



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:

What is the difference between SOCAN and Re:Sound?

SOCAN (Society of Composers, Authors and Music Publishers of Canada) is responsible for administering the rights of composers, authors and music publishers while Re:Sound is responsible for administering the rights of the performers and makers of sound recordings.

Re:Sound Member Collectives Representing Performers

AFM	The American Federation of Musicians of the United States and Canada	Tel: (416) 391-5161 Fax: (416) 391-5165
APRS	The ACTRA Performers' Rights Society	Tel: (416) 489-1311 Fax: (416) 489-1040
ARTISTI	La société de gestion collective de l'Union des artistes	Tel: (514) 288-6682 Fax: (514) 288-5640

Re:Sound Member Collectives Representing Makers

AVLA	Audio-Video Licensing Agency	Tel: (416) 922-8727 Fax: (416) 922-9610
SOPROQ	La société de gestion collective des droits des producteurs de phonogrammes et de vidéogrammes du Québec	Tel: (514) 842-5147 Fax: (514) 842-7762

How does someone join Re:Sound?

Members of Re:Sound are not individuals, but collectives that represent performers or makers of sound recordings. Performers and makers are free to choose Re:Sound member collective that will represent them. Performers and makers authorize a collective to represent them through an assignment, license or agency agreement.

How does Re:Sound collect revenues?

The Copyright Board of Canada certifies the neighbouring rights tariffs to be paid by users of sound recordings in Canada. Re:Sound has filed tariffs for 28 different types of users, including radio stations, restaurants, theatres, clubs and hotels. As each tariff is certified by the Copyright Board, Re:Sound begins to collect revenues from that user group across Canada, and then distributes the revenues to performers and makers of sound recordings through its five member collectives. All payments are split equally between performers and producers.

Re:Sound is also a member of the *Canadian Private Copying Collective*, created to receive and redistribute private copying tariff revenues. Manufacturers and importers of blank audio recording media are responsible for paying the private copying levy.

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, or 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.