

Copyright Board

Notice of Grounds for Proposed Tariff

SOCAN Tariff 21 – Recreational Facilities Operated by a Municipality, School, College, University, Agricultural Society or Similar Community Organizations

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 in a recreational facility operated by a municipality, school, college, university, agricultural society or similar community organizations, during recreational activities that would otherwise be subject to Tariff 5.A (Exhibitions and Fairs), Tariff 7 (Skating Rinks), Tariff 8 (Receptions, Conventions, Assemblies and Fashion Shows), Tariff 9 (Sports Events, including minor hockey, figure skating, roller skating, ice skating, youth figure skating, carnivals and amateur rodeos), Tariff 11.A (Circuses, Ice Shows, etc.) or Tariff 19 (Fitness Activities and Dance Instruction).

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

Users are the owners and operators of community facilities, which are usually municipalities or community organizations. It is not useful or appropriate to provide examples of users under the tariff as there are no particular users who are more well-known than others. In order to fall under Tariff 21, the facility's annual revenue must not exceed the set threshold.

3. Explanation of How Royalties are Determined

The proposed royalty rate for 2023-2025 is an annual fee of \$235.48 if the facility's gross revenue from events does not exceed \$20,752.21. The proposed annual royalty and maximum revenue threshold are inflationary increases 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

On or before January 31 of the year following the year covered by the licence, a licensee shall submit a report confirming that their gross revenue from events covered by this tariff does not exceed the threshold.

5. Explanation of Changes from Previously Approved Tariff

There are two changes from the previously-approved tariff:

1. Both the proposed royalty for 2023-2025 and the proposed maximum revenue threshold are inflationary increases, as described above.
2. The tariff wording has been amended to remove the COVID-19 adjustment implemented in the previously-approved tariff, namely, that the fee payable is no longer reduced by one twelfth for each full month during the year in which no activity subject to this tariff occurs. For the years 2023-2025, such COVID-19 adjustment is no longer necessary, and including it for these years would not be fair and equitable.

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