

Copyright Board  
Canada



Commission du droit d'auteur  
Canada

October 30, 2020

In accordance with section 68.2 of the *Copyright Act*, the Copyright Board hereby publishes the following proposed tariffs:

- SOCAN Tariff 1.A – Commercial Radio, 2022-2024
- **SOCAN Tariff 1.B – Non-commercial Radio Other than the CBC, 2022-2024**
- SOCAN Tariff 2.A – Commercial Television Stations, 2022-2024
- SOCAN-SODRAC Tariff 2.A.R – Commercial Television, 2022-2024
- SOCAN Tariff 3.A – Cabarets, Cafes, Clubs, etc. – Live Music, 2022-2024
- SOCAN Tariff 4.A – Live Performances at Concert Halls, etc. – Popular Music Concerts, 2022-2024
- SOCAN Tariff 4.B – Live Performances at Concert Halls, etc. – Classical Music Concerts, 2022-2024
- SOCAN Tariff 5.A – Exhibitions and Fairs, 2022-2024
- SOCAN Tariff 5.B – Concerts at Exhibitions and Fairs, 2022-2024
- SOCAN Tariff 6 – Motion Picture Theatres, 2022-2024
- SOCAN Tariff 14 – Performance of an Individual Work, 2022-2024
- SOCAN Tariff 15.A – Background Music in Establishments not Covered by Tariff 16 – Background Music, 2022-2024
- SOCAN Tariff 15.B – Background Music in Establishments not Covered by Tariff 16 – Telephone Music on Hold, 2022-2024
- SOCAN Tariff 16 – Background Music Suppliers, 2022-2024
- SOCAN Tariff 17 – Transmission of Pay, Specialty and Other Television Services by Distribution Undertakings, 2022-2024
- SOCAN Tariff 23 – Hotel and Motel In-Room Services, 2022-2024

By that same section, the Copyright Board hereby gives notice to any person affected by these proposed tariffs that users or their representatives who wish to object to the above-mentioned proposed tariffs must file written objections with the Board, at the address indicated below, no later than the 30th day after the day on which the Board published the proposed tariffs, that is no later than **November 30, 2020**.

**Lara Taylor**

Secretary General

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PROPOSED TARIFF

Filed with the Copyright Board pursuant to subsection 67(1) of the *Copyright Act*

2020-10-15

SOCAN

*Tariff 1.B*

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

2022-01-01 – 2024-12-31

Proposed citation:

*SOCAN Tariff 1.B, Non-Commercial Radio (2022-2024)*

## 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 therein. 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. 1*

#### RADIO

##### *B. Non-Commercial Radio Other than the Canadian Broadcasting Corporation*

For a licence to communicate to the public by telecommunication over the air or over the Internet, at any time and as often as desired in the years 2022-2024, any or all of the works in SOCAN’s repertoire by a non-commercial AM, FM or Internet-only radio station other than a station of the Canadian Broadcasting Corporation, the fee payable is 1.9 per cent of the station’s gross operating costs in the year covered by the licence. For greater certainty, “the station’s gross operating costs” includes its gross Internet operating costs.

No later than January 31 of the year covered by the licence, the licensee shall pay the estimated fee owing for that year. The payment shall be accompanied by a report of the station’s actual gross operating costs for the previous year. The fee is subject to adjustment when the actual gross operating costs for the year covered by the licence have been determined and reported to SOCAN.

If broadcasting takes place for less than the entire year, an application must be made for a licence by the end of the first month of broadcasting on the form to be supplied by SOCAN and, together with the application form, the station shall forward its remittance for the estimated fee payable.

For the purpose of this tariff item, “non-commercial AM, FM or Internet-only radio station” shall include any station that is non-profit or not-for-profit, whether or not any part of its operating expenses is funded by advertising revenues.

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.

Tariff 1.B does not apply to the use of music covered by Tariff 26 [the Pay Audio Services Tariff].