

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**.

**Lara Taylor**

Secretary General

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 4.A*

For the public performance of musical or dramatico-musical works

2022-01-01 – 2024-12-31

Proposed citation:

*SOCAN Tariff 4.A, Live Performances at Concert Halls, Theatres,  
and Other Places of Entertainment  
Popular Music Concerts (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. 4*

#### LIVE PERFORMANCES AT CONCERT HALLS, THEATRES AND OTHER PLACES OF ENTERTAINMENT

##### *A. Popular Music Concerts*

##### 1. Per Event Licence

For a licence to perform, by means of performers in person at a concert in the years 2022-2024, any or all of the works in SOCAN’s repertoire, at concert halls, theatres and other places where entertainment is presented, including open-air events, the fee payable per concert is as follows:

- (a) 3 per cent of gross receipts from ticket sales of paid concerts, exclusive of any applicable taxes, with a minimum fee per concert of \$35; or
- (b) 3 per cent of fees paid to singers, musicians, dancers, conductors and other performers during a free concert, with a minimum fee per concert of \$35.

For greater certainty, Tariff 4.A.1 applies to the performance of musical works by lip synching or miming.

“Free concert” includes, with respect to festivals, celebrations and other similar events, a concert for which no separate admission charge is made.

“Performers” include DJs when they are the featured performer and their identity forms part of

material used to promote the event.

#### *Administrative Provisions*

No later than 30 days after the concert, the licensee shall

- (a) pay the royalties due for the concert;
- (b) report the gross receipts from the ticket sales or the total fees paid to the performers, including all singers, musicians, dancers, conductors, and other performers, as may be applicable;
- (c) provide the legal names, addresses and telephone numbers of the concert promoters, if any, and the owners of the venue where the concert took place (if other than the licensee);
- (d) provide the name of the act(s) at the concert, if available; and
- (e) provide the title of each musical work performed, if available.

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.

Tariff 4.A.1 does not apply to uses covered under Tariff 3.A or Tariff 22.

## 2. Annual Licence

For an annual licence to perform, by means of performers in person at a concert in the years 2022-2024, any or all of the works in SOCAN's repertoire, at concert halls, theatres and other places where entertainment is presented, including open-air events, the fee payable per concert is as follows:

- (a) 3 per cent of gross receipts from ticket sales of paid concerts, exclusive of any applicable taxes, with a minimum annual fee of \$60; or
- (b) 3 per cent of fees paid to singers, musicians, dancers, conductors and other performers during a free concert, with a minimum annual fee of \$60.

For greater certainty, Tariff 4.A.2 applies to the performance of musical works by lip synching or miming.

"Free concert" includes, with respect to festivals, celebrations and other similar events, a concert for which no separate admission charge is made.

"Performers" include DJs when they are the featured performer and their identity forms part of material used to promote the event.

#### *Administrative Provisions*

No later than 30 days after each concert, the licensee shall

- (a) provide the legal names, addresses and telephone numbers of the concert promoters, if any, and of the owners of the venue where the concert took place (if other than the licensee);
- (b) provide the name of the act(s) at the concert, if available; and
- (c) provide the title of each musical work performed, if available.

The licensee shall estimate the fee payable for the year for which the licence is issued, based on the total gross receipts/fees paid for the previous year, and shall pay such estimated fee to SOCAN on or before January 31 of the year for which the licence is issued. Payment of the fee shall be accompanied by a report of the gross receipts/fees paid for the previous year.

If the gross receipts/fees paid reported for the previous year were not based on the entire year, payment of this fee shall be accompanied by a report estimating the gross receipts/fees paid for the entire year for which the licence is issued.

On or before January 31 of the following year, a report shall be made of the actual gross receipts/fees paid during the calendar year for which the licence is issued, an adjustment of the licence fee payable to SOCAN shall be made, and any additional fees due on the basis of the actual gross receipts/fees paid. If the fee due is less than the amount paid, SOCAN shall credit the licensee with the amount of the overpayment.

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.

Tariff 4.A.2 does not apply to uses covered under Tariff 3.A or Tariff 22.