

Copyright Board
Canada



Commission du droit d'auteur
Canada

Date 2021-04-16

Citation *SOCAN Tariff 14 (2018-2024)*, 2021 CB 3

Member René Côté

Proposed SOCAN Tariff 14 – Performance of an Individual Work (2018-2020)

Tariffs SOCAN Tariff 14 – Performance of an Individual Work (2021)

Considered SOCAN Tariff 14 – Performance of an Individual Work (2022-2024)

Approval of Proposed Tariffs

As

SOCAN Tariff 14 – Performance of an Individual Work (2018-2024)

REASONS FOR DECISION

I. INTRODUCTION

[1] The Society of Composers, Authors, and Music Publishers of Canada (SOCAN) is a performing rights society that administers performing rights in musical works on behalf of Canadian composers, authors and publishers as well as affiliated societies representing foreign composers, authors and publishers. SOCAN filed with the Copyright Board (the “Board”) three proposed tariffs for the performance of an individual work at an event, Tariff 14, for the years 2018-2020,¹ 2021² and 2022-2024.³

[2] For the following reasons, we find that *SOCAN Tariff 14 – Performance of an Individual Work (2018-2024)* – as proposed – is fair and equitable, and as a result, we approve it.

¹ 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, at p 39 et seq.

² 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), (18 May 2019) C Gaz Supplement, Vol 153 No 20, at p 37 et seq.

³ SOCAN Proposed Tariff 14 – Performance of an Individual Work (2022-2024), 30 October 2020, online (PDF): Copyright Board of Canada <www.cb-cda.gc.ca>.

II. OVERVIEW

[3] SOCAN Tariff 14 allows a user to perform one individual work from its repertoire at an event.

[4] The Board last approved SOCAN Tariff 14 on May 6, 2017, for the years 2013 to 2017.⁴ Proposed tariffs were filed by SOCAN for the years 2018 to 2020, 2021 and 2022 to 2024 and were published in the Canada Gazette and on the Copyright Board's website.⁵ Only Restaurants Canada objected to the proposed tariff for the period from 2018 to 2020. However, in its letter of June 28, 2017, Restaurants Canada failed to provide its reasons for objecting to the proposed tariff.

[5] Through its Notice CB-CDA 2020-056 dated December 16, 2020, the Board asked Restaurants Canada to confirm in writing its intention to participate in the certification proceedings for SOCAN Tariff 14. Restaurants Canada did not respond within the requested timeframe, namely, by January 15, 2021. Restaurants Canada is therefore deemed to no longer be a participant in these tariff proceedings.

III. ANALYSIS

[6] For the entire duration of the tariff under consideration (2018-2024), the rates for the payable royalties proposed by SOCAN remain unchanged from the last approved tariff (2013-2017).⁶ Compared with the 2013-2017 Tariff, no change is proposed, not even to take into account inflation since 2013.

[7] We are not aware of any change in the market that would lead us to conclude that this rate is not fair and equitable. Under such conditions and in the absence of grounds for objection, we find that the proposed royalty rate is fair and equitable.

IV. CONCLUSION

[8] For the reasons described above, we approve the Proposed Tariffs as *SOCAN Tariff 14 – Performance of an Individual Work (2018-2024)*. Compared with SOCAN Tariff 14 (2013-2017), the royalty rates and terms remain unchanged.

⁴ SOCAN – Various Tariffs, 2007-2017 (6 May 2017), C Gaz Supplement, Vol 151, No 18, at p 27 et seq.

⁵ *Supra* notes 1, 2 and 3.

⁶ *Supra* note 4.