Who pays for music

used for fitness or other physical activities



SOCAN

Society of Composers, Authors and Music Publishers of Canada

Société canadienne des auteurs, compositeurs et éditeurs de musique

who SOCAN is

ABOUT SOCAN

SOCAN is a member-owned collective representing the people who create the music that is such an important part of our lives. Our members number more than 85,000 Canadian songwriters, composers, lyricists and publishers. And through our affiliations, we represent hundreds of thousands of other creators and publishers around the world. For those who use music as part of their businesses or functions, SOCAN sells access to virtually the world's entire repertoire of copyright-protected music for public performance and telecommunication – based on fees set by the Copyright Board.

More than 80% of all monies collected from fees makes its way into the pockets of the creators and publishers entitled to it.



WHO PAYS FOR MUSIC?

Any public performance of music — large or small, live or recorded — needs a SOCAN performing rights licence. A Tariff 19 licence covers any recorded music used in conjunction with physical exercise — whether it's an aerobic, dance or aquatic class, bodybuilding or other activity.

When you buy recorded music, it is for your own enjoyment. Royalties paid to music creators on sales of recorded music do not cover the public performance of that music. When you use that music in public, or as part of a business, a licence from SOCAN is required.

That licence is a cost of doing business, just as renting space and advertising your classes are.

Fees for a Tariff 19 licence vary according to the average weekly attendance at your facility or classes. If the same people attend more than once a week, they get counted for each time they participate in a class.

WHY MUSIC ISN'T FREE

There's nothing new about this. Performing rights have existed in Canada for over 80 years. Of course, every single song or melody, played at any public function, was written and published by somebody. And those people are entitled to be paid for its use. It represents an important part of how they earn their livelihoods. This holds true for any public performance of live or recorded music – including during fitness activities.



LOOK AT IT THIS WAY

What if someone just wrote down your lesson and used that for profit – as a book, or to create another course. Would you not feel entitled to a share?

It's the same for creators of music. They have a right to be compensated for every public use of their music.

FREQUENTLY ASKED QUESTIONS

Q: How are SOCAN licence fees set?

A: SOCAN fees are set by the Copyright Board, an independent body appointed by the government. Each year, SOCAN files its proposed tariffs with the Copyright Board. If any objections are filed, the Copyright Board may decide to hold a public hearing to determine the appropriate tariff rate. The approved tariffs are then published in the *Canada Gazette*. (SOCAN has the right to collect licence fees at the previously approved rate until the proposed tariff is approved.)

Q: How do I calculate my licence fees?

A: Your annual licence fee is based on the average weekly attendance at your facility or classes where music is used. If a person attends twice (or more) in one week, count them twice (or more).

Here's an example: An aerobics class with **60** participants each class, held **3** times a week totals **180** participants. Based on an annual fee-per-attendee of **$2.14**, multiply attendance times that fee. **180 x $2.14 = $385.20**. Add applicable taxes (GST, HST, QST) and that is the total amount of your *annual* licence fee. A small facility with fewer than 30 weekly attendees would pay the **minimum** annual fee of **$64.00** plus applicable taxes.

Q: I only use folk dance music to teach my classes. Do I still need a SOCAN licence?

A: You may. Even though much of folk music is deemed to be "public domain," either because its creator is unknown or has been deceased for more than 50 years, much of recorded traditional folk music is "arranged" (different parts are created for each instrument or singer), and those arrangements are subject to copyright – and SOCAN licensing. Make no presumptions; you are responsible for submitting a program to SOCAN for final determination.

Q: We don't use Canadian music. Do we still require a SOCAN licence?

A: Yes, you still need a licence. Performing rights exist worldwide and SOCAN has agreements with other international performing rights organizations to ensure the reciprocal collection of licence fees. Your SOCAN licence gives you access to virtually the world's entire repertoire of copyright-protected music.

Q: I get my music from a background music supplier. Since they already pay for a SOCAN licence, does that cover my usage as well?

A: No, not if you are using the music for a purpose other than background music. Licensed background music suppliers pay only for the use of music as background. If you use licensed background music to accompany fitness or dance activities, you must also be licensed under Tariff 19.

Q: I bought recorded music specifically developed for exercise classes. Isn't the SOCAN licence covered in the cost of that recording?

A: No. The producer of the recording may have paid for "mechanical rights," but it would not have paid for the "performing rights" covered under SOCAN licensing. A performing rights licence is the responsibility of the person or organization hosting the public performance

Q: We're a religious, educational, charitable or fraternal organization. Do we need a SOCAN licence for the music we use when we give classes?

A: Under the *Copyright Act*, there are certain exemptions, but specific conditions must be met in order to qualify for the exemption. Just contact us to discuss whether or not you are exempt from paying a SOCAN licence fee.

WE'RE HERE TO HELP

If you'd like more details about SOCAN and why you have to pay for music, please check us out at **www.socan.ca** or contact your local SOCAN office. We also have pamphlets on who pays for music and why, how SOCAN collects and distributes royalties, plus more. As always, we're here to assist you and answer any questions.

SOCAN Head Office
41 Valleybrook Drive
Toronto, ON M3B 2S6

If you are a SOCAN customer contact us at
1.866.944.6223
Fax: 416.442.3829

To become a SOCAN customer contact us at
1.866.944.6210
Fax: 514.844.4560

E.mail: customers@socan.ca

Check us out at **www.socan.ca**

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what's right for music
la musique a ses droits