

# FACTOR Canada

## Envelope Funding for Music Companies Program Guidelines 2021-2022 *Published July 2021*

### Program Overview

1. Envelope Funding for Music Companies is allocated once a year for a recipient to undertake a suite of activities fostering the development of Canadian artists and the promotion of their music so they can build sustainable careers. This can include expenses related to the production and marketing of Canadian sound recordings, domestic and international touring, showcasing and concert production of Canadian artists, artist management, publishing of Canadian musical works and business development. The activities must be central to the development of Canadian artists, the promotion of their music and the expansion of their audience.
2. ~~The percentage of FACTOR's contribution is 50% of total eligible expenses.~~ **In response to challenges created by the COVID-19 pandemic, the administrative expense cap will be waived to offset all necessary operating expenses. This adjustment will apply to the entirety of the 2021-2022 fiscal year.**
3. The maximum funding level for individual companies is \$650,000; [affiliated companies](#) are capped at \$800,000.
4. Detailed review of applications will take up to 16 weeks from the application deadline.
5. Funding for this program is provided by the Department of Canadian Heritage's Canada Music Fund's Individual Initiatives Component and Canada's Private Radio Broadcasters.

### Application Deadline

6. **January 28, 2021, 5:00 p.m. Eastern Time** for activities taking place from April 1, 2021 – March 31, 2022.

### Who Can Apply?

7. Canadian companies which invest in:
  - the production and promotion of sound recordings by [Canadian artists](#);
  - tours and showcases by Canadian artists;
  - publishing of Canadian musical works; and,
  - the management of Canadian artists.

Specifically, eligible companies are record labels, music publishers and artist managers. For artist managers, they must have the competencies to advise their artists on all matters related to their musical careers and are actively involved in promoting their artists' music.

Companies which undertake [concert production](#) activities may be eligible to the program if they demonstrate that they are responsible (i.e. artistically and financially) for all aspects related to the live activities of their artists. This relationship must be enshrined in a contract between the company and their artists.

8. For the 2021-2022 fiscal year, Envelope Funding will be available to Canadian music companies that meet the following eligibility criteria, provided by the company in their FACTOR Applicant Profile:
  - Be a [Canadian-owned and -controlled company](#) that has its headquarters based in Canada;
  - Have a business that relates to the production and marketing of Canadian sound recordings, domestic and international touring and showcasing of Canadian artists, Canadian artist management, publishing of Canadian musical works and business and skills development;

- Are prepared to make substantial investments in eligible activities that justify the allocation of an annual funding amount which is in line with the company's investment history;
- Have completed three years of continuous operations as a Canadian music company;
- Be able to demonstrate its financial viability and its history of effective use of public funding;
- Have minimum eligible annual gross revenues (before royalties and fees) of \$250,000, not including public funding, in the most recent fiscal year from eligible activities related to music by Canadian artists (sound recordings, touring and showcasing, management and publishing) as detailed in the Application Form (the program's definition of royalties and fees is found in the revenue sections of the Application Form);
- Have carried out eligible activities (production of sound recordings, marketing of sound recordings, tours and showcases and management) for at least two Canadian artists, who are not owners of the company, and have released at least one [eligible Canadian sound recording](#) within the reference period (April 1, 2018, to March 31, 2020) AND/OR for eligible publishing activities, have a minimum of four Canadian songwriters, who are not shareholders or officers of the company, and have promoted at least fifteen new [eligible Canadian musical works](#) within the reference period (April 1, 2018, to March 31, 2020);
- Have fulfilled all its contractual obligations with respect to artist royalty payments;
- Be (and its affiliates) in good standing with the Crown as a result of agreements entered into with Canadian Heritage or any other government department as well as with third-party administrators FACTOR and Musicaction; and
- For Record Labels: Have the receipts from Library and Archives Canada for a "[Legal deposit](#)" for each eligible Canadian sound recording. Note that Envelope Funding recipients will be required to submit receipts from the past fiscal year (April 1, 2020 – March 31, 2021) in order to receive their first payment.

Be advised that eligibility criteria may change in future fiscal years as the program is further developed.

9. A company with earnings before interest, taxes, depreciation, and amortization (EBITDA) margin of 15% or greater in each of its last three financial years is ineligible.
10. Companies that are interested in this program and are new to the FACTOR system must [create an Applicant Profile](#) at least 5 business days prior to the program deadline. Please contact FACTOR to discuss.
11. Companies that intend to apply and have existing Applicant Profiles meeting program eligibility must contact their Project Coordinator for access to the application.
12. FACTOR welcomes and encourages applications from people with disabilities. Please contact your Project Coordinator to discuss options for accommodations throughout the application process, as well as our [Application Accessibility Support Fund](#).

## How This Program Works

13. Envelope Funding for Music Companies is a program funded in part through the Individual Initiatives Component of the Canada Music Fund (CMF). The CMF's Individual Initiatives Component provides financial assistance to Canadian music artists and entrepreneurs to undertake activities that are central to the development of Canadian artists, the promotion of their music as well as the competitiveness of the music sector at home and abroad and on digital platforms.

More specifically, this component supports the production and marketing of Canadian sound recordings, domestic and international touring, showcasing and concert production of Canadian artists, artist management, publishing of Canadian musical works and business development. The activities must be central to the development of Canadian artists, the promotion of their music and the expansion of their audience.

14. To apply, applicants must submit:
  - [Application Form](#) (Excel spreadsheet) - Uploaded to Component Information tab in application component.
    - Note: Affiliated groups must report their revenues and investments under one single form.
    - Detailed information for live music activities is required (see "Live Performance Revenues Y1" tab).
  - Business Plan (PDF) - Uploaded to Component Information tab in application component.

- See detailed instructions in Application Form.
  - Financial statements for the past 3 fiscal years (PDFs) - Uploaded to Gross Revenue section of Applicant Profile.
    - Financial statements must be prepared by a Chartered Accountant. FACTOR will accept audited financial statements, review engagement reports, or notice-to-reader statements. You are required to submit audited financial statements if your 2020-2021 contribution exceeded \$250,000.
15. **FACTOR projects approved prior to April 1, 2021:** Envelope Funding recipients for 2021-2022 will be required to complete any active project components in other programs with expenses incurred prior to April 1, 2021. Completions for project components in the project system must be submitted within 60 days of accepting the Envelope Funding offer. No new project components will be approved after April 1, 2021.
  16. Envelope Funding and FACTOR's Comprehensive Artist (CA) and Marketing and Promotion for Non-FACTOR-Funded Sound Recordings (MPN) programs: Information about Envelope Funding recipients' eligibility for CA and MPN will be published by April 1, 2021.
  17. **Applicants representing both French- and English-language artists:** Applicants will be asked to identify French- and English-language artists in the Application Form. If the majority of investments relate to French-language artists, applicants should submit their application to [Musicaction](#). If the majority of investments relate to English-language artists, applicants should submit their application to FACTOR. However, applicants representing both French- and English-language artists whose proportion of production/marketing of French-language musical content is less than 50% can still submit their application to Musicaction if they typically submitted their application to them in the past.
  18. **Applications from affiliated companies:** Affiliated companies should submit one Application Form (combining revenues and planned investments) and one Business Plan (detailing information for all companies). The application will be submitted under one Applicant Profile, and if approved, funding will be disbursed to that Applicant. It is then up to the companies to divide the envelope funding.
  19. In cases of artists who work with multiple companies, the applicant company must clearly identify their specific involvement with the artist to claim their portion of the investments.
  20. Recipients will be asked to complete a Mid-year Cashflow Report (template provided by FACTOR) in October 2021.
  21. Recipients will have the ability to redirect funding between expenditure categories within certain limits, particularly if the new activities are similar to those proposed in the original application. Recipients must ensure that proposed changes to activities or costs remain eligible by consulting with their Project Coordinator.
  22. Once the application is approved, changes to the proposed activities having a budget impact of 25% or more of planned investments should be reported and discussed with their Project Coordinator immediately.
  23. FACTOR restricts the transfer of ownership and control of full-length sound recordings which it funds under its sound recording programs. Recipients of full-length sound recording funding are obliged, for a period of two years after commercial release, to notify FACTOR of their intention to sell, assign, license or otherwise transfer the control of the sound recording to another party. In some cases, FACTOR may require the funding to be repaid when the sound recording is transferred to a non-Canadian label (including major labels). Please see [Business Policies: Disposition of Masters](#) or speak with your Project Coordinator for more details.
  24. Recipient Accessibility Support Fund: FACTOR grant recipients are eligible for top-up support to their project funding for costs related to accessibility. FACTOR will allow applications in this fund for up to \$5,000 each fiscal year, not to exceed \$5,000 per project. Eligible costs claimed under this fund will be reimbursed at 100%. This fund is open to artists and staff of music companies associated with the project Artist or Applicant. Support for this fund is provided exclusively by Canada's Private Radio Broadcasters. See more details on [FACTOR's Accessibility page](#).

## How Applications are Assessed

25. Contributions to Canadian music companies will be determined on two main criteria:
  - The companies' ability to reach audiences (assessed based on the applicant's recent revenues and recent investments); and,
  - The companies' efforts to develop the careers of Canadian artists, to promote and develop audiences (based on an assessment of the business plan, including planned investments).

26. As Envelope Funding provides financial support for companies' investment plans in their Canadian artists in the upcoming fiscal year, the bulk of the budget is allocated via assessments of those plans. Specifically, the budget is divided across the three assessment steps listed below as follows: 20% on revenue, 20% on recent investments and 60% for planned investments.

**Note for 2021-2022:** COVID-19 continues to present much uncertainty for the Canadian music industry. This may prove challenging for applicants to accurately plan their activities for 2021-2022. Accordingly, the assessment will be calculated as follows: 40% on revenues, 20% on recent investments and 40% on planned investments. This is a COVID-19 related measure, and the budget allocation could revert to 60% for planned investments in the following year.

27. Assessment Steps:

- **Revenues (40% of the total Envelope Funding budget):** the portion of the contribution for this step is allocated based on each company's eligible net revenue (i.e. net of royalties and fees - see definition in the Application Form) in the last three years as a percentage of the total eligible net revenue in the last three years of ALL companies in the program applicant pool.

As an example, if a company has \$500,000 in eligible revenues net of royalties and fees, and the eligible revenue net of royalties and fees for all companies is \$40M, that company would receive 1.25% (\$500K/\$40M) of the envelope budget allocated to this step. With an envelope budget of \$10M, \$4M would be allocated via this revenue step (40% of \$10M), resulting in that company receiving \$50,000 in this step.

- **Recent investments (20% of the total Envelope Funding budget):** the portion of the contribution for this step is allocated based on each company's total eligible investments in eligible Canadian artists from the most recently completed program fiscal year (April to March, as submitted in their final report) as a percentage of the total eligible investments of ALL companies in the program applicant pool.

**Note for 2021-2022:** Given that the MEC 2019-2020 recipients are the only companies to have submitted a final report for the envelope program to date, **for 2021-2022, applicants will submit eligible investments they made in their most recently completed fiscal year (financial statement finalized).**

- **Planned investments (40% of the total Envelope Funding budget):** the portion of the contribution for this step is allocated based on each company's business plan, which will be scored and ranked compared to other companies. The business plan and planned investments must provide detail for each artist. These elements will be assessed according to the following elements:
  - Applicability of the proposed activities to the objectives of the Individual Initiatives Component, including:
    - Investments in new artists – to account for the CMF's objective to help ensure the continued development of new Canadian artists ([see definition in Glossary](#)).
    - Investments in artists from CMF priority groups – in support of diversity and inclusion policy priorities, incentivizing investments in Indigenous artists, as well as francophone artists from official language minority communities and artists from visible minorities.
    - International investments – in support of the CMF's objective to develop audiences for Canadian artists outside of Canada.
  - Relevance and scope of the proposed activities;
  - Feasibility (team, experience, partnerships, planned expenses, risk, etc.); and
  - Expected results.

28. The funds are awarded competitively among eligible applicants depending on the available budget.

29. Innovative initiatives included in applications will be competitively reviewed separately and in addition to the Envelope Funding contribution.

## Eligible Activities

30. Your activities must foster the development of Canadian artists, promote their music and expand their audience. Only revenues and expenses related to the activities listed below can be reported.

### Activities related to the production and promotion for eligible sound recordings

31. Production and promotion activities for sound recordings (tracks) are eligible if the recordings meet the following requirements:

- They are Canadian (see definition of [eligible Canadian sound recording](#));
- They are clearly and publicly attributed to an artist (solo performer, group or collective); and
- They meet legal deposit requirements.

32. Sound recordings of various formats and lengths are recognized by the program (e.g. singles, EPs, mini albums, full-length albums, downloads, streaming, vinyl records, CDs, DVDs, etc.). Sound recordings commercially released must be accompanied by a marketing plan.

33. You must own Canadian copyright for the Canadian sound recordings you produce and release or co-produce and release or hold an exclusive license assigned by the Canadian copyright owner to release the Canadian sound recordings in the Canadian market.

34. Co-production: Co-production revenues must be reported in keeping with the distribution set out in the co-production agreement.

35. The following activities are ineligible:

- Sound recordings produced for fundraising, advertising or promotional campaigns; and
- Sound recordings produced for educational purposes.

### Activities related to touring and showcasing

36. Activities related to the touring and showcasing of eligible Canadian artists are eligible provided that they are central to the career development of the artist and meet the following requirements:

- Feature a Canadian artist that has released at least six eligible Canadian sound recording tracks no more than two years prior to the start of the tour or plan to release within six months of the latest scheduled tour or showcase date.

37. The following activities are ineligible:

- Tour-related activities that are not for a particular artist and their career development. This includes musicals, retrospective/tribute shows, large scale shows (shows that have different programming compared to the tour), charity or corporate shows, etc.
- Tour-related activities that are not intended to promote an artist's new sound recordings (album or multiple tracks).

### Activities involving the publishing of eligible musical works

38. Funding will be given to projects that aim to develop the career of artists and promote their works across multiple platforms. Canadian musical works are eligible if they meet the following requirements:

- They are central to the career development of an eligible Canadian artist; and
- All of the works are registered with a collective rights management company.

39. The following activities are ineligible:

- Publishing activities related to commissioned works for the audiovisual sector; and
- Other activities aimed at the creation of musical works intended solely as soundtracks or background music.

### Eligible management activities

40. Eligible activities must support the career development of Canadian artists. These may be related to eligible activities in sound recordings, touring and showcasing, as well as music publishing or be more directly related with the development of artists, such as training, creative assistance activities, etc.

## Eligible business development activities

41. Business development activities such as identifying new eligible artists and developing the market for Canadian artists are eligible.

## Eligible business travel

42. Business travel relating directly to roster artists can be claimed under Artist Development investments. Business travel on behalf of the overall company, A&R, or otherwise seeking new opportunities can be claimed under Business Development investments.

## Innovation and risk taking

43. The CMF encourages innovative business practices in the industry in the development of Canadian artists' careers, promotion and audience development and recognize the risk created by the implementation of innovative initiatives with high potential, but which would not necessarily generate a high return in the short term. See the "Business Plan" tab of the Application Form for more details.

44. **Ineligible activities:** Any activity related to the production and promotion of Canadian musical works that, in our opinion, contain or promote any of the following is deemed ineligible:

- material that is hate propaganda, obscene or child pornography, or any other illegal material, as defined in the Criminal Code;
- pornography or other material having significant sexual content unless it can be demonstrated that there is an overriding educational or other similar purpose;
- material that contains excessive or gratuitous violence;
- material that is denigrating to an identifiable group; or
- any other similarly offensive material.

## Eligible Expenses

45. Eligible expenses are those related to **Canadian artists** for eligible activities undertaken between April 1, 2021 and March 31, 2022. The eligible expenses may include:

### 46. Sound recording expenses

- Salaries and benefits and/or professional fees (specific professional services provided through contracts)
- Artist, musician and backing vocals fees
- Arrangers
- Artistic Director
- Music Producer
- Executive Producer (associate producer)
- Studio charges
- Mastering
- Cover art
- Manufacturing expenses
- Participation expenses (co-production with producers or artists)
- Equipment rental
- Travel expenses (transportation, accommodation and meals, etc.) as per the [Government of Canada's Travel Directive](#)

### 47. Touring and showcasing expenses

- Salaries and benefits and/or professional fees (specific professional services provided through contracts)\*
- Artist, musician, and technician fees
- Equipment rentals
- Production expenses
- Promotion expenses
- Travel expenses (transportation, accommodation and meals, etc.) as per the [Government of Canada's Travel Directive](#)



\* Note on professional fees for booking agent activities:

- Revenue from booking agent activities must not be included in the Application Form.
- Booking activities undertaken by contracts to a third-party organization are eligible.
- For applicants who act as booking agents, only salaries and benefits for booking activities related to artists on their label or management roster are eligible. Salaries and benefits related to other artists are ineligible.

**48. Musical works publishing expenses**

- Salaries and benefits and/or professional fees (specific professional services provided through contracts)
- Music placement activities expenses (song plugging)
- Coordination fees (i.e. subcontracted coordination [management])

**49. Artists' development expenses:** (These expenses may relate to the activities mentioned above as well as to management activities)

- Salaries and benefits and/or professional fees (specific professional services provided through contracts)
- Premiums, bonuses or any other forms of advances. Recipients may NOT recoup the portion of the advance used with the Government of Canada's contribution; however, they may recoup the portion they used with their money.
- Promotional material
- Media (advertising and press)
- Manufacturing promotional recordings
- Stylists
- Press photos
- Translation fees (website, promotion, contracts)
- Artist showcases
- Trade shows (fairs) and professional days
- Workshops and training (e.g. writing workshop or co-writing session)
- Rental of creative space
- Rental of creative activity-related equipment
- Production of audiovisual music content for the web other than music videos (sessions, video lyrics, live performance recordings, studio recording clips)
- Other web- and social media-related artist expenses (e.g. designing and updating artist website, producing multimedia content, etc.)
- Travel expenses (transportation, accommodation and meals, etc.) as per the [Government of Canada's Travel Directive](#)

**50. Promotion expenses**

- Salaries and benefits and/or professional fees (specific professional services provided through contracts)
- Release expenses
- Promotional tour
- Posters and graphic design
- Media (advertising and press)
- General promotional expenses (e.g. radio tracking)
- Music video production
- Distribution expenses (e.g. expenses incurred by a record label for the distribution of its recordings)
- Costs related to platforms and computer tools. These expenses are eligible only when they are directly related to the development of Canadian artists, audience development and promotion (purchasing and processing metadata, social media, etc.)
- Travel expenses (transportation, accommodation and meals, etc.) as per the [Government of Canada's Travel Directive](#)

**51. Business development expenses:** In the Application Form, include all planned business development expenses. However, these cannot exceed 15% of the contribution amount.

- Salaries and benefits and/or Professional fees (meaning specific professional services provided through contracts)

- Expenses related to finding new artists / new contracts (including travel expenses – transportation, accommodation and meals, etc.) as per the [Government of Canada's Travel Directive](#)
  - Market development related expenses (including travel expenses – transportation, accommodation and meals, etc.) as per the [Government of Canada's Travel Directive](#)
52. **Administrative expenses:** In the Application Form, include all planned administrative expenses. ~~However, these cannot exceed 15% of the contribution amount.~~ **In response to challenges created by the COVID-19 pandemic, the administrative expense cap will be waived to offset all necessary operating expenses. This adjustment will apply to the entirety of the 2021-2022 fiscal year.**
- Salaries and benefits and/or professional fees (professional services provided through contracts)
  - Business website
  - E-commerce website
  - Data and asset management software and tools
  - Subscriptions (databases, SoundScan, Broadcast Data Systems [BDS], Buzzangle, etc.)
  - Management and administration of musical works
  - Subcontractor
  - Conferences and training
  - Business representation
53. **Capital expenses:** Up to a maximum of 10% of the contribution may be used for capital expenditures related to the eligible activities. Eligible capital expenditures must be directly related to the development of Canadian artists, promotion and audience development. Expenses such as the purchase of buildings, vehicles, IT equipment, catalogs, etc. are ineligible.
54. **Ineligible expenses:** Funding provided through Envelope Funding cannot be used on the following expenses:
- Recoverable advances (Recipients may NOT recoup the portion of the advance covered by FACTOR funding; however, they may recoup the portion covered by their contribution)
  - Salaries/benefits and overhead costs not directly related to the eligible project
  - Expenses related to concert presentation (festival production, programming series, etc.)
  - Expenses relating to compilations and reeditions are ineligible. However, revenues could be considered to the extent that the sound recording meets the Canadian content requirements.
  - Merchandising
  - Grant application writing services
  - Capital expenditures that are not directly related to the development of Canadian artists, audience promotion and development (this includes the purchase of buildings, vehicles, computers, etc. including depreciation or amortization)
  - Acquisition of catalogues
  - Exchange of services
  - Audit, legal (for example, during a legal dispute) and infringement costs
  - Recoverable taxes and similar charges
  - Interest on late payments
  - Suppliers' administration fees
  - Hospitality expenses
  - Dividends, bonuses and other extraordinary compensation for company shareholders or owners.

## Funding and Payments

55. **Schedule of payments for 2021-2022:** After the funding offer is accepted by the applicant, FACTOR will issue 50% of the contribution amount as an advance payment. The next installment of up to 40% of the contribution amount will be issued when the Mid-year Cashflow Report has been received, reviewed, and accepted by FACTOR. The remainder of the funding is paid out when the completion has been received, reviewed and accepted by FACTOR.
56. To receive FACTOR funding, you must submit banking information for [direct deposit](#).



## Completion

57. As part of completion reporting, recipients will be required to submit:

- A completion report to confirm that the activities proposed for each of their artists in the business plan have been or are being completed, including a description of any changes that occurred;
- A final Cashflow Report (form provided by FACTOR); and
- Financial statements prepared by a Chartered Accountant. FACTOR will accept audited financial statements, review engagement reports, or notice-to-reader statements. You are required to submit audited financial statements if your 2021-2022 contribution exceeds \$250,000.

58. Recipients may be asked to include specific information in the completion report to assess the use and impact of the funding, and the recipient's fair and transparent payments to artists, such as:

- A breakdown of the funding per activity;
- Activities in international markets and on digital platforms;
- Success stories for some artists on the recipient's roster; and
- A clear explanation of artists' share of download and streaming revenues in recording agreements and royalty statements.

59. FACTOR reserves the right to audit recipient accounts and records to ensure compliance with the terms and conditions of the funding agreement. FACTOR and the Department of Canadian Heritage also conduct periodic program evaluations, during which recipients may be required to present documentation.

60. Applicants should retain all their invoices, receipts, and proofs of payment for seven years for FACTOR and Revenue Canada taxation purposes. Demonstrated failure to maintain such records may result in the repayment of amounts previously received.

FACTOR is committed to reflecting the diversity of the Canadian population in its programs and operations. We are committed to ensuring universal access to all funds and services, including all musical expressions and talent. We will also in our work encourage these values of diversity and inclusiveness within the broader Canadian music sector.

## Glossary

G1. **Affiliated group:** A group of companies in which the same person, group of persons, or entity holds the majority of shares with full voting rights or has control in fact of these companies.

More specifically, members of a group of companies with the following legal, economic and factual links:

- Links by way of inter-company holdings, i.e. links by way of shareholding (parent companies, subsidiaries, satellites, companies with portfolio investment, and joint ventures).
- Related party as per section 3840 of the CICA Handbook defined as follows:
  - Related parties exist when one party has the ability to exercise, directly or indirectly, control, joint control or significant influence over the other. Two or more parties are related when they are subject to common control, joint control or common significant influence. Related parties also include management and immediate family members.
- Links between individuals who are linked by blood, marriage, common-law relationship or adoption, insofar as they have the capacity to exercise, directly or indirectly, control, joint control or significant influence over another or other companies.

G2. **Canadian:** A citizen within the meaning of the *Citizenship Act* or a permanent resident of Canada within the meaning of the *Immigration and Refugee Protection Act*.

G3. **Canadian artist:** A citizen within the meaning of the *Citizenship Act* or a permanent resident of Canada within the meaning of the *Immigration and Refugee Protection Act*.

The term "Artist" refers to an artist solo performer, a musical group or collective. In the case of music publishing activities, an "artist" refers to a songwriter or composer. A group or a musical collective is considered Canadian if at least 50 % of its members including the lead singer are Canadians. In the case of an orchestra featuring no principal artist, the orchestra must be based in Canada.

G4. **Canadian-owned and controlled company:** A company

- that is a sole proprietorship, partnership, cooperative or corporation established under the laws of Canada or a province or territory;
- whose activities are based primarily in Canada;
- whose company headquarters is based in Canada; and
- whose chairperson or presiding officer and more than half of whose directors and other similar officers are Canadian.

**Corporation with share capital:** Canadians beneficially own or control, other than by way of shares held only as security, directly or indirectly, in the aggregate at least 50 per cent plus 1 of all the issued and outstanding votes.

**Corporation without share capital:** Canadians beneficially own or control, directly or indirectly, interests representing in monetary value at least 50 per cent plus 1 of the total value of the assets.

**Partnership, trust or joint venture:** a Canadian or Canadian corporation or any combination of the two, beneficially own or control, directly or indirectly, interests representing in value at least 50 per cent plus 1 of the total value of the assets of the partnership, trust or joint venture, as the case may be, and the Chairperson or other presiding officers and more than half of the directors or other similar officers are Canadian.

If at any time one or more persons that are not Canadian have any direct or indirect influence through a trust, an agreement, an arrangement or otherwise that, if exercised, would result in control in fact of the firm, the firm is deemed not to be Canadian-owned and-controlled.

G5. **Concert production:** Activities related to the conception and the realization of live performances for the public. It includes both technical (i.e. sound, lighting, stage set-up) and performance aspects (i.e. development of the performances, musician fees).

G6. **Employee:** Full- and part-time paid staff working directly for the firm. Owners are considered employees unless they have no active role in the firm. Independent contractors are not considered employees.

G7. **Eligible Canadian sound recording:** To meet Canadian content requirements, any recording of an individual track (i.e. a song) or a collection of tracks (i.e. an EP or an album), must meet the following requirements:

- Be performed by a Canadian artist.
- Have at least 50% of the music and lyrics written by Canadians. Exception for music “repertoire”:
  - The music and lyrics criterion does not apply to the repertoire of classical music, traditional jazz, world music or traditional music. The sound recording must, however, be performed by Canadian artists.

G8. **Eligible Canadian content for touring and showcasing:** Activities related to touring and showcasing of eligible Canadian artists are eligible provided that they are central to the career development of the artist and meet the following requirements:

- Feature a Canadian artist that has released at least six eligible Canadian sound recordings (individual tracks or collection of tracks) no more than two years prior to the start of the tour or plan to release within six months of the latest scheduled tour or showcase date.

G9. **Eligible Canadian musical works:** To meet Canadian content requirements, any musical work must meet the following requirements:

- Consist of any work of music or musical composition, with or without words, and includes any compilation thereof (ref. Copyright Act) that has been authored by a Canadian and registered to a Collective Rights Management Society.
- At least 50% of a musical work (i.e. music and lyrics or music only in case of an instrumental work) must have been written by Canadians.

G10. **Full-length album:** A full-length album has a minimum of 6 tracks, or at least 20 minutes of recorded music.

G11. **Indigenous person:** An Indigenous person is a North American Indian or a member of a First Nation, a Métis or an Inuit. North American Indians or members of First Nations include ‘status’, ‘treaty’ and ‘registered’ Indians, as well as non-status and non-registered Indians.

- G12. **Key management personnel:** Key management personnel includes the chairperson, directors and senior employees who have financial decision-making power over the firm.
- G13. **Legal deposit:** Legal deposit is the means by which a comprehensive national collection is gathered together as a record of the nation's published heritage and development. Recipients are required, in compliance with the Legal deposit provisions of the [Library and Archives of Canada Act](#), to send a copy of the sound recordings they produce to Library and Archives Canada.

Library and Archives Canada staff would be pleased to provide more detailed information or answer any questions you may have.

Legal Deposit Telephone: 819-997-9565

Library and Archives Canada Toll free (Canada): 1-866-578-7777 (Select 1+7+1)

395 Wellington Street Toll free (TTY): 1-866-299-1699

Ottawa ON Fax: 819-997-7019

Canada K1A 0N4

Email: [BAC.Depotlegal-LegalDeposit.LAC@canada.ca](mailto:BAC.Depotlegal-LegalDeposit.LAC@canada.ca) (Physical or Analogue Legal Deposit)

Email: [BAC.Depotlegalnumerique-DigitalLegalDeposit.LAC@canada.ca](mailto:BAC.Depotlegalnumerique-DigitalLegalDeposit.LAC@canada.ca) (Digital Legal Deposit)

Email: [bac.archivesweb-webarchives.LAC@canada.ca](mailto:bac.archivesweb-webarchives.LAC@canada.ca) (Web Harvesting)

- G14. **New artist:** For the 2021-2022 fiscal year, an artist will be considered 'new' if their first track was commercially released and actively supported by a promotion team after April 1, 2017 (or in the case of a songwriter, if their first track was copyrighted after April 1, 2017).
- G15. **Official-language minority community (OLMC):** Official-language minority communities are Francophone communities outside Quebec and Anglophone communities in Quebec. For the purpose of the program, a French-language artist will be considered for this definition if they live and pursue their career outside of Quebec, or, if they identify as belonging to a francophone community, but live and pursue their career in Quebec. For an English-language artist to meet the program's definition, they must have been born in Quebec, currently live in Quebec and meet the program's definition for "new" artist.
- G16. **Traditional jazz/blues music:** Jazz and blues works that were copyrighted prior to 1955.
- G17. **Visible minority:** A person in a visible minority group is someone (other than an Indigenous person as defined above) who is a non-white in colour /race, regardless of place of birth.