

PROPOSED TARIFF

Filed with the Copyright Board by SOCAN on 2021-10-15 pursuant to subsection 67(1) of the *Copyright Act*

Proposed Tariff Title: *SOCAN Tariff 13.C, Public Conveyances - Railroad Trains, Buses and Other Public Conveyances, Excluding Aircraft and Passenger Ships (2023-2025)*

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

Effective Period: 2023-01-01 – 2025-12-31

SOCAN TARIFF 13.C, PUBLIC CONVEYANCES - RAILROAD TRAINS, BUSES AND OTHER PUBLIC CONVEYANCES, EXCLUDING AIRCRAFT AND PASSENGER SHIPS (2023-2025)

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 and 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”, “licence to perform” and “licence to communicate to the public by telecommunication” mean a licence to perform in public or to communicate to the public by telecommunication, or to authorize the performance in public or the communication to the public by telecommunication, including the right to make works available to the public in a way that allows a member of the public to have access to it at a time individually chosen by the person.

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 published by the Copyright Board of Canada, in accordance with section 68.2 of the *Copyright Act*, on 10 January 2022

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 herein. 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. 13

PUBLIC CONVEYANCES

C. Railroad Trains, Buses and Other Public Conveyances, Excluding Aircraft and Passenger Ships

For a licence to perform and a licence to communicate to the public by telecommunication in railroad trains, buses and other public conveyances, excluding aircraft and passenger ships, by means of recorded music, at any time and as often as desired in the years 2023 to 2025, any or all of the works in SOCAN's repertoire, the fee payable is as follows:

\$1.34 per person per year, based on the authorized passenger capacity of the car, bus or other public conveyance, subject to a minimum annual fee of \$79.83.

On or before January 31 of the year covered by the licence, the licensee shall report the authorized passenger capacity and pay the applicable fee to SOCAN.

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.