

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 3.B, Cabarets, Cafes, Clubs, Cocktail Bars, Dining Rooms, Lounges, Restaurants, Roadhouses, Taverns, and Similar Establishments - Recorded Music Accompanying Live Entertainment (2023-2025)

For the public performance of musical or dramatico-musical works

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

SOCAN TARIFF 3.B, CABARETS, CAFES, CLUBS, COCKTAIL BARS, DINING ROOMS, LOUNGES, RESTAURANTS, ROADHOUSES, TAVERNS, AND SIMILAR ESTABLISHMENTS - RECORDED MUSIC ACCOMPANYING LIVE ENTERTAINMENT (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 perform in public, in Canada, musical or dramatico-musical works forming part of its repertoire.

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 perform” mean a licence to perform in public or to authorize the performance in 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. 3

CABARETS, CAFES, CLUBS, COCKTAIL BARS, DINING ROOMS, LOUNGES, RESTAURANTS, ROADHOUSES, TAVERNS AND SIMILAR ESTABLISHMENTS

B. Recorded Music Accompanying Live Entertainment

For a licence to perform, by means of recorded music, at any time and as often as desired in the years ~~2013~~ 2023 to ~~2017~~ 2025, any or all of the works in ~~SOCAN's~~ SOCAN's repertoire, as an integral part of live entertainment in cabarets, cafes, clubs, cocktail bars, dining rooms, lounges, restaurants, roadhouses, taverns and similar establishments, the fee payable by the establishment shall be 2 per cent of the compensation for entertainment paid in the year covered by the licence, subject to a minimum annual fee of ~~\$62.74 for the years 2013 and 2014 and \$67.32 for the years 2015 to 2017~~ 79.83.

“Compensation for entertainment” means the total amounts paid by the licensee to, plus any other compensation received by, all performers, for entertainment of which recorded music forms an integral part. It does not include expenditures for stage props, lighting equipment, set design and costumes, or expenditures for renovation, expansion of facilities or furniture and equipment.

No later than January 31 of the year covered by the licence, the licensee shall pay to SOCAN the estimated fee owing for that year, as follows. If any music was performed as part of entertainment in the previous year, the payment is based on the compensation paid for entertainment during that year, and accompanied by a report of the actual compensation paid for entertainment during that year. If no music was performed as part of entertainment in that year, the licensee shall file a report estimating the expected compensation for entertainment during the year covered by the licence and pay according to that report.

No later than January 31 of the following year, the licensee shall file with SOCAN a report of the actual compensation paid for entertainment during the previous year, and an adjustment of the licence fee shall be made accordingly. Any monies owed shall then be paid to SOCAN; if the fee due is less than the amount paid, SOCAN shall credit the licensee with the amount of the overpayment.

SOCAN shall have the right to audit the ~~licensee's~~ licensee's books and records, on reasonable notice and during normal business hours, to verify the statements rendered and the fee payable by the licensee.

~~The licensee may request that the examination be made by an independent auditor chosen by the licensee from a list of at least three auditors furnished by SOCAN. In such a case, only the auditor so appointed need be allowed access to the licensee's records. If the audit discloses that~~

the licence fee owed to SOCAN has been understated by more than 10 per cent, the licensee shall pay the auditor's fees.

~~Tariff 3.B~~ This tariff does not apply to the use of music ~~covered under Tariff 3.C.~~

in adult entertainment clubs.