

## Copyright Board

### ***Notice of Grounds for Proposed Tariff***

#### **SOCAN Tariff 12.A – Theme Parks, Ontario Place Corporation and Similar Operations**

December 15, 2021

#### **1. Description of Uses Covered by the Proposed Tariff**

This tariff applies to public performances of musical works in SOCAN's repertoire at theme parks such as Ontario Place, excluding music events where a separate admission charge is levied.

#### **2. Description of Users / Groups of Users Covered by the Proposed Tariff**

Users are operators of theme parks that are similar to Ontario Place. An example of a well-known user of this tariff is the Toronto Zoo in Scarborough, Ontario.

#### **3. Explanation of How Royalties are Determined**

The proposed royalty rate for 2023-2025 is \$3.07 per 1000 people in attendance on days when music performed (rounding the number of persons to the nearest 1000), plus 1.5% of live music entertainment costs. The proposed percentage rate remains the same as the previously-approved rate and the proposed fee per 1000 people is an inflationary increase based on the Board's established inflation adjustment methodology from the previously-approved rate, which has been in place since 2015.

#### **4. Submissions on the Collection of Information**

Royalties under this tariff are to be paid in advance based on estimated attendance and live music entertainment costs in two installments: one by June 30 and the other by October 1. Within 30 days of either the close of the season or January 31 of the following year (whichever is sooner), each user must deliver an audited statement setting out the total attendance and the live music entertainment costs for the year covered by the licence. SOCAN uses this information to calculate the fee and submit a statement of adjustments, if necessary.

#### **5. Explanation of Changes from Previously Approved Tariff**

There are two changes from the previously-approved tariff:

1. The proposed fee per day for 2023-2025 is an inflationary increase, as described above.
2. In accordance with the Board's Practice Notice on Filing of Proposed Tariffs [PN 2019-004 rev. 1], the tariff wording has been amended to avoid referring to other SOCAN tariffs.