

~~COPYRIGHT BOARD~~ PROPOSED TARIFF

Filed with the Copyright Board by SOCAN on 2024-10-15 pursuant to subsection 67(1) of the Copyright Act

Proposed Tariff Title: SOCAN Tariff 12.A – Theme Parks, ~~Ontario Place Corporation and Similar Operations (2023-2025) and Water Parks (2026-2028)~~

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

Effective Period: 2026-01-01 – 2028-12-31

SOCAN TARIFF 12.A – THEME PARKS, ~~ONTARIO PLACE CORPORATION AND SIMILAR OPERATIONS (2023-2025) AND WATER PARKS (2026-2028)~~

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

For the performance, at any time and as often as desired in the years ~~2023~~2026 to ~~2025~~2028, of any or all of the works in SOCAN’s repertoire, at theme parks, ~~Ontario Place Corporation and water parks other than Canada’s Wonderland~~ and similar operations, the royalty payable is

(a) ~~\$3.03~~3.72 per ~~1 000~~1 000 persons in attendance on days on which music is performed, rounding the number of persons to the nearest ~~1 000~~1 000;

PLUS

(b) 1.5% per cent of “live music entertainment costs.”

Terms and Conditions

“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.

No later than June 30 of the year covered by the tariff, the user shall file with SOCAN a statement estimating the attendance and the live music entertainment costs for that year, together with payment of 50% of the estimated royalties. The balance of the estimated royalties is to be paid no later than October 1 of the same year.

No later than the earliest of 30 days of the close of the season and January 31 of the following year, the user shall file with SOCAN an audited statement setting out the total attendance and the live music entertainment costs for the year covered by the tariff. SOCAN shall then calculate the royalties and submit a statement of adjustments.

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 royalties payable by the user.

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](#).

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 1% above the Bank Rate effective on the last day of the previous month (as published by the Bank of Canada). Interest shall not compound.

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