

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 12.A, Theme Parks, Ontario Place Corporation and Similar Operations (2023-2025)

For the public performance of musical or dramatico-musical works

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

SOCAN TARIFF 12.A, THEME PARKS, ONTARIO PLACE CORPORATION AND SIMILAR OPERATIONS (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 ~~these tariffs~~this tariff are exclusive of any federal, provincial or other governmental taxes or levies of any kind.

As used in ~~these tariffs~~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 ~~therein~~herein. SOCAN shall have the right at any time to terminate a licence for breach of terms or conditions upon 30 ~~days~~days’ notice in writing.

Tariff No. 12

~~A~~—THEME PARKS, ONTARIO PLACE CORPORATION AND SIMILAR OPERATIONS;

CANADA'S WONDERLAND AND SIMILAR OPERATIONS

A. Theme Parks, Ontario Place Corporation and Similar Operations

For a licence to perform, at any time and as often as desired in the years ~~2018, 2019, 2020, 2021 and 2022~~2023 to 2025, any or all of the works in ~~SOCAN's~~SOCAN's repertoire, at theme parks, Ontario Place Corporation and similar operations, the fee payable is

- (a) \$~~2,593.07~~ per 1 000 persons in attendance on days on which music is performed, rounding the number of persons to the nearest 1 000;

PLUS

- (b) 1.5 per cent of "live music entertainment costs."

"Live music entertainment costs" means all direct expenditures of any kind and nature (whether in money or other form) paid by the licensee or on the ~~licensee's~~licensee's behalf for all live entertainment during which live music is performed on the premises. It does not include amounts expended for stage props, lighting equipment, set design and costumes, or expenditures for renovation, expansion of facilities or furniture and equipment.

No later than June 30 of the year covered by the licence, the licensee shall file with SOCAN a statement estimating the attendance and the live music entertainment costs for that year, together with payment of 50 per cent of the estimated fee. The balance of the estimated fee is to be paid no later than October 1 of the same year.

No later than the earliest of 30 days of the close of the season and January 31 of the following year, the licensee shall file with SOCAN an audited statement setting out the total attendance and the live music entertainment costs for the year covered by the licence. SOCAN shall then calculate the fee and submit a statement of adjustments.

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.

~~Tariff 12.A does not apply to performances covered under SOCAN Tariff 4 (Live Performances at Concert Halls, Theatres and Other Places of Entertainment) or SOCAN Tariff 5 (Exhibitions and Fairs).~~

This tariff does not apply to music concerts for which a separate or additional admission charge is made in addition to any charge that may apply for entrance to the theme park. Such concerts require an additional licence under the applicable concert tariff.

