

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.C, Adult Entertainment Clubs (2023-2025)*

For the public performance of musical or dramatico-musical works

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

SOCAN TARIFF 3.C, ADULT ENTERTAINMENT CLUBS (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

C. Adult Entertainment Clubs

For a licence to perform, by means of recorded music, at any time and as often as desired in the years 2023 to 2025, any or all of the works in SOCAN’s repertoire, in an adult entertainment club, the fee payable by the establishment is 5.57¢ per day, multiplied by the capacity (seating and standing) authorized under the establishment’s liquor licence or any other document issued by a competent authority for this type of establishment.

“Day” means any period between 6:00 a.m. on one day and 6:00 a.m. the following day during

Published by the Copyright Board of Canada, in accordance with section 68.2 of the *Copyright Act*, on 10 January 2022

which the establishment operates as an adult entertainment club.

No later than January 31 of the year covered by the licence, the licensee shall file a report estimating the amount of royalties and send to SOCAN the report and the estimated fee.

No later than January 31 of the following year, the licensee shall file with SOCAN a report indicating the authorized capacity (seating and standing) of the establishment, as well as the number of days it operated as an adult entertainment club during the previous year, and an adjustment of the licence fee shall be made accordingly. Any additional 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 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.