



SOCAN

Society of Composers, Authors and
Music Publishers of Canada

Société canadienne des auteurs,
compositeurs et éditeurs de musique

CPCC FAQs –Direction To Pay Forms for Royalties From 2003 Forward

Existing Catalogue With SOCAN – All Directions

This includes all works submitted prior to the date the Direction to Pay form(s) are returned to SOCAN.

1. Q. Will the Direction(s) cover only those works that I have filed with SOCAN to date or new works as well?
 - A. The Directions ask you to tell us how to pay the private copying royalty, if any, for each work in your current catalogue registered with SOCAN. It also asks you to indicate what you want to do for all new works. This information will be kept on file at SOCAN and applied to all new work registrations, subject to exclusions, which must be reported to SOCAN in writing on an individual basis.

2. Q. How do I notify you of exclusions to the option I select for each Direction to Pay?
 - A. Your best option in this case is to go online and submit your claims there or you can download your catalogue and follow the instructions below. If you do not have online access, e-mail us at members@socan.ca or call our toll-free number 1-866-307-6226 to request a Temporary ID.
If you would like a hard copy of your catalogue, contact Member Services at the phone number listed above.
For writers:
If you wish to return hard copy forms, you can mark the exclusions on your catalogue printout, specifying the breakdown of the private copying shares for each work. You may also complete exclusions form included with your package, providing the following information:
 - Work title;
 - SOCAN work number; and
 - Authorized collection shares for writer and publisher(s).
For publishers:
If you wish to return the forms in hard copy, you can mark the exclusions on your catalogue print out, specifying the breakdown of the private copying shares for each work. You may also send in your own list of exclusions, providing the following information:
 - Work title;
 - SOCAN work number;
 - Writer name(s);
 - Name of the administrators/sub-publishers, if applicable; and
 - Authorized collection shares for writers, original publishers, and administrators/sub-publishers.



3. Q. Do I need to complete multiple Directions to Pay forms, or will one Direction suffice?
 - A. **For writers:**
You must file a separate Direction to Pay for each publishing company that represents you.
For publishers:
You must file a separate Direction to Pay for each option that you select and attach a list of the writer(s) and works to which this option applies. You do *not* have to file a separate Direction for each catalogue you represent.
4. Q. How do I indicate the percentages that the writers and publishers are authorized to collect regarding exclusions listed in the table or indicated on my catalogue printout?
 - A. Indicate the private copying share you are authorized to collect, similar to the manner in which you would notify us of your performing rights share when completing a standard SOCAN Work Registration Form.
5. Q. How is the private copying right referred to in writer/publisher agreements?
 - A. If you are having difficulty interpreting your agreement(s), you should seek the advice of an independent lawyer.
6. Q. I have a catalogue of hundreds of works. Do I have to list all my works with this Direction?
 - A. **For writers:**
No. SOCAN does not require that you submit a list of works to which the option you select applies. You are only required to indicate the publisher name, the option that applies to works assigned to this publisher, and any exclusions that do not fall under the Direction you provide.
For publishers:
Yes. You are required to submit a separate list of works to which each option applies, as well as a separate list for any exclusions that do not fall under any of the options listed. If you are the original publisher, we will accept a list of writers only (See question #31.)



7. Q. What happens if I don't return my Direction to Pay forms by March 15, 2005?
- A. If you are not able to respond by March 15, 2005, we will not be able to make a claim with the CPCC in time for our first payment of 2003 private copying monies, scheduled for August, 2005. However, should you respond at a later date, we can file your claim at that time. Please be advised, however, that should another party file a claim for your share prior to SOCAN receiving your signed Direction form, we will not be able to issue an adjustment.
8. Q. How will new members notify SOCAN of their private copying claims?
- A. As of February 28, 2005, SOCAN will begin including Direction to Pay forms with all new-member packages. For those writers or publishers who became new members between January 24 and Feb 28, 2005, SOCAN will issue a separate mailing including Direction to Pay forms in order that they may advise us regarding their private copying claims.
9. Q. What happens in the event of a conflicting claim? Would you notify me?
- A. In the event SOCAN becomes aware of a conflict before submitting a claim to the CPCC, we will contact you. It will then be up to the disputing parties to come to a mutual resolution. Until that time, we will suspend payment of the disputed shares.
- SOCAN is currently working with the other collectives to put in place a process that will address those situations where we are notified of a conflict involving any claims submitted by another private copying collective.
- Note: It is important that you file your Direction(s) to Pay by the required deadline in order for SOCAN to file a claim on your behalf. SOCAN will not be able to process adjustments for any incorrect payments made once claims are filed with the CPCC.
10. Q. What happens if I sign my Direction to Pay form late and monies due to me are distributed to another shareholder?
- A. Once SOCAN is made aware of a conflict, we will suspend payment until the conflict is resolved between you and the other party(ies) involved. We cannot process an adjustment for monies already distributed, but once the matter is resolved, any monies going forward will be paid as agreed to by all parties.



11. Q. When will SOCAN be making a distribution of 2003 private copying royalties that will include the new share information?
- A. Provided SOCAN has received the monies, and the appropriate share information from its members, the first payment should be made with the August 15, 2005 distribution.
12. Q. What does the \$16-million in private copying monies for distribution represent?
- A. These monies are available for distribution by the CPCC for airplay and sales in 2003. CPCC overhead has already been deducted from this amount. Once claims are filed by all CPCC collectives we will know how much of these monies will be directed to SOCAN for distribution to its members. Prior to distribution, SOCAN will deduct overhead from these private copying monies for any costs it incurs in processing this distribution.

Existing Catalogue With SOCAN – Writer Directions Only

This includes all works submitted prior to the date the Direction to Pay forms are returned to SOCAN.

13. Q. My co-writer received a Direction to Pay to complete. Why haven't I?
- A. SOCAN contacted all writers who have assigned their private copying rights to SOCAN. SOCAN informed them of the recent changes to the CPCC's distribution of private copying royalties, whether they were unpublished, self-published or published by a third-party publisher. You would not have received a package if you did not assign your private copying right (right of remuneration for private copying) to SOCAN.
14. Q. I have received Direction to Pay forms for myself, as a writer, and for my self-owned publishing company. Do I need to complete both Directions?
- A. If you are the sole writer who has assigned works to your self-owned publishing company, then you should complete the Direction to Pay form for yourself as a writer. If your company publishes any writers other than yourself, then you should complete a publisher Direction to Pay form.
15. Q. My publisher handles all administrative matters with my catalogue. Can they complete the Direction to Pay forms on my behalf?
- A. No. Your administrator can not complete Direction forms on your behalf The Direction(s) must be signed by you.



16. Q. Can my manager complete a Direction to Pay on my behalf?
- A. Only if SOCAN's records indicate that your manager has Power of Attorney, will we accept a Direction to Pay from them on your behalf. Otherwise, the Direction(s) must be signed by you.
17. Q. I'm not published but my co-writers are. Will SOCAN take care of this for me or do I need to send in a Direction to Pay form?
- A. For any works in which your share is unpublished, if SOCAN administers your private copying right, then no further action is required by you. SOCAN will file a claim on your behalf. In order for us to file a claim on behalf of your published co-writers, as long as they have previously assigned their private copying right to SOCAN, we will require Direction to Pay forms from those members.
18. Q. If my publisher is going to file a claim for 100% of the share they control, do I need to send in a Direction to Pay form?
- A. In order to ensure our records are complete, we would appreciate you notifying us of those published works for which you are not claiming private copying royalties by filing a Direction to Pay form.
19. Q. If I am represented by ASCAP and BMI in the U.S. and receive separate statements, do I have to fill out separate Direction to Pay forms?
- A. If you are represented by ASCAP and BMI in the U.S. and receive separate statements for each account, you are required to complete (a) Direction to Pay form(s) for each catalogue.
20. Q. I am co-published by two publishing companies. How do I complete the form?
- A. Where the form asks for the name of the publishing company, you can include the names of both companies, and select the option that applies.



21. Q. I have no way of getting in touch with my publisher (e.g. No known contact address or number, out of business). What do I do?
- A. If you have previously assigned your private copying right to your publisher, then you are not in a position to file a claim with SOCAN. If you are not sure who owns the private copying right, you should refer to your writer/publisher agreement. In the absence of such an agreement, you should seek the advice of an independent lawyer.
22. Q. What do I do if I disagree with my writer/publisher agreement?
- A. Any conflicting claims are to be dealt with between the writer and publisher. Should such a dispute arise regarding a work, you may wish to notify SOCAN in writing of the work in conflict. SOCAN may suspend any future royalty payments until the matter is resolved by the parties involved. If a legal action is commenced, the royalty payments will be placed in suspense.
23. Q. If my co-writer and publisher disagree on the division of their private copying shares, will I still be paid?
- A. Yes, their shares will be in conflict but shares for the rest of the work will be paid out as long as a claim has been made for those shares.
24. Q. Will I still be paid if my co-writer does not file a claim for works that I have submitted?
- A. Yes. SOCAN will file a claim on your behalf for your share.
25. Q. Will I still be paid if my private copying royalties if my publisher does not file for works that I have submitted?
- A. Yes. SOCAN will file a claim on your behalf for your share.



Existing Catalogue With SOCAN – Publisher Directions Only

This includes all works submitted prior to the date the Direction to Pay forms are returned to SOCAN.

26. Q. Is there a specific format in which I should provide the list of writers and works to accompany my Direction to Pay forms?
- A. No. There is no specific format that we request. You can send a copy of your catalogue list(s) indicating clearly which option applies to which works and which writers you represent, or you can provide your own list with the pertinent information.
27. Q. Do I need to include a list of works or can I just submit a list of the writers I represent?
- A. If you are an original publisher, then you can simply list your writers and state that all works are included in the Direction. If you are an administrator or Canadian sub-publisher, then you will be required to submit a list of works indicating the writer(s)/original publisher(s) you represent.
28. Q. If I represent another publisher, does SOCAN require authorization from the original publisher that I am authorized to claim private copying royalties on their behalf?
- A. You are required to obtain authorization from the original publisher only in cases where you are the Canadian sub-publisher for foreign works.

Future Work Registrations

This includes all works filed after the Direction to Pay form(s) has (have) been returned to SOCAN.

29. Q. How will I register the private copying share for any new works?
- A. On the Direction to Pay forms, you were asked to select an option that SOCAN should apply to all works going forward. This information will be kept on file and used when processing a new work registration. You are required to notify SOCAN in writing of any exclusions to this Direction.
30. Q. How do I register an exclusion going forward?
- A. You are required to report any exclusions to SOCAN in writing on an individual basis.



31. Q. How do I notify SOCAN if:
- a) I, as writer, am represented by a new publisher; or
 - b) I, as a publisher, represent a new writer?
 - c) I, as an administrator/sub-publisher, represent a new original publisher?
- A. For all of the above situations, you should contact SOCAN. You will be required to complete another Direction to Pay form for these works.
32. Q. What happens if I do not select an option for future works registrations?
- A. If you do not select an option for future works registrations, then SOCAN will not be able to file a private copying claim with the CPCC for these works.
33. Q. What do I do if none of Options A, B or C apply to future work registrations?
- A. **For writers:**
If you select the Exclusions option on your form and specify the appropriate breakdown of shares, then SOCAN will apply this to all future works registrations.
- For publishers:**
You should notify SOCAN in writing of those agreements to which none of Options A, B or C apply, specifying the writer name(s) and breakdown of shares.

Online Submissions of Direction to Pay form(s)

34. Q. If I am represented by ASCAP / BMI in the U.S. and receive separate statements, do I have to fill out separate Direction to Pay forms?
- A. If you are represented by ASCAP / BMI in the U.S. but have only one SOCAN account, you only need to complete Direction to Pay forms for that account. If you have two SOCAN accounts, you will be required to activate both catalogues and complete separate Direction to Pay forms for each.
35. Q. When filling in the Direction to Pay form online, I'm given a list of publishers that I have not signed an agreement with. What is this for?
- A. The list of publishers that you see is all of the publishers that appear on a work that you are involved in. Please select only the publishers that you have (or had) agreements with. Once you select your publisher, you will see the list of works that you need to include or exclude for the Direction selected.



36. Q. Should I keep my Direction to Pay form confirmation number on file?

A. There is no need to retain this information. It is provided at the time of online registration only to verify that the Letter of Direction you completed was accepted by SOCAN's website.