

Copyright Board  
Canada



Commission du droit d'auteur  
Canada

October 30, 2020

In accordance with section 68.2 of the *Copyright Act*, the Copyright Board hereby publishes the following proposed tariffs:

- SOCAN Tariff 1.A – Commercial Radio, 2022-2024
- SOCAN Tariff 1.B – Non-commercial Radio Other than the CBC, 2022-2024
- SOCAN Tariff 2.A – Commercial Television Stations, 2022-2024
- SOCAN-SODRAC Tariff 2.A.R – Commercial Television, 2022-2024
- SOCAN Tariff 3.A – Cabarets, Cafes, Clubs, etc. – Live Music, 2022-2024
- SOCAN Tariff 4.A – Live Performances at Concert Halls, etc. – Popular Music Concerts, 2022-2024
- SOCAN Tariff 4.B – Live Performances at Concert Halls, etc. – Classical Music Concerts, 2022-2024
- SOCAN Tariff 5.A – Exhibitions and Fairs, 2022-2024
- SOCAN Tariff 5.B – Concerts at Exhibitions and Fairs, 2022-2024
- SOCAN Tariff 6 – Motion Picture Theatres, 2022-2024
- SOCAN Tariff 14 – Performance of an Individual Work, 2022-2024
- SOCAN Tariff 15.A – Background Music in Establishments not Covered by Tariff 16 – Background Music, 2022-2024
- SOCAN Tariff 15.B – Background Music in Establishments not Covered by Tariff 16 – Telephone Music on Hold, 2022-2024
- SOCAN Tariff 16 – Background Music Suppliers, 2022-2024
- SOCAN Tariff 17 – Transmission of Pay, Specialty and Other Television Services by Distribution Undertakings, 2022-2024
- **SOCAN Tariff 23 – Hotel and Motel In-Room Services, 2022-2024**

By that same section, the Copyright Board hereby gives notice to any person affected by these proposed tariffs that users or their representatives who wish to object to the above-mentioned proposed tariffs must file written objections with the Board, at the address indicated below, no later than the 30th day after the day on which the Board published the proposed tariffs, that is no later than **November 30, 2020**.

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PROPOSED TARIFF

Filed with the Copyright Board pursuant to subsection 67(1) of the *Copyright Act*

2020-10-15

SOCAN

*Tariff 23*

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

2022-01-01 – 2024-12-31

Proposed citation:

*SOCAN Tariff 23, Hotel and Motel In-Room Services (2022-2024)*

## 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 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” and “licence to communicate to the public by telecommunication” mean a licence to communicate to the public by telecommunication or to authorize the communication to the public by telecommunication, including the right to make 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.

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 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 therein. 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. 23*

#### HOTEL AND MOTEL IN-ROOM SERVICES

##### *Definitions*

1. In this tariff, “mature audience film” means an audiovisual work that has sexual activity as its primary component and that is separately marketed as adult entertainment.

##### *Application and Royalties*

2. For a licence to communicate to the public by telecommunication, at any time and as often as desired in the years 2022-2024, any or all of the works in SOCAN’s repertoire, by means of hotel or motel in-room audiovisual or musical services, the total fees payable shall be

(a) 1.25 per cent of the fees paid by guests to view audiovisual works other than mature audience films;

(b) 0.3125 per cent of the fees paid by guests to view mature audience films containing any

work in respect of which a SOCAN licence is required; and

(c) 5.5 per cent of the revenues of the provider of any musical service.

*Payment and Reporting Requirements*

3. Royalties shall be due no later than 60 days after the end of each quarter. The payment shall be accompanied by a report showing, with respect to the relevant quarter,

(a) for audiovisual works other than mature audience films,

(i) the fees paid by guests to view the audiovisual content, and

(ii) the individual titles of the audiovisual works used during the quarter;

(b) for mature audience films,

(i) the fees paid by guests to view the films,

(ii) a list of individual titles of the films used during the quarter, indicating which films did not contain any work in respect of which a SOCAN licence is required, and

(iii) if a film does not contain any work in respect of which a SOCAN licence is required, documentation establishing that no such works were used; and

(c) for musical services,

(i) the fees paid by guests to use the service,

(ii) the revenues of the provider of the service, and

(iii) the Universal Product Code (UPC) and the International Standard Recording Code (ISRC) of the recordings used in providing the service.

*Audits*

4. SOCAN shall have the right to audit the licensee's books and records, on reasonable notice and during normal business hours, to verify statements rendered and the fee payable by the licensee.

*Uses Not Targeted in the Tariff*

5. (1) This tariff does not apply to uses covered by other SOCAN tariffs, including Tariffs 17 and 22 and the Pay Audio Services Tariff.

(2) This tariff does not apply to Internet access services or to video games services.