



## Frequently Asked Questions

### What are neighbouring rights?

Neighbouring rights are the rights of performers and makers of sound recordings to be paid fairly for the broadcast and public performance of their works. Neighbouring rights were enacted in Canada in the 1997 amendments to the Copyright Act. The maker of a sound recording is defined in the Copyright Act as the person who makes arrangements for the first fixation of the sounds, including entering into contracts with performers, and making financial and technical arrangements.

### What is Re:Sound?

**Re:Sound Music Licensing Company:** is a non-profit umbrella collective, created in 1997 to administer neighbouring rights in Canada. Re:Sound represents performers and makers of sound recordings through five member collectives:

#### Re:Sound Member Collectives Representing Makers:

CONNECT	Connect Music Licensing	Tel: <a href="tel:4169228727">(416) 922-8727</a> Fax: <a href="tel:4169229610">(416) 922-9610</a>
SOPROQ	La société de gestion collective des droits des producteurs de phonogrammes et de vidéogrammes du Québec	Tel: <a href="tel:5148425147">(514) 842-5147</a> Fax: <a href="tel:5148427762">(514) 842-7762</a>

#### Re:Sound Member Collectives Representing Performers:

MROC	Musicians Rights Organization of Canada	Tel: <a href="tel:4163915161">(416) 391-5161</a> Fax: <a href="tel:4163915165">(416) 391-5165</a>
RACS	The ACTRA Recording Artist Collective Society	Tel: <a href="tel:4164891311">(416) 489-1311</a> Fax: <a href="tel:4164891040">(416) 489-1040</a>
ARTISTI	La société de gestion collective de l'Union des artistes	Tel: <a href="tel:5142886682">(514) 288-6682</a> Fax: <a href="tel:5142885640">(514) 288-5640</a>

### How does an artist or record company sign up to receive royalties from Re:Sound?

Re:Sound has five member organisations, three of which represent artists and two of which represent record companies. Artists and record companies are free to sign up with the

Re:Sound member organisation that will represent them. Artists and record companies authorize a member organisation to represent them through an assignment, license or agency agreement. If an artist or record company is not registered with one of Re:Sound's member organisations, they may also contact Re:Sound directly.

### **What is the difference between SOCAN and Re:Sound?**

Re:Sound represents the rights of artists and record companies (the people who created sound recordings) while SOCAN (Society of Composers, Authors and Music Publishers of Canada) does the same for composers and music publishers (the people who created the compositions that are embedded in those sound recordings).

### **How does Re:Sound collect revenues?**

Re:Sound collects revenues directly from music users and broadcasters. Re:Sound has a dedicated team of professionals that contact music users throughout Canada to inform and educate them on Re:Sound payment requirements and obligations as set by the Copyright Board. Tariffs are legally enforceable through the courts for establishments that owe royalties but refuse to pay.

### **Who is eligible to receive neighbouring rights payments?**

The Copyright Act details the conditions of eligibility for neighbouring rights. Essentially, a sound recording is eligible if its maker is an individual who is a citizen or permanent resident of Canada or of a Rome Convention country. Alternatively, if the maker's corporation is headquartered in Canada or in a Rome Convention country, or if all the fixations for the sound recording occurred in Canada or a Rome Convention country. A performer's neighbouring rights are dependent on the eligibility of the sound recording. If a sound recording is eligible, then so are the performers, regardless of their nationality or country of residence.

### **What is the Rome Convention?**

The 1961 *Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations* is an international treaty under which countries agree that their neighbouring rights regulations will allow reciprocal treatment to rightsholders of other countries signatory to the Convention. As a signatory to the Rome Convention, Canada is open to agreements to pay foreign rightsholders whose sound recordings are broadcast or performed in this country, and vice-versa. About 58 countries have signed the Rome Convention, including the United Kingdom, Germany, France, Italy, Spain, Australia and Japan, but not the U.S.A.

Re:Sound

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