

## SOCAN, Re:Sound and CONNECT – Different rights, different collectives

If you've been a SOCAN licensee for a while you're probably quite familiar with how our licenses work, how they are administered, and where the money goes. SOCAN and its predecessors have existed in Canada for well over 80 years – so the idea of compensating songwriters and music publishers for public performances of their work is hardly new. But we're not the only copyright collective in town.

Under the Copyright Act, record companies and performers are also entitled to compensation for public performances of their work, through what is known as a "Neighbouring Right". The organization that administers this right in Canada is Re:Sound. Like SOCAN, the tariffs that apply to their members' work are set by the Copyright Board of Canada, to whom they must apply for approval of their tariffs.

Although Re:Sound's tariffs cover an entirely different right and benefit a different set of rights holders, in some cases their licensees may be the same as SOCAN's. For example, Re:Sound has tariffs covering background music and recorded music to accompany dance, which may apply to the same kinds of businesses with which SOCAN currently has relationships. So please keep in mind that SOCAN is not affiliated with Re:Sound. We encourage you to find out more by visiting [www.resound.ca](http://www.resound.ca) or the Copyright Board of Canada's website at [www.cb-cda.gc.ca/](http://www.cb-cda.gc.ca/).

## SOCAN vs. Re:Sound: Comparison of General Licensing Tariffs

### Re:Sound FAQs

**Q: What is Re:Sound?**

**A:** Re:Sound is a Canadian copyright collective that seeks to obtain equitable remuneration for music performers and record companies by licensing the use of recorded music for public performance and broadcast.

**Q: What is the right to equitable remuneration?**

**A:** It is the right of music performers and record companies to be paid fairly for the public performance and broadcast of their recorded musical works. This right is sometimes referred to as a "neighbouring right".

**Q: What's the difference between Re:Sound and SOCAN?**

**A:** SOCAN represents the rights of songwriters, lyric authors, composers, and music publishers, while Re:Sound represents the rights of the performers who played on recordings and the record companies that produced those recordings.

**Q: Why do we have to pay Re:Sound if we already pay SOCAN? I only want to pay once.**

**A:** Both Re:Sound and SOCAN collect separate and distinct performance rights licence fees. In cases where both Re:Sound and SOCAN tariffs apply to the same business, that business must pay both collectives separately, in accordance with each one's tariffs. When you pay SOCAN, you are paying the necessary public performance licence fees to songwriters, lyric authors,

composers and music publishers. When you pay Re:Sound, you are paying the necessary public performance licence fees to the performers and makers of sound recordings. Paying one collective does not exempt you from paying the other.

**Q: Do Re:Sound’s tariffs apply to live music?**

**A:** No, Re:Sound only deals with the public performance or broadcast of *recorded music*.

**Q: Why is Re:Sound’s Tariff 5 titled “Use of Music to Accompany Live Events”?**

**A:** It is called that because it applies to recorded music publicly performed at live events rather than music performed live and in-person such as a live performance by a band at a concert venue. Re:Sound may only seek equitable remuneration in relation to the public performance or broadcast of recorded music, not live performances by musicians.

**Q: Does Re:Sound have the right to collect fees for past years?**

**A:** Yes, but only when approved to do so by Canada’s Copyright Board. For example, Re:Sound’s Tariffs 5.A-G and 6.B were approved by the Board in 2012 for the years dating back to 2008. Re:Sound Tariff 6.A was approved by the Board in 2011, for the years dating back to 2008. As such, Re:Sound has the right to collect licence fees under each of these tariffs back to January 1, 2008.

**Summary of Similarities & Differences between Re:Sound and SOCAN**

**SIMILARITIES:**

Both SOCAN and Re:Sound:

Are Copyright Collective Societies	Both administer a part of Copyright that deals with the public performance of music (although they are different rights, benefiting different stakeholders)
Are Regulated by the Copyright Act	Both collect fees based on tariffs approved by the Copyright Board of Canada in accordance with Canada’s Copyright Act
Have staff who contact businesses	Both have staff who contact businesses using music across the country to explain their obligations
Have approved tariffs covering similar music uses	Examples include background music, fitness (but the two societies’ tariffs are not always identical in what they cover.)
Have reciprocal agreements	Both have agreements with foreign societies to allow them to collect on behalf of foreign members’ repertoire, and receive fees from foreign performances
Head offices	Both are located in Toronto

**DIFFERENCES:**

	<b>SOCAN</b>	<b>Re:Sound</b>
<b>Year established</b>	1925 (predecessors)	1997

<b>Who they represent</b>	Songwriters, lyric authors, music composers, and music publishers	<b>Performers</b> who have registered with one of 3 performer collectives (Artisti, MROC, Actra RACS), and <b>record labels</b> represented by 2 collectives (CONNECT & SOPROQ).
<b>Number of approved “General Licensing” tariffs* (as of 2012)</b>	21	10

\*including all tariff subsections

## Understanding the differences between Re:Sound and CONNECT

### CONNECT FAQ's

#### **Q: What is CONNECT?**

**A:** Connect Music Licensing Service Inc. (“CONNECT”) is a non-exclusive agency that represents its members’ exclusive right of **reproduction** and provides licences to music users on behalf of record companies, producers and artists that own master sound recordings and music videos for the purpose of copying sound recordings and/or copying and broadcasting/exhibiting music videos in Canada.

More information about CONNECT can be found at [www.connectmusic.ca](http://www.connectmusic.ca).

#### **Q: What is the difference between CONNECT ([www.connectmusic.ca](http://www.connectmusic.ca)) and Re:Sound ([www.resound.ca](http://www.resound.ca))?**

**A:** Each collective represents two different rights:

CONNECT licenses **the reproduction** of sound recordings (and reproduction and/or broadcast of music videos). Re:Sound collects remuneration for the **communication** of sound recordings.

CONNECT is a member of Re:Sound and distributes revenues collected by Re:Sound to its members for their communication right. However, this is a **separate** right from the reproduction right that CONNECT represents; music users are required by law to compensate rights holders for both the performance and reproduction right.

#### **Q: Why does my venue or hired DJ need a CONNECT licence if I already have a licence with Re:Sound?**

**A:** A CONNECT DJ licence authorizes **copying** of sound recordings and must be purchased by anyone making copies of music belonging to CONNECT’s members. Making copies of recorded music for commercial use without authorization is an infringement of copyright.

If a venue uses copies of sound recordings from CD-R's or a hard drive source (ipod/mp3 player/computer/laptop/USB) in order to provide background music in your facility, a CONNECT DJ licence is required.

The fees paid to Re:Sound compensate performers and makers for the **communication** (performance) of sound recordings.

**Q: When is a CONNECT licence not needed?**

**A:** If a venue/DJ obtains **all** of their music content from a CONNECT licensed Music Supply Service company, no further licensing is required from CONNECT.

If a venue/DJ is using **only** store bought CD's/cassettes/vinyl in their original format (not uploaded or copied to a stored media device), a CONNECT licence is not required.

If a venue/DJ only plays music from a radio as their background music, a CONNECT licence is not required.

If a venue only hires bands or live performers instead of playing copies of sound recordings as background music, an CONNECT licence is not required.