

### **Imprint**

## Gesellschaft zur Verwertung von Leistungsschutzrechten mbH (GVL)

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# Foreword by the Managing Directors

#### Dear readers, dear GVL members,

The increasingly digital and global world is radically changing the way we do business – not just at GVL, but in all businesses and sectors. As a result, business models are having to be reconsidered.

Intangible goods like music and film industry productions have long been produced and consumed in digital format. For the creative "People Business" and also for GVL, this technological shift has represented a change in mindset. Traditional approaches have needed to be adapted. We are increasingly facing changing legal frameworks and statutory requirements, as well as international standardisations with acronyms such as VRDB, DDEX and RDX. Previous processing and distribution procedures have virtually been entirely superseded and replaced. The labour market has been slow to keep up with this rapid development. This is reflected by the growing lack of specialists in the industry, which was something that we were also exposed to during the reporting year.

During this significant period of change we were able to collect higher revenues than ever before in the history of GVL. At approximately €230m, total income in 2018 was again far above the average from the past ten years, and significantly above the €200m mark. Retroactive back payments in the private copying remuneration sector, which we benefited from in previous years, largely did not apply in 2018. Accordingly, despite the good result in 2018, GVL had to record a decrease of 25.9% compared to the previous year.

GVL yielded its highest revenues, combined with a growth of 5.9%, in the broadcast remuneration sector (approx. €92.1m in 2018 compared to €87m in the previous year). Proceeds from abroad were increased by more than 41% (from approx. €4m

in the previous year to €5.6m in 2018). This is the positive effect of back payments for previous years, special items at international sister societies and continued claiming processes for the use of sound recordings and audiovisual productions abroad. Compared to the previous year, GVL's own administration costs of €22.1m were down by 3% and the cost ratio was in single figures at 9.6%.

The statutory deadlines we face take no account of the planning and implementation of far-reaching technological change. During this period of ongoing systems restructuring, we were able to maintain consistent distributions throughout the year as far as possible. The constant balancing of routine and project work pushed GVL as an organisation, including its staff, repeatedly to the limits of what is feasible.

After intensive development and programming work of the past years, all distributions were carried out on the new systems landscape, for the first time, in 2018. Subsequently, we paid out €287m to our producers and performers in the reporting year. Overall, 31 distribution runs were executed over nine distribution cycles. With the first final distributions for performers, high levels of distribution reserves were released.

We continue to work on the implementation of a number of highly complex projects by means of which we meet the needs of our rights holders to manage our cooperation as simply and efficiently as possible. Labels, for example, are provided with an effective tool, the optimised "Claim Dispute Handler" which allows them to manage and resolve rights conflicts online, also at international level. We have also been optimising and continue to do so many processes for our performers. These

include the improvement of the entire reporting process which can be run faster in future as well as an automatic verification which will simplify GVL's interaction with our rights holders and is set to go live shortly.

Another milestone which is going to provide a significant improvement in quality regarding data collection is the introduction of audio fingerprinting – a joint project between GVL, ARD and ZDF, Deutsche Welle and GEMA. The basis for this project was laid in 2018. A fingerprinting interface with the broadcasters is going to make it possible for us to ingest usage data in an automated and prompt manner and in a consistent quality into our systems from distribution year 2019 onwards.

At the time of its 60th anniversary, GVL is facing up to the responsibility to fulfil its statutory fiduciary mandate with the most modern means available and to make its contribution as an integral component of the music and film industry, even under completely different conditions from a data technology and economic aspect.

This also means that digital transformation processes may resolve complex and new tasks efficiently but that despite the overall increase

in efficiency and successes through automation, additional qualified staff are required to accompany such technical solutions. As a consequence, we invested in training and further development; new colleagues have contributed to carrying the company further forward with their ideas. GVL has become a learning organisation which knows how to constantly react to the necessary changes, to expand its expertise by external impulses and to dedicate itself to future tasks in a competent and well-established manner. The constant growth of the number of our members to more than 12,000 producers and more than 146,000 music and word performers reflects this development.

Knowing that the systems change that had become necessary entails significant challenges not only for GVL and its staff but also for all rights holders, we would like to express our gratitude to you, our members, for your patience, your understanding and the constructive cooperation on a collective path into a data-driven future.

Yours

Guido Evers/ Managing Director Dr. Tilo Gerlach Managing Director

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Berlin, August 2019



Guido Evers and Dr. Tilo Gerlach, Managing Directors

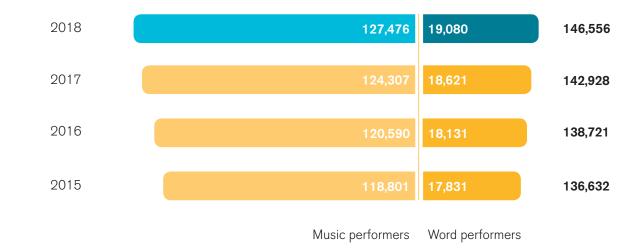
# GVL operating figures

Deviations possible due to rounding differences

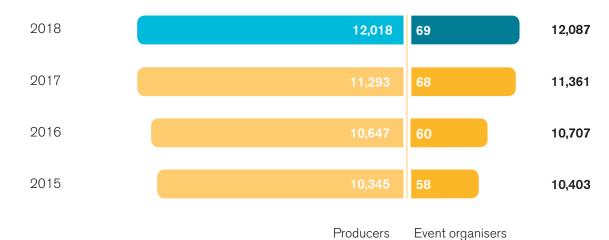
In € '000s	2018	2017	Dev. PY in %
Broadcast remuneration radio, TV and music video clips	92,117	87,005	5.9 %
Public performance	41,389	42,509	-2.6 %
Reproduction	83,922	169,285	-50.4 %
Rental and lending	2,053	2,396	-14.3 %
Cable re-transmission	2,121	2,219	-4.4 %
Income from sister societies	5,637	3,988	41.4 %
Term of protection extension for sound recording producer	0	1	-100 %
Other income and interest	2,557	2,653	-3.6 %
Total income	229,796	310,056	-25.9 %
GVL's own administration expenditure	22,063	22,722	-2.9 %
- Staff costs	9,613	8,633	11.3 %
- Other own costs	12,450	14,089	-11.6 %
Collection commissions	6,096	6,336	-3.8 %
Anti-piracy operations	600	600	0.0 %
Depreciation, other and extraordinary expenses	3,140	2,349	33.7 %
Grants	3,580	3,100	15.5 %
Total expenditure	35,479	35,107	1.1 %
Gross distributable amount	194,317	274,949	-29.3 %
Blocked funds ZPÜ	45,772	39,570	15.7 %
Blocked funds public performance	3,000	3,000	0 %
Net distributable amount	145,545	232,379	-37.4 %
Annual surplus	0	0	0 %
Balance sheet total	624,617	700,597	-10.8 %
Number of employees / annual average	151	138	9.4 %
Performing artists	146,556	142,928	2.5 %
of which music performers	127,476	124,307	2.5 %
of which word performers	19,080	18,621	2.4 %
Event organisers	69	68	1.5 %
Producers of sound recordings / MVC producers	12,018	11,293	6.4 %
Total GVL rights holders	158,643	154,289	2.8 %

# Number of rights holders

#### Performers



#### **Producers**

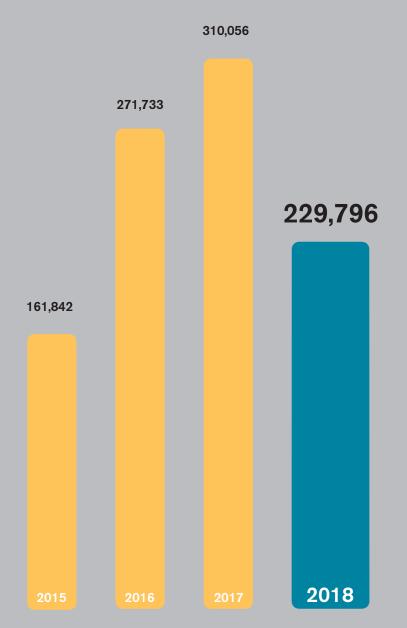


GVL managed to continue the trend of steadily growing its rights holders' numbers in financial year 2018. At 158,643 entitled performers and producers, this value is 2.8% higher than in the previous year. We were able to have more than 700 producers of sound recordings and more than 3,600 performers sign up. An additional uplift to this development was the contractual notification deadline for the final performers' pay-out for distribution year 2013 in the summer of 2018.



Counting some **160,000 rights holders,** GVL remains among the largest collective management organisations in the world in 2018.

# Total income & Revenue structure



(a decrease of 25.9%). In financial year 2017, remuneration for mobile phones and tablets was paid to GVL via the joint collection centre of the collective management organisations for private copying levies (ZPÜ) and resulted in special items which cannot be expected to happen to this extent in future.

Due to the decline of the high back payments of the previous year in the private copying sector, GVL's total revenue dropped to €229.8m in 2018

In all other sectors, GVL can report a stable and generally positive income situation and thus a solid result for financial year 2018.

Reproduction rights collections in 2018 amounted to €83.9m compared to €169.3m in 2017. Unfortunately, it has not been possible to reach a final agreement with the other eight associates of ZPÜ regarding the final allocation of the revenue. An understanding that the partners had reached in 2018 was regrettably not backed by the supervisory authority (German Patent and Trademark Office). As such, the amount which would ultimately be allocated to GVL, could not be conclusively determined. Claims amounting to €45.8m vis-à-vis ZPÜ were therefore suspended again and are subsequently not available for pay-out to our rights holders for the time being. We expect that GVL will receive the payments during financial year 2019 and that a distribution can then follow.

Just like in most years, the revenue from the broad-cast remuneration sector also made up the majority of GVL's income in 2018. We are pleased about the income growth by 5.9% compared to 2017, reaching €92.1m. Of this amount, €52.3m represent income from public service broadcasters, of which €23.4m originate from radio and €23.0m from TV remuneration paid by ARD and ZDF. In comparison, private TV companies paid only €10.8m, private radio broadcasters €24.0m. Proceeds from internet radio usages make up €0.9m of the respective sum. Cable network operators' financial contribution amounted to €4.1m.

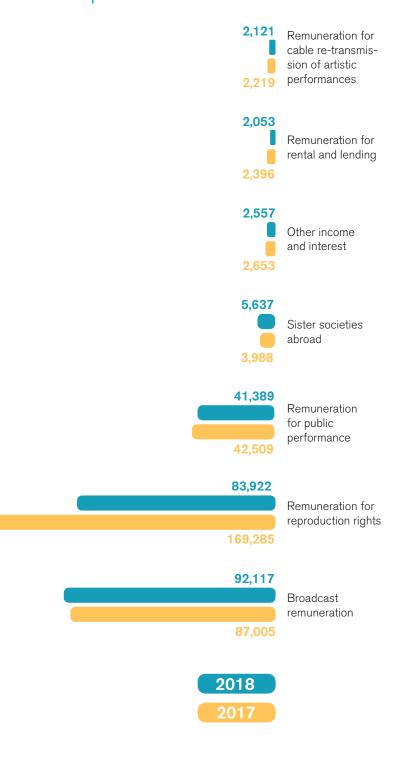
In the public performance remuneration sector (so-called "Kneipenrecht", or "pub rights"), €41.4m were generated, representing a decrease of €1.1m. This amount contains outstanding receivables of €3.5m. They have not yet reached GEMA, our collection agency, and will be entered in the books next year. The income situation in the public performance sector is stable.

GVL managed to achieve a significant increase of revenue by 41.4% in the international rights remuneration sector (2018: €5.6m, previous year: €4m). This is the positive effect of our continued claiming process with the sister societies (establishing rights entitlements). At the same time, a number of rightsholders followed GVL's repeated request in 2018 to submit their contributions for preceding years. This contributed rather significantly to the reported increase of international income.

The data situation thus optimised provides the basis for GVL to establish the claims on behalf of our rightsholders abroad.

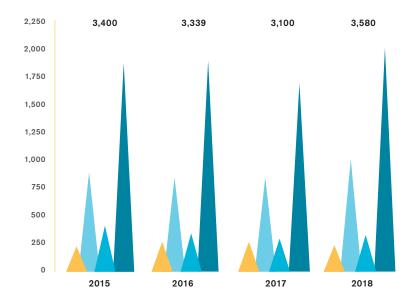
Slight reductions occurred in the rental and lending sectors for GVL. Remuneration decreased by about 14% to  $\in$ 2.1m. Income from the cable re-transmission of artistic performances remained almost constant at  $\in$ 2.1m compared to the previous year ( $\in$ 2.2m).

# Revenue structure – Comparison 2017/2018



# **Grants** 2018

In 2018, GVL continued its long-term tradition of allocating cultural, social and politico-cultural grants. The respective individual and project-related supporting measures provided a social contribution to art and music culture as well as to the German creative sector. As such, GVL supported its rightsholders also indirectly and systematically strengthened creative work in Germany. GVL makes up to five percent of its distribution volume available for grants each year.



- Cultural purposes
- Loyalty benefits scheme/ pension allocation
- Politico-cultural purposes
- Social purposes

Balance of the respective annual accounts | in € '000s

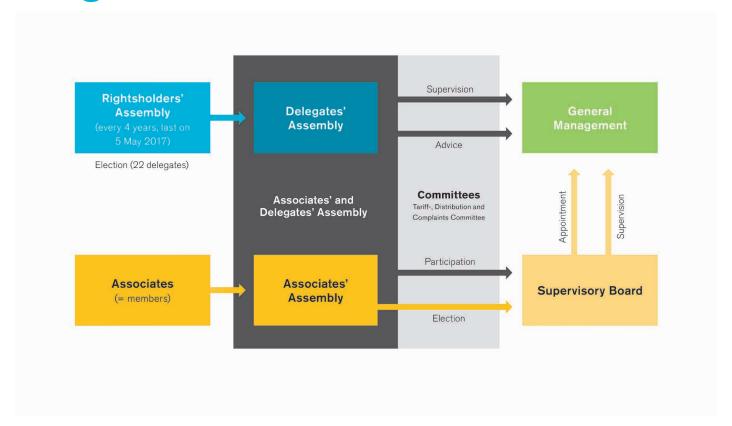
#### Institutions and projects supported by GVL in 2018

- ATZE Musiktheater "Spurensuche"
- Balthasar-Neumann-Ensemble "Caribe Nostrum"
- Berliner Operngruppe e.V. "Giovanna d'Arco"
- Bundesjugendorchester
- Bundesverband Musikunterricht e.V. Erstes Bayerisches Realschulorchester
- Das Kritische Orchester Werkstatt für interaktives Dirigieren
- Deutsche Akademie für Fernsehen e.V.
- Deutsche Orchester-Stiftung e.V. Innovatives Orchester 2018
- Deutscher Musikrat
- Deutscher Schauspielpreis
- Dirigentenforum XVI. Dirigierwerkstatt des Kritischen Orchesters
- El Akademia Masterclass Edition
- Ensemble Consart e.V.
- Ensemble Sonorizzonte
- ensemble-netzwerk

- Freunde der Residenzstadt Königs Wusterhausen e.V. — Kulturfestspiele 2018
- Geräuschkulisse e.V.
- Hörspielmesse "Hörmich"
- Initiative Musik gGmbH
- Inter Artes
- International Association of Music Libraries, Archives and Documentation Centres (IAML), Leipzig
- Internationale Ensemble Modern Akademie
- Jeunesses Musicales Deutschland
- Jugendkammerorchester Prenzlauer Berg
- Junge Streicherakademie "Klanglabor"
- Klassik in der Klinik e.V.
- Komische Oper Berlin —
   "Selam Opera!"
- Konzertreise des Jugendsinfonieorchesters Göppingen
- Kulturkonferenz 2018 / Bundesverband Musikindustrie

- Live-Hörcomic "Der Ring des Nibelungen"
- Mahler Chamber Orchestra "Feel the Music"
- Netzwerk Junge Ohren e.V. (Junge Ohren Preis)
- Sing along, Berlin!
- Sommerliche Musiktage Hitzacker
- St.-Johannis-Kantorei Rostock
- Theater Freiburg
- UniBigBand Leipzig
- Union Deutscher Jazzmusiker Albert Mangelsdorff Preis
- Union Deutscher Jazzmusiker e.V. UDJ-Jazzforum 2018
- Universitätsorchester Hamburg
- Verband der Hörspielregie —
   "Schule des Hörspielmachens"
- Verband Unabhängiger Musikunternehmen e.V. — VUT Indie Days 2018
- Young Euro Classic 2018 "Musik aus Osteuropa"

# Legal form and organisational structure



## Associates / Associates' Assembly

The Associates of GVL are – in equal parts – the Deutsche Orchestervereinigung e.V. [German Orchestra Association] (DOV) for the artist segment and the Bundesverband Musikindustrie e.V. [Federal Association of the Music Industry] (BVMI) for the producer segment.

# Rightsholders' Assembly / Delegates' Assembly

The 22 members of the Delegates' Assembly – a total of 12 delegates in the performer category and 10 delegates in the producer category – are elected in the course of the Rightsholders' Assembly, every four years; this last took place on 05 May 2017. The Delegates' Assembly represents the GVL rightsholders.

## Associates' and Delegates' Assembly

The Associates' and Delegates' Assembly is a joint committee of the Associates' Assembly (BVMI and DOV) and the Delegates' Assembly. The Associates' and Delegates' Assembly is involved in setting up, amending and modifying distribution regulations, general investment policies with regards to the revenue generated from rights, rights administration conditions and tariff policies (please also refer to the Articles of Association Art. 6.5).

Name	Category	Rightsholders' groups/ Group assembly
Angelo D'Angelico (from November 2018)	Performers	Music directors and artistic producers
Christian Balcke	Performers	Other orchestras
Clemens Bieber	Performers	Solo singers
Hans Reinhard Biere	Performers	Radio ensembles
Tonio Bogdanski Universal Music Entertainment GmbH	Producers	Producers of sound recordings
<b>Dr. Nils Bortloff</b> Universal Music Entertainment GmbH	Producers	Producers of sound recordings
<b>Dr. Florian Drücke</b> Bundesverband Musikindustrie e.V.	Associates	
Philipp von Esebeck Sony Music Entertainment Germany GmbH	Producers	Producers of sound recordings
Prof. Dr. Stephan Frucht	Performers	Conductors
Günther Gebauer	Performers	Studio musicians
Jörg Glauner Warner Music Group Germany Holding GmbH	Producers	Producers of sound recordings
Rob Gruschke Beggars Group Ltd.	Producers	Producers of sound recordings
Andreas Klöpfel Warner Music Group Germany Holding GmbH	Producers	Producers of sound recordings
<b>Ekkehard Kuhn</b> Sony Music Entertainment Germany GmbH	Producers	Producers of sound recordings
<b>Gerald Mertens</b> Deutsche Orchestervereinigung e.V.	Associates	
Felix Partenzi	Performers	Directors (except music directors) and authors of music video clips
Florian Richter (until the end of October 2018)	Performers	Music directors and artistic producers
Jens Rose Beat Box GmbH	Producers	Producers of sound recordings
Birgit Schmieder	Performers	Instrumental soloists and featured performers (classical music)
Thomas Schmuckert	Performers	Actors
Frank Spilker	Performers	Instrumental soloists and featured performers (pop music)
<b>Detlev Tiemann</b> Chairman of the Associates' and Delegates' Assembly	Performers	Choir singers in other choirs and dancers
Ronny Unganz	Producers	Event organisers

#### Till Valentin Völger

Dr. Henning Zimmermann Universal Music Entertainment GmbH, Deputy of the Associates' and Delegates' Assembly



Dubbing actors and artistic performers

Producers

Music video clip producers



Angelo D'Angelico Performers (from November 2018)



Christian Balcke Performers



Clemens Bieber Performers



Hans Reinhard Biere Performers



Tonio Bogdanski Producers



Dr. Nils Bortloff Producers



Dr. Florian Drücke Associate



Philipp von Esebeck Producers



Prof. Dr. Stephan Frucht Performers



Günther Gebauer Performers



Jörg Glauner Producers



Rob Gruschke Producers



Andreas Klöpfel Producers



Ekkehard Kuhn Producers



**Gerald Mertens** Associate



Felix Partenzi Performers



Florian Richter Performers (until October 2018)



Jens Rose Producers



Birgit Schmieder Performers



**Thomas Schmuckert** Performers



Frank Spilker Performers



**Detley Tiemann** Performers



Ronny Unganz Producers



Till Valentin Völger Performers



Dr. Henning Zimmermann Producers

### Supervisory Board

GVL has a Supervisory Board which consists of two members. These are elected by the Associates of GVL. The Supervisory Board consisted of the following members as of 31.12.2018:



**Dr. Florian Drücke** (elected by Bundesverband Musikindustrie e.V.)



**Gerald Mertens**(elected by Deutsche Orchestervereinigung e.V.)

The Supervisory Board is a voluntary institution and must - on top of its own competences, including managing the contents of representation agreements as well as concluding and terminating them - monitor the activities of GVL and its general management. The Supervisory Board reports at least once a year to the Associates' and Delegates' Assembly on its activities.

## General Management

GVL is managed by its two Managing Directors of equal standing, Dr. Tilo Gerlach and Guido Evers who are appointed by the GVL Associates, the DOV and the BVMI. Dr. Tilo Gerlach is mainly responsible for performers; Guido Evers is predominantly in charge of the sector including producers of sound recordings, music video clip producers and event organisers. They are the legally authorised representatives of the organisation.



**Guido Evers** 



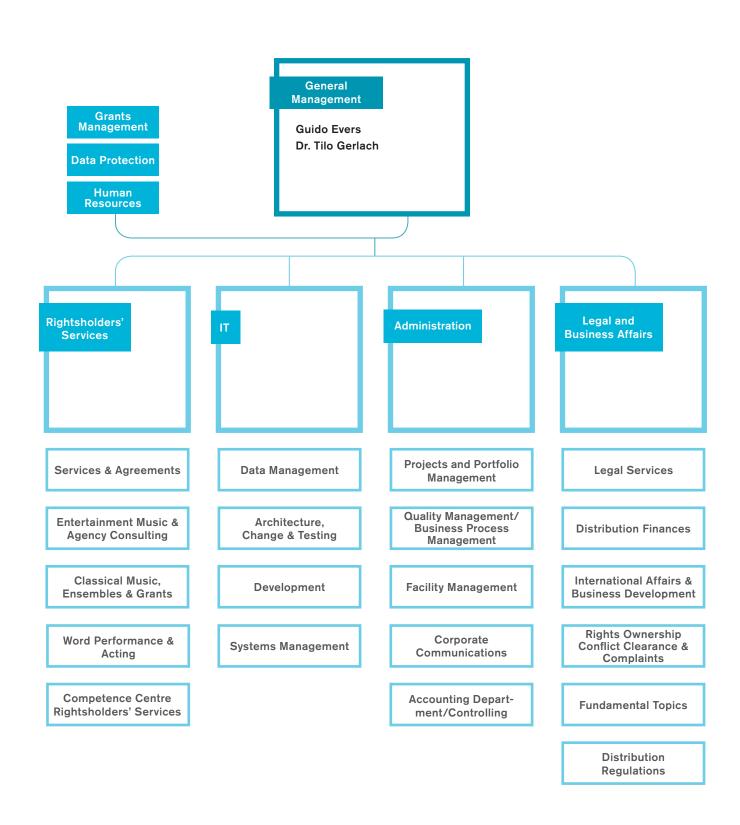
Dr. Tilo Gerlach

# Investments: Information on dependent rights management organisations

Name	Topic	Registered no.	Associate	
Zentralstelle für private Überspielungsrechte GbR [Central collection and distribution organisation for private copying levies in Germany] (ZPÜ), Munich	Asserting rights for remuneration, information and reporting for reproduction and copying pursuant to s. 54 ff. UrhG		GEMA, GÜFA, GVL, GWFF, TWF, VFF, VGF, VG Bild-Kunst, VG Wort	
Zentralstelle Bibliothekstantieme GbR (ZBT), Munich	Asserting rights pursuant to s. 27 Abs. 2 UrhG		VG WORT, VG Bild-Kunst, VG Musikedition, GEMA, GVL, VGF, GWFF, VFF	
Initiative Musik gemeinnützige Projektgesellschaft mbH, Berlin	Promotion of popular music	HRB 110268 B	GVL, Deutscher Musikrat e.V.	

### GVL - Internal structure

On 31.12.2018, the two Managing Directors Guido Evers and Dr. Tilo Gerlach presided over staff departments and four divisions. These divisions are subdivided into a total of 20 groups with different subjects.



# **Financial information**

## Balance sheet for the year ended 31 December 2018

ASSETS in €	31.12.2018	31.12.2017
A. Fixed assets		
I. Intangible Assets	676,582.43	1,228,687.45
Acquired and paid for operating licences, industrial property rights and similar rights and values, as well as licences on such values and rights	676,582.43	1,228,687.45
II. Tangible assets	5,566,831.01	5,732,521.94
1. Properties with business premises	5,262,052.69	5,349,493.76
2. Operating and business equipment	304,778.32	383,028.18
III. Financial assets	36,220,564.00	22,995,664.00
1. Holdings in affiliated companies	24,900.00	24,900.00
2. Investments	4.00	4.00
3. Investment securities	36,195,660.00	22,970,760.00
Fixed assets total	42,463,977.44	29,956,873.39
B. Current assets		
I. Receivables and other assets	89,311,123.66	79,423,862.88
1. Receivables from trade and services	86,441,033.67	79,187,376.33
2. Other Assets	2,890,089.99	236,486.55
II. Cash in hand, cash at bank	492,527,969.93	590,839,798.23
Current assets total	581,859,093.59	670,263,661.11
C. Accruals and deferred income	293,591.15	376,717.01
ASSETS total	624,616,662.18	700,597,251.51
ASSETS LOUAT	024,010,002.18	700,597,251.51

LIABILITIES in €	31.12.2018	31.12.2017
A. Equity		
Subscribed capital	26,000.00	26,000.00
B. Reserves		
1. Reserves for the distribution	527,986,553.37	621,739,252.98
2. Reserves for pensions and similar liabilities	7,973,059.00	7,236,013.00
3. Tax reserves	3,449,055.75	3,017,778.29
4. Other reserves	1,529,787.59	1,412,119.81
Reserves total	540,938,455.71	633,405,164.08
C. Liabilities		
Accounts payable to rightsholders from the distribution, of	78,213,057.47	59,966,682.74
which carrying a residual term of up to one year: €59,966,682.74 (previous year: €34,446,185.93)		
2. Accounts payable to rightsholders from trade and services, of	4,327,685.69	1,727,411.74
which carrying a residual term of up to one year: €1,727,411.74 (previous year: €2,221,069.01)		
3. Other liabilities	1,111,463.31	5,471,992.95
of which carrying a residual term of up to one year: €5,471,992.95 (previous year: €7,639,828.00)		
of which from taxes: €5,015,635.92 (previous year: €7,609,297.48)		
Liabilities total	83,652,206.47	67,166,087.43
LIABILTIES total	624,616,662.18	700,597,251.51

# Profit and loss accounts for financial year 2018

in €	2018	2017
1. Revenues	227,239,020.12	307,403,026.82
2. Other operating income	340,282.13	276,115.16
3. Staff costs	-9,612,862.03	-8,633,229.04
a) Salaries and wages	-7,819,843.36	-6,970,367.66
b) Social security contributions and expenditure for retirement benefits	-1,793,018.67	-1,662,861.38
of which retirement benefits: €378,024.76 (previous year: €596,319.59)		
Amortisation relating to intangible assets pertaining to fixed assets and assets in kind	-804,484.76	-1,058,034.62
5. Other operating expenditure	-20,033,064.54	-21,211,169.87
6. Other interest and similar income	2,216,411.81	2,377,072.00
7. Depreciation of financial assets and securities held as current assets	-323,140.00	-300,800.00
8. Interest and similar expenditure of which amounts arising from the addition of accrued interest on reserves: €752,226.00 (previous year: €589,486.00)	-816,369.81	-800,929.69

n €	2018	2017
). Tax on income and revenues	-297,743.62	8,142.04
10. Results after tax	197,908,049.30	278,060,192.80
11. Other tax	-11,565.56	-11,565.56
12. Distribution (allocations)	-3,579,620.64	-3,099,732.64
a) Allocation for cultural and social purposes	-2,554,285.00	-2,256,537.00
b) Allocation for politico-cultural purposes	-1,023,689.64	-841,708.64
c) Donations	-1,646.00	-1,487.00
13. Amount available for distribution	194,316,863.10	274,948,894.60
14. Blocked funds	-48,772,224.96	-42,569,922.56
15. Distributable amount	-145,544,638.14	-232,378,972.04
16. Annual surplus	0	0

