

PROPOSED TARIFF

Filed with the Copyright Board by SOCAN on 2021-10-15 pursuant to subsection 67(1) of the Copyright Act

Proposed Tariff Title: SOCAN Tariff 2.D, Television - Canadian Broadcasting Corporation (2023-2025)

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

Effective Period: 2023-01-01 – 2025-12-31

SOCAN TARIFF 2.D, TELEVISION - CANADIAN BROADCASTING CORPORATION (2023-2025)

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 communicate to the public by telecommunication, in Canada, 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.

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” and “licence to communicate to the public by telecommunication” mean a licence to communicate to the public by telecommunication or to authorize 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 herein. 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. 2

TELEVISION

D. Canadian Broadcasting Corporation

~~For a licence to perform, at any time and as often as desired in the years 2013 and 2014, for private or domestic use, any or all of the~~

Definitions

1. In this tariff,

“gross income” means the gross amounts paid by any person for the use of one or more broadcasting services or facilities provided by the station’s operator, whether such amounts are paid to the station owner or operator or to other persons, excluding the following:

(a) any such amounts received by a person other than the operator or owner of the station which form part of the base for calculation of the SOCAN royalty payable by such other person under this or another tariff;

(b) income accruing from investments, rents or any other business unrelated to the station’s broadcasting activities. However, income accruing from any allied or subsidiary business that is a necessary adjunct to the station’s broadcasting services and facilities or which results in their being used shall be included in the “gross income”;

(c) amounts received for the production of a program that is commissioned by someone other than the licensee and which becomes the property of that person;

(d) the recovery of any amount paid to obtain the exclusive national or provincial broadcast rights to a sporting event, if the licensee can establish that the station was also paid normal fees for station time and facilities. SOCAN may require the production of the contract granting these rights together with the billing or correspondence relating to the use of these rights by other parties; and

(e) amounts received by an originating station acting on behalf of a group of stations, which do not constitute a permanent network and which broadcast a single event, simultaneously or on a delayed basis, that the originating station pays out to the other stations participating in the broadcast. These amounts paid to each participating station are part of that station’s “gross income.” (« *revenus bruts* »)

“reference month” means the second month before the month for which royalties are being paid;
(« mois de référence »)

Application

2. (1) This tariff sets the royalties to be paid by the CBC for the communication to the public by telecommunication, in Canada, of musical and dramatico-musical works in SOCAN's the repertoire of SOCAN for the years 2023 to 2025 for all broadcasts of programs by the television network and stations owned and operated by the CBC.

(2) This tariff applies only to the broadcasts of programs by the television network and stations owned and operated by the Canadian Broadcasting Corporation, ~~the annual fee shall be \$6,922,586, payable in equal monthly instalments and no other distribution undertaking or programming undertaking.~~

Royalties

3. The CBC shall pay, per month, on the first day of each month, ~~commencing January 1 of the year~~ the following amounts, plus 1.9% of gross income, in connection with the above uses for the reference month for which the licence is issued:

~~Tariff 2.D does not apply to the use of music covered under Tariff 17 or Tariff 22.~~

<u>Year</u>	<u>Monthly Royalty</u>
<u>2023</u>	<u>\$685,376.16</u>
<u>2024</u>	<u>\$694,935.10</u>
<u>2025</u>	<u>\$704,494.05</u>

Administrative Provisions

4. (1) No later than the first day of each month, the CBC shall

(a) pay the royalties for that month; and

(b) report the CBC's gross income for the reference month.

Audit

5. SOCAN shall have the right to audit the CBC's books and records, on reasonable notice and during normal business hours, to verify the statements provided and the fees payable by the Canadian Broadcasting Corporation.