

~~COPYRIGHT BOARD~~ PROPOSED TARIFF

Filed with the Copyright Board by SOCAN on 2023-10-15 pursuant to subsection 67(1) of the Copyright Act

Proposed Tariff Title: *SOCAN Tariff 1.B – Radio – Non-Commercial Radio other than the Canadian Broadcasting Corporation* (~~2018-2021~~ 2025-2027)

Citation: 2020-CB-005-T

See also: *SOCAN Tariff 1.B, (2018-2021)*, 2020-CB-005

Published pursuant to section 70.1 of the *Copyright Act*

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For the communication to the public by telecommunication of musical or dramatico-musical works.

Effective Period: 2025-01-01 – 2027-12-31

SOCAN TARIFF 1.B-₂ RADIO – NON-COMMERCIAL RADIO OTHER THAN THE
CANADIAN BROADCASTING CORPORATION (~~2018-2021~~ 2025-2027)

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,” “licence to perform” and “licence to communicate to the public by telecommunication” mean a licence to perform in public or to communicate to the public by telecommunication or to authorize the performance in public or the communication to the public by telecommunication, including the right to make works available to the public by telecommunication in a way that allows a member of the public to have access to them from a place and at a time individually chosen by that member of the 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.~~

Published by the Copyright Board of Canada, pursuant to subsection 17(2) of the Copyright Board Rules of Practice and Procedure, on November 15, 2023.

Tariff

Tariff

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 or to communicate~~communication to the public by telecommunication, in Canada, of musical or dramatico-musical works forming part of its repertoire ~~including the right to make such works available to the public by telecommunication in a way that allows a member of the public to have access to them from a place and at a time individually chosen by that member of the public.~~

For a licensee

Royalties

To communicate to ~~perform~~the public by telecommunication over the air or over the Internet, at any time and as often as desired in the years ~~2018, 2019, 2020 and 2021~~2025-2027, any or all of the works in SOCAN's repertoire by a non-commercial AM, FM or Internet-only radio station other than a station of the Canadian Broadcasting Corporation, the ~~fee~~royalty payable is 1.9 per cent of the station's gross operating costs in the year covered by ~~the licensee~~this tariff. For greater certainty, "the station's gross operating costs" includes its gross Internet operating costs.

Terms and Conditions

No later than January 31 of the year covered by ~~the licensee~~this tariff, the ~~licensee~~user shall pay the estimated ~~fee~~royalty owing for that year. The payment shall be accompanied by a report of the station's actual gross operating costs for the previous year. The ~~fee~~royalty is subject to adjustment when the actual gross operating costs for the year covered by the ~~licensee~~tariff have been determined and reported to SOCAN.

If broadcasting takes place for less than the entire year, an application must be made ~~for a licensee to~~operate under this tariff by the end of the first month of broadcasting on the form to be supplied by SOCAN and, together with the application form, the station shall forward its remittance for the estimated ~~fee~~royalties payable.

For the purpose of this tariff ~~item~~, "non-commercial AM, FM or Internet-only radio station" shall include any station that is non-profit or not-for-profit, whether or not any part of its operating expenses is funded by advertising revenues.

Tariff 1.B does not apply to the use of music in connection with the transmission by a distribution undertaking of a pay audio signal.

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

~~Tariff 1.B does not apply to the use of music in connection with the transmission by a distribution undertaking of a pay audio signal.~~

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

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~~ 1% above the Bank Rate effective on the last day of the previous month (as published by the Bank of Canada). Interest shall not compound.