



GABRIOLA ISLAND COMMUNITY HALL ASSOCIATION SOCAN INFORMATION SHEET

This summary information was compiled by the Gabriola Island Community Hall Association ("GICHA") to help the renter learn about why and how to pay SOCAN fees and was last updated 30 August 2009. It is strongly suggested that the renter confirm that this information is current and is applicable to their situation by logging onto the www.socan.ca website and visiting the Music User pages.

SOCAN Overview

SOCAN is the Canadian organization that collects fees and tariffs when copyright music (pre-recorded or live) is used in connection with an event or performance:

SOCAN deals with only performing rights. All other rights are handled by the copyright owners or by other organizations.

The performing right gives copyright owners of musical works (lyricists, composers, songwriters) the sole right to perform, or authorize the performance in public (in concert or in a club, etc.) of their works or communicate their works by telecommunication to the public (broadcast on television or radio). SOCAN administers these performing rights in musical works on behalf of its members.

Buying a CD or other recording only gives you the right to listen to it in private. The public performance of these musical works is subject to copyright law and therefore requires a SOCAN licence.

Extract from the SOCAN website, A Brief Introduction to Copyright Law:

http://www.socan.ca/jsp/en/pub/music_users/copyright_law.jsp

Community Hall Obligation

Under the applicable legislation, if the promoter of an event doesn't obtain the necessary SOCAN licence and pay the appropriate fee the owner of the venue can be held responsible for the unlicensed performance. GICHA is therefore legally obliged to ensure payment of applicable tariffs to SOCAN for events that take place in the Hall or on Hall property:

SOCAN Tariffs

As set out on the following page and in the SOCAN web site, there are many SOCAN tariff types covering a wide range of music use and more. The SOCAN per event tariffs apply to each performance or event within a rental period.

A Community Hall renter that will be presenting live or recorded music therefore has the option of either:

- (a) applying for a SOCAN licence (or using an existing applicable SOCAN license, if they have one) and making a fee payment directly to SOCAN; OR
- (b) if the rental is covered by Tariff 21, paying a \$__ fee to the Hall. This fee will cover any number of events within the rental period so long as they all are all covered by Tariff 21.

The reason that rentals subject to Tariff 21 are treated differently is that GICHA makes an annual payment to SOCAN each year to cover use of the hall under Tariff 21. Tariff 21 is a blanket tariff available to small public facilities. It covers a variety of events where the music is generally secondary to a main activity. Included are events that would otherwise be covered by any of tariffs 5.A, 7, 8, 9, 11.A and 19 as detailed in the following table. For example, exercise classes, weddings, receptions, etc. would be covered by Tariff 21. Your fee helps GICHA to cover this cost and the cost of administering the licence.

Making payment directly to SOCAN

In order to pay a fee directly to SOCAN the renter needs to first apply for a SOCAN licence. There are four ways to apply:

1. Download the relevant license/payment PDF form through links in the Tariff Table:

<https://www.socan.ca/jsp/en/lic/tariffspdf.jsp>

2. Using the online application process:

http://www.socan.ca/jsp/en/pub/music_users/become_a_customer.jsp

3. Download and print a licence/payment form (MS Excel file):

<https://www.socan.ca/jsp/en/lic/tariffspdf.jsp>

4. Using a printed form supplied by the GICHA rental agent.

According to the SOCAN Web site it can take up to 30 days to obtain a license, so apply early. Once a license has been obtained the SOCAN fee may be paid by on-line banking, telephone banking or, in many cases, by credit card.

SELECTED SOCAN TARIFFS AS APPROVED BY THE COPYRIGHT BOARD OF CANADA

TARIFFS COVERED BY BLANKET TARIFF 21		
Tariff	Tariff Description	Licence Fees otherwise payable for individual applications under the particular tariff if no payment is made under blanket Tariff 21
8	Receptions, Conventions, Assemblies and Fashion Shows	Fee per event, based on the 260 person room capacity of the Community Hall: a) Without Dancing: \$ 29.56 b) With Dancing: \$ 59.17
19	Fitness Activities and Dance Instruction	Annual fee: Average number of persons per week per room multiplied by \$2.14 (minimum fee of \$64.00).
9	Sports Events	Fee per event: 0.09% of gross receipts from ticket sales (excluding sales and amusement taxes). The fee payable for an event to which the admission is free is \$5.
11.A	Circuses, Ice Shows, Fireworks Displays, Sound & Light Shows & Similar Events	Fee per event: 1.6% of gross ticket sales, exclusive of sales and amusement taxes (minimum fee of \$61.85).
5.A	Exhibitions & Fairs	Fee based on total attendance: a) Up to 75,000 persons - from \$12.81 to \$64.31 per day b) Attendance in excess of 75,000 - i) For the first 100,000 persons - 1.07C per person ii) For the next 100,000 persons - 0.47C per person iii) For the next 300,000 persons - 0.35C per person iv) All additional persons 0.26C per person
7	Skating Rinks (Roller & Ice Skating)	Annual fee: a) Where admission is charged: 1.2% of gross receipts from admissions exclusive of sales and amusement taxes (minimum annual fee of \$104.31) b) Where no admission is charged: \$104.31

SELECTED TARIFFS THAT MAY APPLY TO A HALL RENTAL THAT ARE NOT COVERED BY THE COMMUNITY HALL'S BLANKET COVERAGE UNDER TARIFF 21

For these events the renter must apply for a SOCAN license and pay the appropriate fee.

Tariff	Tariff Description	Licence Fees
For complete up-to-date information about SOCAN tariffs visit http://www.socan.ca/jsp/en/pub/music_users/tariffs.jsp		
4A1	Popular Music Concerts (Per Event Licence)	Fee per concert: a) Where admission is charged: 3% of gross receipts from ticket sales, exclusive of sales and amusement taxes. (minimum \$35.00 per concert). b) Where no admission is charged: 3% of fees paid to singers, musicians, dancers, conductors & other performing artists (minimum \$35.00 per concert).
4B1	Classical Music Concerts (per concert or event licence)	Fee per concert: a) Where admission is charged: 1.56% of gross receipts from ticket sales, exclusive of sales and amusement taxes. (minimum \$35.00 per concert) b) Where no admission is charged: 1.56% of fees paid to singers, musicians, dancers, conductors & other performing artists (minimum \$35.00 per concert).
5.B	Concerts at Exhibitions & Fairs	Fee per concert: 3% of gross receipts from ticket sales, exclusive of sales and amusement taxes less adult general grounds admission.
11B	Comedy Shows and Magic Shows	Fee per show: \$36.60 where use of music is incidental. Where comedy or magic show is primarily a musical act, Tariff 4.A applies.