

Tariff for the use of published sound recordings and video clips in private television programmes

Publication on www.gvl.de

GVL, Podbielskiallee 64, 14195 Berlin, publishes the following tariff for the use of published sound recordings and video clips in private broadcasting and media-licensed television programmes pursuant to Section 56 of the Collecting Societies Act.

1. The remuneration for the use of published sound recordings in private television programmes is retroactive from 01.01.2023:

6.0 per cent of the broadcast-related revenues if the relevant (GVL-liable) share of music from published sound recordings accounts for 100 per cent of the total broadcasting time. The minimum annual remuneration per broadcaster is € 500.

2. Assessment basis for payments by broadcasters to GVL shall be the following revenues:

- Advertising income, income from programme sponsorship and bartering (reciprocal business) including income from simulcast and online use accompanying the programme (podcasting)
- Revenue from product placements / product provision
- Revenue from chargeable telecommunications transactions
- Revenue from teleshopping
- Income from media for equity
- Income from pay TV
- Income from donations

Similar programme-related economic benefits are taken into account in the amount of their corresponding value. The revenue must be determined separately for each programme.

3. The following applies to the remuneration of video clips:

- a) In addition to the remuneration pursuant to item 1, the remuneration shall amount to € 1,400.00 per video clip broadcast, based on the average number of television sets licensed nationwide in the calendar year (as of 1 July of each calendar year). If the average reach of a private television programme in a calendar year is lower, the amount shall be reduced according to the ratio of the average number of licensed television sets that can be reached (as of 1 July of each calendar year) to

corresponding to the nationally authorised television sets; however, the price is at least € 25.00. The price includes one repeat broadcast of the programme unit containing the video clip within 168 hours of the initial broadcast.

- b) If more than 1000 video clips are used in a television programme per calendar year, the remuneration pursuant to a) shall be reduced as follows from the 1001st video clip:

for the next 1000 video clips (1001 to 2000) to 80 % of the full remuneration,
for the next 1000 video clips (2001 to 3000) to 60 % of the full remuneration,
for the next 1000 video clips (3001 to 4000) to 40 % of the full remuneration,
for the next 1000 video clips (4001 to 5000) to 20 % of the full remuneration,
for the next 1000 video clips (5001 to 6000) to 10 % of the full remuneration,
from the 6001st video clip onwards to 5 % of the full remuneration.

- c) For the use of excerpts of a video clip (including repeat broadcasts pursuant to a) with a duration of up to 45 seconds, the remuneration shall be € 140.00; the proportional reduction pursuant to a) sentence 2 and the quantity discount pursuant to b) shall not apply to such excerpts, but the price per excerpt may not be higher than the price per fully broadcast video clip determined pursuant to a) sentence 2.
- d) The sum of the remuneration pursuant to item 1 and the individual billing of the video clips pursuant to item 3 a) shall be limited to 1.875 % of the revenues, provided that the share of the total broadcasting time is less than 20 %. From 20 % to 30 %, the limit shall be 3.125 %, from 30 % to 40 % 4.375 %, from 40 % to 50 % 5.625 % of the revenues pursuant to item 2.
- e) If video clips are used in a television programme for at least half of the total broadcasting time, the remuneration shall not be calculated in accordance with Sections 1 and 3 a). Instead, the remuneration shall amount to:

9.375 % for 50 % or more of the broadcasting time covered by video clips,
11 % for 60 % or more of the broadcasting time covered by video clips,
12.75 % of revenues from 70 % of broadcasting time with video clips.

4. The remuneration covers the linear broadcast of sound recordings and video clips in Germany and the satellite broadcast from Germany to the EU. It also covers the right to make sound recordings and video clips available in conventional television programmes in the context of so-called programme-accompanying online uses (podcasting) after the first conventional programme within the time limits of the applicable telemedia concepts in conjunction with Section 30 MStV. § Section 30 MStV. in Germany.¹ The conditions of the operating requirements published by GVL apply to the use of the webcast, podcast or simulcast.² Reproduction for use in in-house and commissioned productions for the purpose of broadcasting is also covered. Reproduction for other purposes requires a separate authorisation from the producers of the sound recordings. Simultaneous and unaltered retransmission is not covered by this tariff.

The remuneration applies to the rights of performers and producers of sound recordings administered by GVL, taking into account the rights recalls published by GVL.³

¹ For video clip broadcasters within the meaning of para. 3 e), programme-related online use is excluded in accordance with the operating requirements for podcasting.

² Annexes 1, 2 and 4 to the rights administration agreement for producers of sound recordings at <https://gvl.de/en/gvl/current-and-general-information/news/documents-and-forms>

³ <https://gvl.de/en/rights-users/licensing-gvl/broadcasting-and-gvl>

5. These remuneration rates do not cover promotional use, in particular the use of sound recordings and video clips in commercials; the necessary authorisation must be obtained from the producers.
6. The remuneration amounts shall be increased by the applicable value added tax.
7. The remuneration rate shall only apply insofar as the organiser provides GVL with complete broadcast reports with the sound recordings used two months after the end of each broadcast month on the basis of the applicable interface agreement, in particular stating the title, ISRC, label code, artist, EAN, etc., as well as a certificate.

Berlin, 13 May 2025

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