compensation for the right to perform in public, in Canada, musical or dramatico-musical works forming part of its repertoire.

### GENERAL PROVISIONS

All amounts payable under this tariff are exclusive of any federal, provincial or other governmental taxes or levies of any kind.

As used in this tariff, the terms “licence” and “licence to perform” mean a licence to perform in public or to authorize the performance in public.

Except where otherwise specified, fees payable for any licence granted by SOCAN shall be due and payable upon grant of the licence. Any amount not received by the due date shall bear interest from that date until the date the amount is received. Interest shall be calculated daily, at a rate equal to one per cent above the Bank Rate effective on the last day of the previous month (as published by the Bank of Canada). Interest shall not compound.

Each licence shall subsist according to the terms set out therein. SOCAN shall have the right at any time to terminate a licence for breach of terms or conditions upon 30 days’ notice in writing.

### *Tariff No. 15*

#### BACKGROUND MUSIC IN ESTABLISHMENTS NOT COVERED BY TARIFF NO. 16

##### *A. Background Music*

For a licence to perform recorded music forming part of SOCAN’s repertoire, by any means, including a television set, and at any time and as often as desired in the years 2022-2024, any or all of the works in SOCAN’s repertoire, in an establishment not covered by Tariff 16, the annual fee is \$1.53 per square metre or 14.28¢ per square foot, payable no later than January 31 of the year covered by the licence.

If no music is performed in January of the first year of operation, the fee shall be prorated on a monthly basis, calculated from the month in which music was first performed, and shall be paid within 30 days of the date on which music was first performed.

Seasonal establishments operating less than six months per year shall pay half the above-mentioned rate.

In all cases, a minimum annual fee of \$117.75 shall apply.

The payment shall be accompanied by a report showing the area of the establishment.

This tariff does not cover the use of music expressly covered in other tariffs, including performances covered under Tariff 8.

Pursuant to subsection 72.1(1) of the *Copyright Act*, no royalties are collectable from the owner

or user of a radio receiving set in respect of public performances effected by means of that radio receiving set in any place other than a theatre that is ordinarily and regularly used for entertainments to which an admission charge is made.

SOCAN shall have the right to audit the licensee's books and records, on reasonable notice and during normal business hours, to verify the statements rendered and the fee payable by the licensee.

Where fees are paid under Tariff 16, subsection 3(2), no fees shall be payable under Tariff 15.