

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 23 – Hotel and Motel In-Room Services (2025-2027)*

For the communication to the public by telecommunication of musical or dramatico-musical works.

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

SOCAN TARIFF 23 – HOTEL AND MOTEL IN-ROOM SERVICES (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 communication to the public by telecommunication, in Canada, of musical or dramatico-musical works forming part of its repertoire, which, where applicable, includes the making available of such works 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.

Definitions

1. In this tariff, “mature audience film” means an audiovisual work that has sexual activity as its primary component and that is separately marketed as adult entertainment.

Royalties

2. For the communication to the public by telecommunication, at any time and as often as desired in the years 2025 to 2027, of any or all of the works in SOCAN’s repertoire, by means of hotel or motel in-room audiovisual or musical services, the royalties payable shall be:

- a) 1.25% of the fees paid by guests to view audiovisual works other than mature audience films;
- b) 0.3125% of the fees paid by guests to view mature audience films containing any work in respect of which a SOCAN licence is required; and

- c) 5.5% of the revenues of the provider of any musical service.

Terms and Conditions

3. Royalties shall be due no later than 60 days after the end of each quarter. The payment shall be accompanied by a report showing, with respect to the relevant quarter,

- a) for audiovisual works other than mature audience films,
 - i. the fees paid by guests to view the audiovisual content, and
 - ii. the individual titles of the audiovisual works used during the quarter;
- b) for mature audience films,
 - i. the fees paid by guests to view the films,
 - ii. a list of individual titles of the films used during the quarter, indicating which films did not contain any work in respect of which a SOCAN licence is required, and
 - iii. if a film does not contain any work in respect of which a SOCAN licence is required, documentation establishing that no such works were used; and
- c) for musical services,
 - i. the fees paid by guests to use the service,
 - ii. the revenues of the provider of the service, and
 - iii. the Universal Product Code (UPC) and the International Standard Recording Code (ISRC) of the recordings used in providing the service.

4. (1) For greater certainty, this tariff does not apply to uses of music covered in other tariffs, including:

(a) communication to the public by telecommunication of musical works in connection with the transmission of a television signal for private or domestic use, such as those covered by SOCAN Tariff 17;

(b) 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, an allied audiovisual service or a game service; and

(c) communication to the public by telecommunication of musical works in connection with a pay audio service, such as those covered by SOCAN Tariff 26.

(2) This tariff does not apply to Internet access services or to video games services.

5. 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 royalty payable by the user.

6. All amounts payable under this tariff are exclusive of any federal, provincial or other governmental taxes or levies of any kind.

7. 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.