

Copyright Board  
Canada



Commission du droit d'auteur  
Canada

**Date** 2025-09-19  
**Citation** SOCAN Tariff 12.A (2026-2028), 2025 CB 11  
**Member** Daniela Bassan  
**Proposed  
Tariff  
Considered** SOCAN Tariff 12.A – Theme Parks and Water Parks (2026-2028)

**Approval of Proposed Tariff  
As  
SOCAN Tariff 12.A – Theme Parks and Water Parks (2026-2028)  
Reasons for Decision**

## **I. Overview**

[1] The Society of Composers, Authors and Music Publishers of Canada (SOCAN) filed a Proposed Tariff with the Copyright Board of Canada (the “**Board**”) pertaining to the public performance of musical works in SOCAN’s repertoire by theme parks and water parks for the years 2026 through 2028 (the “**Proposed Tariff**”).

[2] Having reviewed the submissions on record, I find that the last-approved tariff can serve as a basis to approve a “fair and equitable” tariff in this proceeding, as required under section 66.501 of the *Copyright Act*.<sup>1</sup>

[3] For the reasons that follow, I approve the Proposed Tariff, subject to an inflation-based rate adjustment and some wording modifications as detailed below. The approved rate is \$3.36 per 1,000 persons in attendance on days on which music is performed, rounding to the nearest 1,000, plus 1.5 % of live music entertainment costs.

## **II. Background**

### **A. The Last-Approved Tariff**

[4] The Board last approved SOCAN Tariff 12.A (2023-2025) on September 23, 2022 (the “**Last-Approved Tariff**”). The Last-Approved Tariff set out royalty rates of \$3.03

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<sup>1</sup> *Copyright Act*, RSC, 1985, c. C-42.

per 1,000 persons in attendance on days on which music is performed, rounding to the nearest 1,000 persons, plus 1.5 % of live music entertainment costs.<sup>2</sup>

[5] It is noted that no objections were filed for the corresponding tariffs for the years 2013-2017,<sup>3</sup> 2018-2022<sup>4</sup> and 2023-2025<sup>5</sup> In addition, no specific evidence was submitted by SOCAN for those prior years (2013-2025).

## **B. The Proposed Tariff**

[6] SOCAN filed the Proposed Tariff on October 15, 2024.<sup>6</sup> The Proposed Tariff was published by the Copyright Board on November 15, 2024.<sup>7</sup> No objections to the Proposed Tariff were received by the Board. SOCAN's Notice of Grounds for Proposed Tariff was published by the Board on November 15, 2024.<sup>8</sup> No specific evidence was filed for the Proposed Tariff.

[7] The Proposed Tariff provides for royalties as follows:

For the performance, at any time and as often as desired in the years 2026 to 2028, of any or all of the works in SOCAN's repertoire, at theme parks and water parks other than Canada's Wonderland and similar operations, the royalty payable is

(a) \$3.72 per 1,000 persons in attendance on days on which music is performed, rounding the number of persons to the nearest 1,000;

PLUS

(b) 1.5 % of "live music entertainment costs."<sup>9</sup>

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<sup>2</sup> SOCAN Tariff 12.A – Theme Parks, Ontario Place Corporation and Similar Operations and SOCAN Tariff 12.B – Canada's Wonderland and Similar Operations (2023-2025) 2022 CB 15 (September 23, 2022).

<sup>3</sup> SOCAN – Various Tariffs, 2007-2017, CB-CDA 2017-038 (reasons) (May 5, 2017).

<sup>4</sup> SOCAN Tariffs 12.A – Theme Parks, Ontario Place Corporation and Similar Operations & 12.B – Paramount Canada's Wonderland Inc. and Similar Operations (2018-2022) 2021 CB 4 (May 21, 2021).

<sup>5</sup> SOCAN Tariff 12.A – Theme Parks, Ontario Place Corporation and Similar Operations and SOCAN Tariff 12.B – Canada's Wonderland and Similar Operations (2023-2025) 2022 CB 15 (September 23, 2022).

<sup>6</sup> SOCAN Tariff 12.A – Theme Parks and Water Parks (2026-2028) (Proposed Tariff) (November 15, 2024).

<sup>7</sup> *Ibid.*

<sup>8</sup> SOCAN, Notice of Grounds for Proposed Tariff for SOCAN Tariff 12.A – Theme Parks and Water Parks (2026-2028), November 15, 2024.

<sup>9</sup> As defined in the Proposed Tariff at Section #3, "Live music entertainment costs" means all direct expenditures of any kind and nature (whether in money or other form) paid by the user or on the user's behalf for all live entertainment during which live music is performed on the premises. It does not include amounts expended for stage props, lighting equipment, set design and costumes, or expenditures for renovation, expansion of facilities or furniture and equipment.

[8] A few additional comments on the nature and scope of the Proposed Tariff follow.

[9] The proposed percentage rate of 1.5% of live music entertainment costs is unchanged from the Last-Approved Tariff<sup>10</sup>. However, the proposed fee of \$3.72 per 1,000 persons includes a \$0.69 increase for inflation from the last-approved rate (representing a 22.80% increase).

[10] SOCAN states that this increase for inflation: (i) was calculated according to the Board's established CPI-adjustment formula and the Board's default methodology as published by the Board in its *Inflation Adjustment to Royalty Rates – Default Methodology*; and (ii) may need to be updated to reflect the inflation data available at the time of any approval.

[11] In addition, the Proposed Tariff removes references to "Ontario Place Corporation" and adds "water parks *other than* Canada's Wonderland" [emphasis added]. SOCAN states that this change is required because the theme park at Ontario Place is no longer in operation. Instead, the Proposed Tariff now refers to "theme parks and water parks other than Canada's Wonderland and similar operations".

[12] Finally, the Proposed Tariff includes a clarification to the application section. Specifically, SOCAN seeks to clarify that a concert held at a theme park or water park is subject to another SOCAN tariff if a separate or additional admission charge is required to attend the concert.

### III. Issues

[13] In reviewing the submissions, I have identified the three following issues:

1. Is the Last-Approved Tariff an appropriate proxy of what could be fair and equitable for the years 2026 to 2028?
2. Is an inflation-based adjustment appropriate and if so, what should it be?
3. Are the proposed changes in wording warranted?

### IV. Analysis

#### **A. Issue 1: Is the Last-Approved Tariff an appropriate proxy of what could be fair and equitable for the years 2026 to 2028?**

[14] When a proposed tariff does not differ substantially from the most recently approved tariff, the Board may consider this as an indication that the rates as well as the terms and conditions of the proposed tariff are fair and equitable, absent any reason

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<sup>10</sup> SOCAN Tariff 12.A – Theme Parks, Ontario Place Corporation and Similar Operations and SOCAN Tariff 12.B – Canada's Wonderland and Similar Operations (2023-2025) 2022 CB 15-T (September 24, 2022), C Gaz I, Supplement, vol 156, No. 39.

to the contrary. One such reason to the contrary could be a change in the relevant market. Without necessarily being determinative, such a change might lead one to question whether the most recently approved tariff can still indicate what is fair and equitable for the period under consideration.

[15] Here, the rates in the Proposed Tariff are based on those set out in the Last-Approved Tariff. This is also the case for the terms and conditions of the Proposed Tariff, except for the addition of “water parks”, the inclusion of a general statement, and a clarification regarding when another tariff applies, as further discussed below. No information suggests that there has been any significant change in the market. The only information is that Ontario Place is no longer operating; however, this fact alone should have no bearing on the appropriate rates to be set for existing and ongoing operators.

[16] Given the foregoing, I consider that the Last-Approved Tariff can be used as a proxy to determine the rates along with the terms and conditions that are fair and equitable in this proceeding.

**B. Issue 2: Is an inflation-based adjustment appropriate and if so, what should it be?**

[17] The Board has found in the past that, among other things, adjustments for inflation were appropriate for rates expressed in dollars and cents, as they preserved the purchasing power of rights owners’ royalties.<sup>11</sup>

[18] In this proceeding, the Board’s established methodology is used to calculate the inflation adjustment,<sup>12</sup> namely, by relying on Statistics Canada’s Consumer Price Index (CPI) monthly series for Canada, all items, not seasonally-adjusted, and not adjusted for taxes. Inflation, in accordance with this methodology, represents the percentage change in the overall CPI between (1) the month following the last adjustment period and (2) the last full-year of data available, no later than the end of the year preceding the tariff’s effective period.

[19] The rate was last adjusted for inflation in the Last-Approved Tariff, based on a calculation of inflation between January 2014 and December 2021, and represented an increase of 16.98%.

[20] For the Proposed Tariff, the inflation adjustment should be calculated from January 2022 (CPI: 145.3) to December 2024 (CPI: 161.2), in accordance with the Board’s

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<sup>11</sup> For example, *SOCAN Tariff 14 – Performance of an Individual Work (2025-2027)*, 2024 CB 4 (July 19, 2024).

<sup>12</sup> Copyright Board, *Inflation Adjustments To Royalty Rates: Default Methodology*, 2024.

established methodology. Applying the calculation method in the Board's guidelines, the inflation rate is therefore 10.94% for the relevant period.

[21] Applying a 10.94% increase to the last-approved minimum fee of \$3.03 translates into a royalty rate of \$3.36 per 1,000 persons in attendance on days on which music is performed, rounding to the nearest 1,000. SOCAN had estimated an inflation increase of 22.80% which would translate to a royalty rate of \$3.72 per 1,000 persons.

[22] However, as this proposed increase (22.80%) is higher than the actual inflation rate (10.94%) for the relevant period, I will not adopt the former for the Proposed Tariff. SOCAN had also anticipated that the inflation adjustment would be based on the most current data, only available at the time of approval.

### **C. Issue 3: Are the proposed changes in wording warranted?**

[23] SOCAN proposes three wording changes in the Proposed Tariff:

1. The addition of the term "water parks";
2. The addition of an opening general statement; and
3. The reference to another tariff.

#### **1. Water Parks**

[24] A water park is an operation *similar* to a theme park. That is, a water park is an amusement park for which the theme is based around water. For example, Calypso Waterpark has described itself as "the biggest theme waterpark in Canada."<sup>13</sup> Since the Last-Approved Tariff already applied to theme parks, Ontario Place, and "similar operations", the express inclusion of "water parks" merely clarifies the tariff's original scope of application.

#### **2. General Statement**

[25] The Proposed Tariff opens with a general statement as follows:

Proposed statement of royalties to be collected by the Society of Composers, Authors and Music Publishers of Canada (SOCAN) in compensation for the performance in public, in Canada, of musical or dramatico-musical works forming part of its repertoire.

[26] The Board did not include a similar statement in the Last-Approved Tariff as it was redundant.<sup>14</sup> For the same reasons, I remove this provision from the Proposed Tariff.

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<sup>13</sup> "Calypso Waterpark" (last visited July 21, 2025), *online*: *Calypso Park* <[www.calypsopark.com/en/](http://www.calypsopark.com/en/)> and "Calypso Water Park" (last visited August 20, 2025), *online*: *Calypso Park* <[www.youtube.com/@Calypso2015](http://www.youtube.com/@Calypso2015)>..

<sup>14</sup> SOCAN Tariff 12.A – Theme Parks, Ontario Place Corporation and Similar Operations and SOCAN

Among other things, the general provision is not needed in light of the royalties provision at Section #2 of the Proposed Tariff.

### 3. Reference to Another Tariff

[27] The Proposed Tariff provides at Section #7:

7. This tariff does not apply to music concerts for which a separate or additional admission charge is made in addition to any charge that may apply for entrance to the theme park or water park. Such concerts are subject to another SOCAN tariff. [Emphasis added]

[28] The last sentence in underline was also proposed (but rejected) for the Last-Approved Tariff. The Board rejected it by reasoning: “I decline, however, to approve a provision proposed by SOCAN [...] stating that such concerts are subject to another SOCAN tariff. I am not seized of those other tariffs.”<sup>15</sup> For the same reasons, I remove this sentence from the Proposed Tariff.

## V. Conclusion

[29] For these reasons, I conclude that, subject to an inflation adjustment and some wording modifications, the rates, terms, and conditions of the Proposed Tariff can be considered fair and equitable. As such, I approve the Proposed Tariff under the title *SOCAN Tariff 12.A – Theme Parks and Water Parks (2026-2028)* subject to the following changes:

1. Increasing the royalty rate to **\$3.36** for inflation, based on the Board’s default methodology and a calculated increase of **10.94%** for the relevant period;
2. Including the term “water parks” in the scope of the Proposed Tariff;
3. Removing the opening general statement from the Proposed Tariff; and
4. Removing the last sentence from Section #7 of the Proposed Tariff.

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*Tariff 12.B – Canada’s Wonderland and Similar Operations (2023-2025)* 2022 CB 15 (September 23, 2022), para 26.

<sup>15</sup> *SOCAN Tariff 12.A – Theme Parks, Ontario Place Corporation and Similar Operations and SOCAN Tariff 12.B – Canada’s Wonderland and Similar Operations (2023-2025)* 2022 CB 15 (September 23, 2022), para 24.