

Tariff for the reproduction and distribution of commercially published sound recordings via prior TV programme broadcasts by physical storage media

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Pursuant to section 13 of the German Copyright Administration Act, published in the German Federal Gazette dated 15/12/2015, GVL, Podbielskiallee 64, D-14195 Berlin, herewith publishes the following tariff for the reproduction and distribution of commercially published sound recordings via prior TV programme broadcasts by physical storage media:

A. Tariff

The following tariff shall apply to the reproduction and distribution of commercially published sound recordings on physical storage media, regardless of their nature, for specific TV programmes that have previously been broadcast, and have been created either by the TV stations themselves or on their behalves for their own broadcast purposes, and where the music recordings are merely used to provide a dramaturgical atmosphere (an exception are music films).

1. The licence fee per physical storage medium shall be 5.875 % of the licensee's revenue which is the product of the sales price to the retailer in charge of the distribution to the end consumer (excluding VAT) and the quantity manufactured. When calculating the revenue, it is not admissible to deduct markdowns or any other discounts respectively use them to diminish the basis for the licence fee. In particular, this shall include, but is not limited to, the following items:
 - Cash discounts
 - Rebates
 - Reductions (e.g. stock value adjustment)
 - Market development funds (e.g. product placement etc.)
 - Central cost sharing (e.g. storage cost, del credere)
 - Offsetting articles (e.g. parts of set)
2. The licence fee for productions pertaining to the GVL repertoire is calculated from the share of the duration of the productions of the GVL repertoire and the total duration of the TV programme (Proportion - pro rata temporis).

3. The following minimum licence fees shall apply in such cases where the licence fees calculated in line with items 1 and 2 above are below the minimum licence fee.

The minimum licence fee for productions pertaining to the GVL repertoire shall be EUR 0.2325 per physical storage medium (audiovisual recording) subject to consideration of the pro rata temporis calculation pursuant to item 2 above or 0.5294 % of the price base pursuant to item 1 above, depending on which of the two is the higher amount.

One year - at the earliest - after the first publication of the relevant physical storage medium, calculated from the start of the accounting period of the first delivery onwards, the budget minimum licence fee for physical storage media (audiovisual recordings) for productions pertaining to the GVL repertoire shall apply.

The budget minimum licence fee shall be EUR 0.155 per physical storage medium subject to consideration of the pro rata temporis calculation pursuant to item 2 above or 0.5294% of the price base pursuant to item 1 above, depending on which of the two is the higher amount.

4. These licence fees shall apply for distribution in Germany. They do not include a fee for the use of the copies thus reproduced for rentals to the public by the licensees in their own name or their issuing invoices to any third parties in charge of (re)renting them. Remuneration for rental and lending pursuant to section 27 of the German Copyright Act shall remain unaffected by this tariff.

B. General Provisions

1. The licence fee shall only apply to rights of performing artists and producers of sound recordings that GVL is entitled to administer and shall only apply to the distribution in Germany. The exploitation of sound recordings in commercials shall not be covered; the relevant licence must be obtained from the sound recording producer companies.
2. The licence fees shall be increased by the respective VAT rate in force. Users of the aforementioned rights who fulfil the agreed reporting duties and are members of a rights association with which GVL has entered into a general agreement, obtain a general agreement discount of 20%.

Berlin, 04/12/2015

Gesellschaft zur Verwertung von Leistungsschutzrechten mbH (GVL)
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