

~~COPYRIGHT BOARD~~ PROPOSED TARIFF

FILE: Public Performance of Musical Works

~~Statement of Royalties to Be Collected by SOCAN for the Public Performance or the Communication to the Public by Telecommunication, in Canada, of Musical or Dramatico-Musical Works~~

~~In accordance with~~

Filed with the Copyright Board by SOCAN on 2023-10-15 pursuant to subsection 68(467(1)) of the Copyright Act, ~~the Copyright Board has certified and hereby publishes the~~

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) ~~for the public performance or the communication to the public by telecommunication, in Canada,~~ of musical or dramatico-musical works in respect of the following tariffs and for the following years:

- ~~— Tariff No. 24 (2006-2013)~~
- ~~— Tariff No. 15.A (2008-2011)~~
- ~~— Tariff No. 13.A (2009-2010)~~
- ~~— Tariff No. 15.B (2009-2011)~~
- ~~— Tariffs Nos. 2.C, 2.D, 5.A, 12.A, 12.B, 13.B, 13.C, 23 (2009-2012)~~
- ~~— Tariffs Nos. 2.B, 6 (2009-2013)~~
- ~~— Tariff No. 16 (2010-2011)~~
- ~~— Tariff No. 9 (2010-2012)~~
- ~~— Tariffs Nos. 3.A, 3.B, 3.C, 7, 8, 10.A, 10.B, 11.A, 11.B, 14, 18, 19, 20, 21 (2011-2012)~~

Ottawa, June 30, 2012

GILLES McDOUGALL  
*Secretary General*  
56 Sparks Street, Suite 800  
Ottawa, Ontario  
K1A 0C9  
613-952-8624 (telephone)  
613-952-8630 (fax)  
gilles.mcdougall@cb-cda.gc.ca (email)

~~TARIFF 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.

~~GENERAL PROVISIONS~~

~~All amounts payable under these tariffs are exclusive of any federal, provincial or other governmental taxes or levies of any kind.~~

~~As used in these tariffs, 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, as the context may require.~~

~~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 of Canada 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 No. 15*

~~BACKGROUND MUSIC IN ESTABLISHMENTS NOT COVERED BY TARIFF NO. 16~~

~~A. Background Music (2008 to 2011)~~

~~For a licence to~~

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 ~~2008 to 2011~~2025-2027, in an establishment not covered by Tariff 16, the annual ~~fee~~royalty is \$~~1.23~~2.32 per square metre or ~~11.46~~21.58¢ per square foot, payable no later than January 31 of the year covered by the ~~licence~~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 \$~~94.51~~177.99 shall apply.

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

~~This~~For greater certainty, this tariff does not ~~cover the use~~apply to uses of music ~~expressly~~ covered in other tariffs, including performances of musical works as part of events at receptions, conventions,

assemblies and fashion shows, such as those covered ~~under~~ by SOCAN Tariff 8.

Pursuant to subsection ~~69(2)~~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 ~~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 ~~these tariffs~~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 above the Bank of Canada~~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.