

~~Tariff No. 4~~ 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 4.A – Live Performances at Concert Halls, Theatres, and Other Places of Entertainment – Popular Music Concerts (2025-2027)

For the public performance of musical or dramatico-musical works.

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

SOCAN TARIFF 4.A – LIVE PERFORMANCES AT CONCERT HALLS, THEATRES, AND OTHER PLACES OF ENTERTAINMENT – POPULAR MUSIC CONCERTS (2025-2027)

Proposed statement of royalties to be collected by the Society of Composers, Authors and Music Publishers of Canada (SOCAN) in compensation for the performance in public, in Canada, of musical or dramatico-musical works forming part of its repertoire.

Terms and Conditions

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

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 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.

4.A.1 Popular ~~Music~~ music Concerts

1. — Per Event ~~licence~~ Royalty

~~For a licence to~~ To perform, by means of performers in person at a concert in the years ~~2015 to~~

~~2017~~2025-2027, 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~~royalty payable per concert is as follows:

- a) ~~(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~~60.14; or
- b) ~~(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~~60.14.

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.

~~For the year 2017~~, "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~~user shall

- a) ~~(a)~~ pay the royalties due for the concert;
- b) ~~(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) ~~(c)~~ 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~~user);
- d) ~~(d)~~ provide the name of the act(s) at the concert, if available; and
- e) ~~(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~~

For greater certainty, this tariff does not apply to ~~performances~~uses of music covered ~~under~~in other tariffs, including:

a) communication to the public by telecommunication of musical works by an online service, such as those covered by SOCAN Tariff 22, including an online music service, an online audiovisual service, a user generated content service or an allied audiovisual service; and

b) the live performance in public of musical works in cabarets, cafes, clubs, cocktail bars, dining rooms, lounges, restaurants, roadhouses, taverns and similar establishments, such as those covered by SOCAN Tariff 3.A ~~or Tariff 22.~~

4.A.2. Popular music Concerts — Annual ~~License~~Royalty

~~For an annual license to~~To perform, by means of performers in person at a concert in the years ~~2015 to 2017~~2025-2027, 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~~annual royalty payable per concert is as follows:

- a) ~~(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~~103.09; or
- b) ~~(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~~103.09.

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.

~~For the year 2017,~~ “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~~user shall

- a) ~~(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~~user);

- b) ~~(b)~~ provide the name of the act(s) at the concert, if available; and
- c) ~~(c)~~ provide the title of each musical work performed, if available.

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

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 ~~licensee is issued~~tariff applies, an adjustment of the ~~licensee fee~~royalty payable to SOCAN shall be made, and any additional ~~fees~~royalties due on the basis of the actual gross receipts/fees paid. If the ~~fee~~royalty due is less than the amount paid, SOCAN shall credit the ~~licensee~~user 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~~

For greater certainty, this tariff does not apply to ~~performances~~uses of music covered ~~under~~in other tariffs, including:

a) communication to the public by telecommunication of musical works by an online service, such as those covered by SOCAN Tariff 22, including an online music service, an online audiovisual service, a user generated content service or an allied audiovisual service; and

b) the live performance in public of musical works in cabarets, cafes, clubs, cocktail bars, dining rooms, lounges, restaurants, roadhouses, taverns and similar establishments, such as those covered by SOCAN Tariff 3.A ~~or Tariff 22.~~