

SOCAN

What is SOCAN?

SOCAN (the Society of Composers, Authors and Music Publishers of Canada) is a not-for-profit organization that represents the Canadian performing rights of millions of Canadian and international music creators and publishers. Through licences, SOCAN gives businesses that use music the freedom to use any music they want, legally and ethically. SOCAN collects licence fees from over 42,000 businesses coast to coast and distributes royalties to its members and peer organizations around the world. These licences (or Tariffs) are certified by the Copyright Board of Canada.

How does this relate to Square & Round Dancing?

Each Caller, Cuer and Club (& by extension Associations etc.) are, in the eyes of SOCAN, considered 'businesses', and therefore in order to play copyrighted music legally & ethically, they must be licensed to do so. That license takes the form of a SOCAN Tariff.

CWDIA negotiated with SOCAN in 2003 with regard to licensing the use of music for Square Dancing and a deal was struck that was very favourable to the Canadian Square & Round Dance world (CSRDS) regarding the administration & payment of the appropriate Tariff fees.

What is the CWDIA?

Canadian Western Dance Instructors Association was formed in 2003 to represent square dance Callers, Round dance leaders, Clogging leaders, and the leaders of other western dance forms in Canada. Its purpose was to provide for communication between Canadian dance instruction organizations and amongst other things, bargain with agencies such as SOCAN on matters that concern dance instructors. The CWDIA was eventually disbanded although the agreement with SOCAN remains in effect.

What SOCAN Tariffs affect us?

Tariff 19: FITNESS ACTIVITIES AND DANCE INSTRUCTION

- It has been agreed that Callers, Cuers & Clubs share a joint responsibility to ensure that each performance is licensed. This can be achieved either by ensuring that only licensed Callers & Cuers are employed, or that the club obtains its own license.
- Every Caller, Cuer, Leader, Prompter etc. (ie: dance leader) is required to obtain a Tariff 19 in order to play their music legally in a 'public' venue.
- "Guest" leaders for a full dance/evening must have a Tariff 19 licence.
- Renewed annually, the agreement with SOCAN results in the dance leaders paying the minimum licence fee. (\$64 + HST in 2014).
- For multiple halls, each dance leader in each hall must be licensed.(eg: festivals)
- For multiple dance leaders in a single hall, only one of them needs to be licensed.

Tariff 8 : RECEPTIONS, CONVENTIONS, ASSEMBLIES, FASHION SHOWS

- Required for 'special dances' that is clearly not a regular teaching situation or club dance. This does not apply to club 'theme' dances, but to those events that are often held in another location.(eg: annual 'open' dances;).
- Not needed if the operator of the rented premises (ie: dance hall) already has a Tariff 8 as part of the rental contract. Check in advance.
- Not needed if the school, city recreational centers etc. has a Tariff 21.

Tariff 21 : RECREATION FACILITIES

- Licence to use (publicly perform) music during recreational activities, in facilities operated by a municipality, school, college, university or similar community organizations.
- If the facility you're using has a Tariff 21, then no Tariff 8 is required.

Some other points of agreement with SOCAN:

- A special dance is one where tickets are sold, advertising is distributed, non-club members are invited, & is not in place of, or related to a regular club dance and/or major association, provincial or national event. *Multi-day events should be raised with SOCAN directly.*
- Promotional dances in public buildings to promote square dancing are covered under Tariff 19.
- No licence is required to perform in Seniors homes or nursing homes.
- No additional licence is required to perform in parades (organizers should have a Tariff 10)
- No additional licence required for events sponsored by city recreational centers as these are licenced under Tariff 21.
- Demonstrations at exhibitions are the responsibility of the operators and are covered under Tariff 5.
- In areas where regular Callers & Cuers are not available & tape or record instruction is used, the club may obtain a Tariff 19 licence.
- Under normal circumstances, a licence is not needed for dancing in your own home.

Other items to note:-

- **ANNUAL FEES** - I have found that the easiest way to pay the \$72.32 annual fee (2014) is to create an account via the SOCAN website, & once you've done that you can pay them through your own bank. You'll still get all the mailed registration process, but once paid you'll get a statement of payment & then your new license.
- **SOCAN - "Request for 201x Report Form(s)** - every year in the renewal process we're asked to report *the average number of participants per week per room* & if you ignore that initial request, then you get a letter (actually 2) from SOCAN asking to submit a 'room report'. I addressed that issue SOCAN back in 2010 & in my correspondence with Paula Shallow (SOCAN Licensing Dept.), she advised me that *"there is no need for you to complete the application form, as your license fee is a flat rate based on an agreement"*. (referring to the SOCAN/CWDIA agreement). Again in 2011, the same request came out & when I phoned her she said that *"the system generates the letters & there's nothing she can do about it, just ignore them"*. And so I have, & although the paperwork keeps coming (I got 2 again this year), I just ignore it & there's been no response from SOCAN for doing such!

Caveat: - *all the preceding information is based upon the various excerpts that I have of the SOCAN/CWDIA agreement & conversations I've had with others over the years, including SOCAN representatives. I have tried for several years to have Tim Crawford (former Chair of CWDIA) locate & provide a copy of the full CWDIA/SOCAN agreement (which he says he has somewhere), but no luck yet?! The EOSARDA President has recently made the same request, with the same result - nothing.*

References:-

- SOCAN Website: <http://www.socan.ca/>
- COPYRIGHT BOARD OF CANADA : <http://www.cb-cda.gc.ca/home-accueil-e.html>
- Excerpts from SOCAN / CWDIA agreement.

❖ Written by Caller Geoff Clarke - Updated Feb 4, 2014