

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
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Copyright Board Canada
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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 6

For the public performance of musical or dramatico-musical works

2022-01-01 – 2024-12-31

Proposed citation:

SOCAN Tariff 6, Motion Picture Theatres (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 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 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. 6

MOTION PICTURE THEATRES

For a licence to perform, at any time and as often as desired in the years 2022-2024, any or all of the works in SOCAN’s repertoire, covering the operations of a motion picture theatre or any establishment exhibiting motion pictures at any time during the year, the annual fee is as follows:

0.25 per cent of gross receipts from ticket sales, exclusive of any applicable taxes, with a minimum annual fee of \$300 per screen.

A licence obtained under this tariff does not authorize any concert or other performance of music when the exhibition of one or more films is not an integral part of the program. The fees for those performances shall be calculated under other applicable tariffs.

The licensee shall estimate the fee payable for the year for which the licence is issued, based on the total gross receipts from ticket sales for the previous year, and shall pay such estimated fee to SOCAN on or before January 31 of the year for which the licence is issued. Payment of the fee shall be accompanied by a report of the gross receipts from ticket sales for the previous year.

If the gross receipts from ticket sales reported for the previous year were not based on the entire year, payment of this fee shall be accompanied by a report estimating the gross receipts/fees paid for the entire year for which the licence is issued.

On or before January 31 of the following year, a report shall be made of the actual gross receipts from ticket sales during the calendar year for which the licence is issued, an adjustment of the

licence fee payable to SOCAN shall be made, and any additional fees due on the basis of the actual gross receipts/fees paid. 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.