

## 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 15.A – Background Music in Establishments Not Covered by Tariff No. 16 – Background Music (2025-2027)*

For the public performance of musical or dramatico-musical works

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

### SOCAN TARIFF 15.A – BACKGROUND MUSIC IN ESTABLISHMENTS NOT COVERED BY TARIFF NO. 16 – BACKGROUND MUSIC (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.

#### *Royalties*

To perform recorded music forming part of SOCAN's repertoire, by any means, including a television set, and at any time and as often as desired in the years 2025-2027, in an establishment not covered by Tariff 16, the annual royalty is \$2.32 per square metre or 21.58¢ per square foot, payable no later than January 31 of the year covered by the tariff.

If no music is performed in January of the first year of operation, the fee shall be prorated on a monthly basis, calculated from the month in which music was first performed, and shall be paid within 30 days of the date on which music was first performed.

Seasonal establishments operating less than six months per year shall pay half the above-mentioned rate.

In all cases, a minimum annual fee of \$177.99 shall apply.

The payment shall be accompanied by a report showing the area of the establishment.

For greater certainty, this tariff does not apply to uses of music covered in other tariffs, including performances of musical works as part of events at receptions, conventions, assemblies and fashion shows, such as those covered by SOCAN Tariff 8.

Pursuant to subsection 72.1(1) of the *Copyright Act*, no royalties are collectable from the owner or user of a radio receiving set in respect of public performances effected by means of that radio receiving set in any place other than a theatre that is ordinarily and regularly used for entertainments to which an admission charge is made.

Where royalties are paid under Tariff 16, subsection 3(2), no royalties shall be payable under Tariff 15.

### *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.