

Tariff for the use of commercially published sound recordings in radio programmes

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Pursuant to Section 56 of the German Copyright Administration Act GVL, Podbielskiallee 64, D-14195 Berlin, herewith publishes the following tariff for the use of commercially published sound recordings in radio programmes.

1. The licence fee for the use of commercially published sound recordings in radio programmes to be applied retroactively from 1 January 2021 shall be:
 - 7.5% of broadcast-related income if the relevant (mandatory GVL) share of the music of commercially published sound recordings amounts to 100% of the total broadcast time.
2. The following broadcast-related income shall act as the assessment criterion for the payments of the radio providers to GVL:
 - 2.1. Advertising revenue, income from sponsoring in the programme and bartering (counter trades) including income from simulcasting, webradios and online uses accompanying the programmes.
 - 2.2. Income from telecommunication processes and donations subject to fees.
 - 2.3. Income from media for equity.
3. Insofar as income or proceeds stem from broadcaster activities other than the transmission of programmes and the direct marketing of transmission time of these programmes, such income or proceeds shall not be taken into consideration.
4. The licence fee amounts shall be increased by the Value-added tax valid at the time.
5. The licence fee shall apply to the rights managed by GVL on behalf of performers and producers of sound recordings taking into account the relevant exclusions of rights published by GVL¹.
6. The payment of the licence fee in question is the compensation for the broadcast in the Federal Republic of Germany of CDs, records and other commercially published sound recordings This shall apply to all

¹ Currently available at <https://labelrecherche.gvl.de/>

forms of linear offerings. Above and beyond Section 55 German Copyright Act and for the purpose of the transmission to be made in the Federal Republic of Germany, the licence shall comprise the permission to copy sound recordings or have them copied by third parties onto data storage media. The licence shall also include the right to make sound recordings available in the form of podcasting in conventional radio broadcasts. For webcasting, podcasting or simulcasting uses, the terms and conditions of the operating conditions published by GVL shall apply². This tariff shall not include the simultaneous and unaltered retransmission.

7. The use of sound recordings in commercials shall not be covered by this tariff; the relevant licence must be obtained from the sound recording producer companies.
8. The licence fee rate shall only apply to the extent that the organiser in charge provides GVL with complete broadcast reports two months after a transmission month has ended. These shall include the used sound recordings on the basis of the interface agreement as amended from time to time, providing, in particular, title, ISRC, labelcode, performer, EAN etc. and an attestation.

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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.

² Annexes 1, 2 and 4 of the Agreement for the assignment and administration of rights for producers of sound recordings at <https://gvl.de/gvl/aktuelles-und-allgemeines/dokumente-und-formulare>