

## Guidelines on how to complete the non-commercial web radio registration form

In order to register a web radio with us, you must complete the registration forms for webcasting. You can access them at [www.gvl.de](http://www.gvl.de) in the section "web radio". These guidelines are intended to help you to complete your registration form.

### For first time registrations:

#### Is it possible that several web radio operators register jointly?

In principle, it is possible for several web radio operators to register with GVL and jointly sign the agreement. At the same time, all signatories shall be jointly and severally liable in the case of a non-fulfilment of the agreement.

#### Is it possible for children to register a web radio?

In the registration documents for a non-commercial web radio, a distinction is made between the operator and the contact person. The legal representatives of minors can list children as "operators".

In the case of minors, however, the legal representative shall be both contact person and contracting party, as he/she also signs the agreement. The contracting party must prove their legal age by producing a copy of their ID card.

gvl Gesellschaft zur Verwertung von Leistungschutzrechten

Anmeldeunterlagen  
Nichtkommerzielles Webcasting  
Neuanmeldung

<b>Stützperson(en):</b>	<b>Ansprechpartner:</b>
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Besondere Anmerkungen: \_\_\_\_\_

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## Questions on the registration form

### **Re: Question 1 Which specific usage types do I have to obtain a licence for?**

If you offer pure streaming services (without any direct influence by the listener via his player), question 1 should be answered with YES. (This is true for 98% of all web radio operators).

If, however, the listener is able to directly influence the programme, one of the following usage types must be licensed additionally:

**Interactive:** A webcasting service shall be deemed interactive whenever the listener has options to directly influence the programme by means of technical features. Examples for this include the option to jump to the next title (skip function) or to interrupt the programme (pause function).

**Personalised:** Whenever a listener has the option to create a listener profile (rating function, individual preferences for a specific music genre by entering a certain title/artist) or to change the programme permanently and individually ("I like it" or "Never-Play-Again" function), it is a personalised webcasting service.

### **Re: Question 3 What does GVL consider to be internet TV?**

Broadcasts of music video clips or concert excerpts are contents that GVL cannot license. If the broadcasting studio only transmits a live webcam image, this does not yet qualify as internet TV.

### **Re: Question 4 What is meant by the term “service start”?**

The date we ask for is the date on which the web radio service is first publicly available, i.e. accessible to listeners for the first time.

### **Re: Question 6 Where do I find information on the transmission quality of my web radio?**

The transmission quality depends on the quality (e.g. 64 kbps or 128 kbps) of the songs broadcast and/or the quality of the stream. The transmission quality has no impact on the costs of a non-commercial web radio; we only need this information for statistical reasons.

### **Re: Question 12 What costs are referred to in non-commercial web radio? What level of costs should I assume if I have not had a web radio before?**

The costs to be indicated for non-commercial webcasting usually consist of GEMA licence fees, server costs, website costs and costs for the purchase of sound recordings. These costs include all positions required to run a web radio. If you do not have any figures based on experience, you may also estimate your anticipated costs.

**Re: Question 13 In which cases do I need to acquire a multi-territory licence?**

Provided that the webcasting service is addressed to German listeners (German homepage, German-speaking presenters), it is generally not necessary to acquire a multi-territory licence. If the service is accessed from abroad, however, a multi-territory licence is required.

**Re: Question 14 How can I determine the average number of listeners?**

The average number of listeners is the mean value of the number of actual service requests for the webcasting service per hour. When you launch a webcasting service, you can only estimate the number of listeners. After a certain transmission time, the number of listeners can be determined via the programme server's access protocol. The average number of simultaneous listeners is calculated based on the number of listeners for individual transmission hours, averaged over the entire transmission time. The audience is typically higher in the afternoon and in the evening than during the night and in the morning. The average lies between the minimum and maximum values.

**Re: Question 15 How can I determine the number of stored titles?**

The number of titles stored on average results from the music files of the web radio used at a specific point in time (e.g. number of titles in a playlist).

Please note that each title copied onto the "programme server" and/or a hard disk or another data storage medium for webcasting purposes is subject to a licence fee, irrespective of whether the title is actually used for the ongoing programme or not (copying is a process subject to copyright provisions). The specific calculation is subject of the respective contractual agreement. In order to keep the calculation simple, it is possible to capture the quantity of titles retained on the server on certain key dates in a year, to add up the quantities captured and then to divide the added amounts by the number of key dates in order to calculate the annual licence fee. (Example: 4 key dates with 300 titles on the 1st key date, 600 titles on the 2nd key date, 500 titles on the 3rd key date and 700 titles on the 4th key date. The sum of 2,100 titles divided by 4 key dates thus equals an average of 525 titles which is to be multiplied by the licence fee)

**Questions on the agreement for "non-commercial webcasting"****Re: Article 6 of the agreement: What pieces of information do I have to submit to GVL?**

The information you are required to submit to GVL is specified in Article 6 of the webcasting agreement. GVL can, in individual cases and by means of a side letter to the agreement, exempt webcasters from their obligation to create logs and to provide label code, catalogue number and similar details. Such an exemption may be revoked at any time subject to a three-month notice. GVL currently exempts all non-commercial webcasters from this obligation.

**Re: Article 8 of the agreement: How are the licence fees invoiced?**

The annual licence fee is invoiced retroactively on a quarterly basis. The usage data provided in the registration, and/or the current data form the basis for the calculation. At the end of each calendar quarter,

an invoice amounting to a quarter of the (anticipated) annual licence fee is issued. A bank transfer form is attached to the invoice. GVL does not cater for direct debits. Please do not transfer any amounts in advance.

**Re: Article 11 of the agreement: What impact does my choice for an invoice based on minutes or titles have?**

Naturally, we only invoice the actual usages subject to a licence fee, whether we base our calculations based on titles or minutes. For both calculation options, the portion of transmission time occupied by the presenter is free from licence fees (as GVL has no rights on these). A licence for titles and minutes will always lead to exactly the same result if the average duration of the used titles is exactly 3 minutes and 20 seconds; deviating results can only occur if the majority of used titles have either a shorter or a longer duration (if titles with longer and shorter duration are mixed, such a divergence is of course statistically equalised again).

The calculation is, however, usually based on minutes, as this value can be easily obtained from the usage parameters. A calculation based on titles requires that titles are extensively logged and reported to GVL. If you do not make a choice, the default is a calculation based on minutes.

**Contact**

If you have questions on any issues related to web radio, you can reach us via e-mail at [webradio@gvl.de](mailto:webradio@gvl.de) or you can call us Monday to Friday between 10.00 and 12.00 under: +49 (0)30 48483-646. Further information can be accessed at [www.gvl.de](http://www.gvl.de).