

~~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 5.B – Concerts at Exhibitions and Fairs* (~~2018-2021~~)

Citation: ~~2020 CB 009~~ 2025-2027)

See also: *SOCAN Tariff 5.B (2018-2021)*, 2020 CB 009

Published pursuant to section 70.1 of the *Copyright Act*

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

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

SOCAN TARIFF 5.B – CONCERTS AT EXHIBITIONS AND FAIRS (~~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.~~

Tariff

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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~~ performance in public ~~or to communicate 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.~~

Royalties

Where an admission charge is made for attendance at musical concerts during an exhibition or fair, in addition to any charge that may apply for entrance to the exhibition or fair itself, ~~an additional licensee~~ royalties shall be ~~required~~ payable under this tariff for the public performance of any or all of the works in SOCAN's repertoire. The ~~fee~~ royalty payable for such ~~licensee~~ public performance, for the years ~~2018, 2019, 2020, and 2021~~ 2025-2027, is calculated at the rate of 3 per cent of gross receipts from ticket sales to the concert, exclusive of any applicable taxes, subject to a minimum fee of \$60.14. Where the concert ticket allows the purchaser access to the exhibition grounds at any time after the opening on the day of the concert, the adult general grounds admission price shall be deducted from the ticket price to produce the net ticket price.

The ~~fees~~ royalties due under ~~section B above~~ this tariff shall be calculated on a per concert basis and shall be payable immediately after the close of the exhibition.

Terms and Conditions

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.

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.