

Tariff for the exploitation of commercially published sound recordings in private broadcast programmes

Publication in the German Federal Gazette no. 134 dated 21 July 2004, page 15 592

Pursuant to section 13 of the German Copyright Administration Act by way of deviation of the tariff dated 28 November 1988, published in the German Federal Gazette no. 1 dated 3 January 1989, page 11, GVL, Podbielskiallee 64, D-14195 Berlin, herewith publishes the following Tariff for the exploitation of commercially published sound recordings in private broadcast programmes

1. The retroactive licence fee for the exploitation of commercially published sound recordings in broadcast programmes from 1 January 2004 shall be
 - a) 5.58% of the advertising revenue if the share of commercially published sound recordings amounts to a minimum of 50% of the total broadcast time,
 - b) 2.79% of the advertising revenue if the share of music from commercially published sound recordings amounts to a minimum of 25% of the total broadcast time.
2. Advertising revenue in the sense of item 1 shall be the income generated from advertising and commercials in the programme or from programme sponsorships or donations, plus income from bartering and from telecommunications. Any agency fees, bulk discounts or other rebates, as long as it can be proved that they were published by the organiser in his price list and have really been granted, must be deducted from the gross advertising revenue ("net amount payable by the customer") . Furthermore, a deduction for general acquisition costs of 7% for national and 11% for regional advertising shall be granted. The deduction for amounts of up to EUR 2m relating to regional advertising marketed by the licensee shall be 15%.
3. The "net amount payable by the customer" shown must be documented in an appropriate manner by auditors' certificates in conjunction with the annual accounts.
4. The licence fees shall be increased by the respective VAT rate in force. Members of a professional association of music users with whom GVL has entered into a general agreement, the licence fees shall be reduced by 20%. The licence fee shall only cover the rights that GVL is entitled to collect for performing artists and record producers.
5. The licence fees pursuant to items 1 to 4 shall cover the broadcast in the Federal Republic of Germany as well as making copies for broadcast purposes. Making copies for any other purposes requires a

special licence from GVL. The licence fees do not cover the exploitation of sound recordings in commercials; the licence for this exploitation must be obtained from the producer companies. The simultaneous and unaltered cable retransmission shall also not be covered by the licence fees.

6. The licence fees pursuant to items 1 to 4 shall only be applicable if the organiser supplies GVL with complete broadcast logs listing the used sound recordings (titles, artists, record company/label and code), and a certificate in line with item 3 at the end of each year.

Berlin, 17th June 2004

Gesellschaft zur Verwertung von Leistungsschutzrechten mbH (GVL)
Podbielskiallee 64
D-14195 Berlin

The Managing Directors
Dr. Gerlach Zombik

This document is a free translation into English of the Tariff originally issued in the official language, German. The translation is provided solely for the convenience of English speakers. In the event of a discrepancy between the English translation and the German version, the version in the official language shall prevail.