

## **NOTICE OF GROUNDS FOR PROPOSED TARIFF**

Filed with the Copyright Board by SOCAN on 2024-10-15 pursuant to Rule 15 of *Copyright Board Rules of Practice and Procedure*

### **SOCAN Tariff 12.B – Canada’s Wonderland and Similar Operations (2026-2028)**

#### **1. Description of Uses Covered by the Proposed Tariff**

This tariff applies to public performances of any or all of the musical works in SOCAN’s repertoire at theme parks such as Canada’s Wonderland, excluding music events where a separate admission charge is levied.

#### **2. Description of Users / Groups of Users Covered by the Proposed Tariff**

Users are operators of theme parks, including Canada’s Wonderland. Importantly, it is the nature of the *use*, and not the nature of the user, that determines whether the tariff applies.

#### **3. Explanation of How Royalties are Determined**

The proposed royalty rate for 2026-2028 is \$8.04 per 1000 people in attendance on days when music performed (rounding the number of persons to the nearest 1000), plus 1.5% of live music entertainment costs.

The proposed percentage rate of 1.5% of live music entertainment costs is that same as the percentage rate in the previously approved tariff, which was approved by the Board in 2022 for the years 2023-2025 (2022 CB 15-T). The proposed fee per 1000 people has been increased for inflation 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*. The inflation calculation commences in January 2022. SOCAN has estimated the appropriate inflationary increase based on projected CPI for years that full CPI data is not available. According to the Board’s adjustment formula, this figure will likely change once actual CPI data is available. Notwithstanding the proposed fee of \$8.04 per 1000 people in attendance, SOCAN requests that the Board certify the maximum inflationary increase that SOCAN is entitled to under the Board’s adjustment formula at the time of approval of the tariff and that such inflation calculation commence as of the last inflationary increase to the fee per 1000 people in attendance.

#### **4. Submissions on the Collection of Information**

Royalties under this proposed tariff are to be paid in advance based on estimated attendance and live music entertainment costs in two installments: one by June 30 and the other by October 1. Within 30 days of either the close of the season or January 31 of the following year (whichever is sooner), each user must deliver an audited statement setting out the total attendance and the live music entertainment costs for the year covered by the tariff.

The information collected under the proposed tariff is needed to calculate and verify the applicable royalties.

#### **5. Explanation of Changes from Previously Approved Tariff**

- 1) The explanation for the proposed rate for 2026-2028 is found above.
- 2) The proposed tariff includes a clarification to the application section. The proposed tariff clarifies that a concert held at a park covered by this tariff are subject to another SOCAN tariff if a separate or additional admission charge is required to attend the concert.