

DANCE ONTARIO

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Music and Online Dance Classes

The following information is being provided in response to numerous questions about the use of music when offering dance classes online.

Crux

If applicable, your existing SOCAN license for the use of music in your in-Studio dance classes (Tariff 19) should cover your use of music in those same classes when you offer them online, so long as you adhere to certain protocols.

What to Do

- Organize your online classes with password protection;
- Restrict access only to students registered in your regular in-Studio classes;
 - do this by controlling the distribution of the password (for example, using a bcc email list for each separate class and then confirming “attendance” for each class);
- Conduct the classes in real time, just like the in-Studio classes, using a secure online platform (for example, Zoom, Google Classroom, Microsoft Teams, etc.);
- If you decide to use recordings for online delivery, ensure they are shared as “view only” (that is, no downloading or copying allowed) and for a time-limited window (for example, viewable for only up to 1 week);
 - then delete the recording and keep a record of your precautions

What to Avoid

The validity of your existing SOCAN license only applies if your online classes avoid being a form of ‘digital broadcast’. This would be an online dance class that has wide or unrestricted access, unlike your in-Studio version of the same class. So, the following approaches should be avoided:

- posting a recording of your classes on Facebook or YouTube;
- conducting your online classes “live”, but without requiring a password to get access;
- conducting your online classes “live” with a password, but posting the password somewhere public, such as your Studio Facebook page;
- any online class that attracts participants from outside the pool of students registered for in-person classes at your Studio.

Note: a ‘digital broadcast’ is NOT covered by your Tariff 19 SOCAN license; such activity would require a separate license

Fine Print

This understanding of your existing SOCAN license is grounded in the 2012 Supreme Court ruling – Court File No. 33921 – in which the Court confirmed that using technology to deliver a traditional service did not automatically mean a new, additional license would be required. The Court cited the principle of technological neutrality and avoiding the layering of copyright protections in its reasoning.

Note: this is not legal advice for your particular circumstances or uses, whatever those might be. If you are unclear whether your use of music in any online situation constitutes a “digital broadcast” you should either:

- take steps to restrict access to your online classes to students registered for the same in-Studio classes – see *What to Do*, above; or
- seek legal advice from a lawyer who specializes in Canadian Copyright law to review your specific plans.