

~~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 4.B – Live Performances at Concert Halls, Theatres, and Other Places of Entertainment – Classical Music Concerts* (~~2018-2024~~2025-2027)

~~Citation: 2021-CB-11-T~~

~~See also: SOCAN Tariff 4.B (2018-2024), 2021-CB-11~~

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

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

SOCAN TARIFF 4.B – LIVE PERFORMANCES AT CONCERT HALLS, THEATRES, AND OTHER PLACES OF ENTERTAINMENT – CLASSICAL MUSIC CONCERTS (~~2018-2024~~2025-2027)

General Provisions

Proposed statement of royalties to be collected by ~~SOCAN~~ 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 ~~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.

Tariff

~~Tariff of royalties to be collected by SOCAN in compensation for the right to perform in public, in Canada, musical or dramatico-musical works forming part of its repertoire.~~

4.B.1. Classical ~~Music~~music Concerts — Per Concert ~~Fee~~Royalties

To perform, by means of performers in person in the years ~~2018-2024~~ 2025-2027, any or all of the works in SOCAN's repertoire, at concerts or recitals of classical music, the ~~fee~~ royalties payable per concert is as follows:

- a) ~~(a)~~ 1.56 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)~~ 1.56 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.B.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.

Administrative Provisions

No later than 30 days after the concert, the user shall :

- a) ~~(a)~~ pay the royalties due for the concert;
- b) ~~(b)~~ report the gross receipts from the concert's 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 user);
- d) ~~(d)~~ provide the name of the performers 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 user's books and records, on reasonable notice and during normal business hours, to verify the statements rendered and the fee payable by the user.~~

4.B.2. ~~Classical Music~~ music Concerts — Annual ~~Fees~~ Royalties for Orchestras

To perform, at any time and as often as desired in the years ~~2018-2024~~ 2025-2027, any or all of the works in SOCAN's repertoire, as live performances by orchestras (including singers), at concerts or recitals of classical music, an annual fee calculated in accordance with the following is payable in semi-annual instalments by no later than January 31 and July 31:

Table 1: Annual fees

<u>Annual Orchestra Budget</u>	<u>Annual Fee x</u> <u>Total Number of Concerts</u> <u>Royalty per concert</u>
\$0 to \$100,000	\$ 73 <u>113</u>
\$100,001 to \$500,000	\$ 117 <u>181</u>
\$500,001 to \$1,000,000	\$ 191 <u>295</u>
\$1,000,001 to \$2,000,000	\$ 238 <u>368</u>
\$2,000,001 to \$5,000,000	\$ 398 <u>615</u>
\$5,000,001 to \$10,000,000	\$ 436 <u>674</u>
Over \$10,000,000	\$ 477 <u>737</u>

“Orchestras” include a musical group which offers to the public one or more series of concerts or recitals that have been predetermined in an annual budget.

Included in ~~the “total number of concert” are~~ concerts ~~are the ones~~ where no work of SOCAN's repertoire is performed.

Accompanying a user's semi-annual payment, the user shall file with SOCAN a report setting out the orchestra's annual budget at the time of the report.

Where ~~fees~~ royalties are paid under this tariff, no ~~fees~~ royalties shall be payable under Tariff 4.B.1.

~~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 fee payable by the user.~~

4.B.3. ~~Classical Music~~ music Concerts — Annual ~~Fee~~ Royalties for Presenting Organizations

To perform, by means of performers in person in the years ~~2018-2024~~2025-207, any or all of the works in SOCAN's repertoire during a series of concerts or recitals of classical music forming part of an artistic season of a presenting organization, the ~~fee~~royalties payable per concert is as follows:

0.96 per cent of gross receipts from ticket sales, subscription and membership revenues, for all concerts (including concerts where no work of SOCAN's repertoire is performed), exclusive of any applicable taxes, with a minimum annual fee of ~~\$35~~60.14.

Where a series of concerts and recitals forming part of a presenting organization's artistic season is free of charge, the ~~fee~~royalties payable is as follows:

0.96 per cent of fees paid to singers, musicians, dancers, conductors, and other performers, for all concerts (including concerts where no work of SOCAN's repertoire is performed) in the series, with a minimum annual fee of ~~\$35~~60.14.

For greater certainty, Tariff 4.B.3 applies to the performance of musical works by lip synching or miming.

Administrative Provisions

No later than 30 days after each concert, the 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 user);
- b) ~~(b)~~ provide the name of the performers at the concert, if available; and
- c) ~~(c)~~ provide the title of each musical work performed, if available.

No later than January 31 of the year for which the tariff applies, the user shall file with SOCAN a report estimating the gross receipts from ticket sales, subscription and membership revenues for that year. For a series of free concerts and recitals, the user shall file a report estimating the fees paid to singers, musicians, dancers, conductors, and other performing artists for all concerts in the series. If the estimated payment is \$100 or less, payment shall accompany the report. Otherwise, payments based on the report's estimate shall be made quarterly within 30 days of the end of each quarter.

No later than January 31 of the following year, the user shall file with SOCAN a report of the actual gross receipts from ticket sales, subscription and membership revenues or, for a series of free concerts and recitals, the fees paid to singers, musicians, dancers, conductors and other

performing artists, during the year for which the tariff applies, and an adjustment of the annual ~~fee~~royalties shall be paid to SOCAN. Any amount due shall accompany the report; if the ~~fee~~royalties due ~~is~~are less than the amount paid, SOCAN shall credit the user with the amount of the overpayment.

Where ~~fee~~royalties are paid under this tariff, no ~~fee~~royalties shall be payable under Tariff 4.B.1.—

~~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 fee payable by the user.~~