

~~COPYRIGHT BOARD~~ PROPOSED TARIFF

Filed with the Copyright Board by SOCAN on 2023-10-15 pursuant to subsection 67(1) of the Copyright Act

Proposed Tariff Title: *SOCAN Tariff 3.A – Cabarets, Cafes, Clubs, Cocktail Bars, Dining Rooms, Lounges, Restaurants, Roadhouses, Taverns, and Similar Establishments - Live Music* (~~2018-2024~~2025-2027)

~~Citation: 2022-CB-5-T~~

~~See also: SOCAN Tariff 3.A (2018-2024), 2022-CB-5~~

~~Published pursuant to section 70.1 of the Copyright Act~~

~~Lara Taylor  
Secretary General  
613-952-8621 (telephone)  
registry-greffe@cb-cda.gc.ca (email)~~

For the public performance of musical or dramatico-musical works.

Effective Period: 2025-01-01 – 2027-12-31

SOCAN TARIFF 3.A – CABARETS, CAFES, CLUBS, COCKTAIL BARS, DINING ROOMS, LOUNGES, RESTAURANTS, ROADHOUSES, TAVERNS, AND SIMILAR ESTABLISHMENTS - LIVE MUSIC (~~2018-2024~~2025-2027)

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.

*Royalties*

To perform, by means of performers in person, at any time and as often as desired in the years ~~2018-2024~~2025-2027, any or all of the works in SOCAN's repertoire, in cabarets, cafes, clubs, cocktail bars, dining rooms, lounges, restaurants, roadhouses, taverns and similar establishments, the ~~fee-royalty~~ payable by the establishment is 3 per cent of the compensation for entertainment paid in the year covered by the tariff, subject to a minimum annual fee of \$~~89.76 for the years 2018, 2019, 2022, 2023, and 2024, and of \$44.88 for the years 2020 and 2021~~140.07.

Published by the Copyright Board of Canada, pursuant to subsection 17(2) of the Copyright Board Rules of Practice and Procedure, on November 15, 2023.

“Compensation for entertainment” means the total amounts paid by the user to, plus any other compensation received by, musicians, singers and all other performers, for entertainment of which live music forms part. It does not include expenditures for stage props, lighting equipment, set design and costumes, or expenditures for renovation, expansion of facilities or furniture and equipment.

#### *Terms and Conditions*

For greater certainty, this tariff does not apply to uses of music covered in other tariffs, including performances of musical works by performers in person at a concert, such as those covered by SOCAN Tariff 4.A.

No later than January 31 of the year for which the tariff applies, the user shall pay to SOCAN the estimated ~~fee~~royalty owing for that year, as follows. If any music was performed as part of entertainment in the previous year, the payment is based on the actual compensation paid for entertainment during that year, and accompanied by a report of the compensation paid for entertainment and a list of all of the musicians, singers and other performers of live music during that year. If no music was performed as part of entertainment in that year, the user shall file a report estimating the expected compensation for entertainment during the year for which the tariff applies and pay according to that report.

No later than January 31 of the following year, the user shall file with SOCAN a report ~~of~~setting out, for the previous year, all of the musicians, singers and other performers of live music during the previous year, as well as the actual compensation paid for entertainment ~~during the previous year and any year. An~~ adjustment of the ~~fee~~royalty shall be made accordingly. Any monies owed shall then be paid to SOCAN; if the ~~fee~~royalty due is less than the amount paid, ~~including due to the reduction of the minimum fee by 50 per cent for the years 2020 and 2021,~~ SOCAN shall credit the user with the amount of the overpayment.

SOCAN shall have the right to audit the user’s books and records, on reasonable notice and during normal business hours, to verify the statements rendered and the ~~fee~~royalty payable by the user.

All amounts payable under this tariff are exclusive of any federal, provincial or other governmental taxes or levies of any kind.

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.