

Copyright Board
Canada



Commission du droit d'auteur
Canada

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Citation *SOCAN Tariff 11.A (2018-2022)*, 2020 CB 010

Member Nathalie Théberge

Proposed Tariffs SOCAN Tariff 11.A: Circuses, Ice Shows, Fireworks Displays, Sound and Light Shows and Similar Events (2018-2020)

Considered SOCAN Tariff 11.A: Circuses, Ice Shows, Fireworks Displays, Sound and Light Shows and Similar Events (2021-2022).

Approval of Proposed Tariffs

As

***SOCAN Tariff 11.A – Circuses, Ice Shows, Fireworks Displays,
Sound and Light Shows and Similar Events (2018-2022)***

REASONS FOR DECISION

I. OVERVIEW

TARIFFS CONSIDERED

[1] The Society of Composers, Authors and Music Publishers of Canada (SOCAN) filed the following proposed tariffs, applicable to Circuses, Ice Shows, Fireworks Displays, Sound and Light Shows and Similar Events, for approval by the Copyright Board:

- Statement of Proposed Royalties to Be Collected by SOCAN for the Public Performance or the Communication to the Public by Telecommunication, in Canada, of Musical or Dramatico-Musical Works (2018-2020), (29 April 2017) C Gaz Supplement, Vol 151 No 17;
- Statement of Proposed Royalties to Be Collected by SOCAN for the Public Performance or the Communication to the Public by Telecommunication, in Canada, of Musical or Dramatico-Musical Works (2021-2022), (18 May 2019) C Gaz Supplement, Vol 153 No 20.

[2] The proposed tariffs were published in the *Canada Gazette* on the dates indicated above, and prospective users and their representatives were given notice of their right to file objections to the

proposed tariffs. There were no objections raised by any users or their representatives for the years 2018 to 2022.

[3] For the following reasons, we find that SOCAN Tariff 11.A meets the requirement of being fair and equitable, and as a result, we approve it.

II. BACKGROUND

[4] Tariff 11.A would authorize users to perform, at any time and as often as desired in the years specified, any or all of the works in SOCAN's repertoire, by means of performers in person or by means of recorded music at circuses, ice shows, fireworks displays, multimedia shows (including sound and light) and similar events.

[5] SOCAN, a collective society administrating certain aspects of copyright in musical works, filed with the Copyright Board for approval its proposed tariffs for the use of its repertoire (Tariff 11.A) by circuses, ice shows, fireworks displays, multimedia shows (including sound and light) and similar events from 2018 to 2020 on March 31, 2017, and from 2021 to 2022 on March 28, 2019.

[6] The royalty rate proposed for Tariff 11.A is 1.6 per cent of gross receipts from ticket sales, exclusive of sales and amusement taxes, subject to a minimum fee of \$66.37.

[7] SOCAN's proposed tariffs set out a rate and terms and conditions that are unchanged from the last approved Tariff 11.A (2013-2017).

[8] SOCAN's proposals were duly published and never opposed by any potential users.

III. REASONS FOR THE DECISION

[9] The proposed tariffs set the same royalty rate and terms and conditions as those in the last approved tariff. We are not aware of any changes in the market that would lead us to conclude that such royalty rate is not fair and equitable for the years 2018 to 2022. Furthermore, we have not identified any other aspect of the proposed tariff that should be modified.

IV. CONCLUSION

[10] Compared with the last approved SOCAN Tariff 11.A (for 2013-2017), the rate and terms and conditions of the tariff proposals are unchanged for the years 2018, 2019, 2020, 2021 and 2022. For the reasons described above, we find the tariff proposals to be fair and equitable, and approve them as *SOCAN Tariff 11.A – Circuses, Ice Shows, Fireworks Displays, Sound and Light Shows and Similar Events (2018-2022)*.