



TARIFF

BOOK

2021

NOTIFICATION

D- Tariffs

PART II: TV - TRANSMISSION OF SOUND RECORDINGS

This section contains tariffs applicable to broadcasting, cable and internet transmission of TV.

- 70 LINEAR TV CHANNELS DELIVERED VIA BROADCAST
(SATELLITE AND/OR TERRESTRIAL), CABLE AND/OR INTERNET
- 71 PAY-TV ON-DEMAND SERVICE
- 71A PAY-TV LIMITED CATCH-UP SERVICE



TARIFF
NO.
70

TARIFF:	FOR THE BROADCASTING OF SOUND RECORDINGS
TITLE:	LINEAR TV CHANNELS DELIVERED VIA BROADCAST (SATELLITE AND/OR TERRESTRIAL), CABLE AND/OR THE INTERNET
EFFECTIVE DATE:	1st JANUARY 2021

This tariff covers the use of sound recordings by linear television channels available via broadcast transmissions (satellite and/or terrestrial) and/or cable programme services and/or the internet.

Television Channels which are covered by the Cable Operators Agreement (as listed in the notes below) are not subject to this tariff.

1. BROAD-FORMAT & GENRE-SPECIFIC CHANNELS (EXCLUDING MUSIC TELEVISION CHANNELS)

Annual Licence Fee

0.1% of Net Commercial Revenue (see notes below)

or

€1,017.88 per method of transmission
whichever is the greater

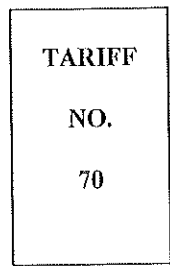
2. MUSIC TELEVISION CHANNELS (i.e. channels whose broadcast output is predominantly or exclusively focussed on music and music topics)

Annual Licence Fee

0.1% of Net Commercial Revenue (see notes below)

or

€5,084.32 per method of transmission
whichever is the greater



EFFECTIVE DATE
1st JANUARY 2021

Notes:

- (1) The Annual Licence Fee will apply per channel.
- (2) A time-shift channel will be limited to the minimum fee for the purpose of the Annual Licence Fee calculation. Any Net Commercial Revenue for a time-shift channel shall be reported against the channel originally transmitted.
- (3) The following are treated as separate methods of transmission under this tariff and will each attract a separate minimum fee: i) broadcasts via satellite or terrestrial transmissions, ii) inclusion in a cable programme service iii) the internet. The Annual Licence Fee is the greater of the sum of the minimum fees applicable or a share of Net Commercial Revenue.
- (4) The channels covered by the Cable Operators Agreement may vary from time to time. As of the effective date of this tariff, the channels are: BBC 1, SD & HD, BBC 2 SD & HD, BBC 4 SD & HD, CBBC SD & HD, Cbeebies SD & HD, and BBC News SD & HD, ITV 3 and ITV 4.
- (5) This tariff does not cover the broadcast of music videos, in whole or in part. A separate tariff is available for the broadcast of music videos.
- (6) This tariff does not cover any on-demand, download and/or catch-up services which allow members of the public to access content at a place and at a time individually chosen by them (including any interactive functionality).
- (7) Tariff amounts are liable to Value Added Tax at the appropriate rate.
- (8) For 2022 and future years the above tariff for 2021 shall be adjusted in line with the Consumer Price Index (CPI)
- (9) PPI reserves the right to amend these terms upon giving notice to The Controller of Intellectual Property in writing to that effect.
- (10) For the purposes of this tariff, save where otherwise defined in the relevant licence agreement:

“Gross Commercial Revenue” means all revenue, whether in money or money’s worth, paid or payable to the Licensee (or any person, firm, company or entity which is a member, associate, holding company, subsidiary or agent of the Licensee, or any third party on behalf of the Licensee) in connection with a Licensed Service and in each case computed on an invoiced sales basis including, without limitation, and by way of example only:

- i) advertising revenue;
- ii) sponsorship revenue;

- iii) barter and contra deals (the reasonable commercial value of which shall be reported by the Licensee as if regular billing had been made for the airtime based on the time of day and audience reach of the transmission);
- iv) telephony revenue;
- v) donations;
- vi) if applicable, revenues derived from the Internet Simulcast of a Channel and any webpage from which the user can access the Internet Simulcast (where more than one Channel is licensed under this Agreement such webpage revenues to be allocated on the basis of the number of streams per Channel in comparison to the total number of streams from the webpage);
- vii) revenues derived from any operators of transmission platforms (such as cable or satellite) and
- viii) subscription revenue,

PROVIDED THAT if any revenues do not exclusively relate to transmission of the Licensed Service in the Territory, such revenues shall be included in accordance with any contractually specified allocation for the Territory (where such contractually specified allocation is both relevant and reasonable), or in the absence of which, in accordance with the pro rata share of the revenue by reference to the number of homes connected in the Territory in comparison to the overall number of homes connected receiving the Licensed Service both within and outside the Territory.

“Net Commercial Revenue” means Gross Commercial Revenue less the following (in each case where actually incurred and in respect of the same year of the Licence Period as the revenue from which it is being deducted):

- i) in the case of advertising and sponsorship revenue, combined agency and selling agent commission up to a maximum of 17.5% (and in the case of sponsorship revenue only, combined agency and selling agent commission up to a maximum of 25%); and
- ii) bad debts.

- (11) A full copy of PPI’s standard licence agreement for this tariff is available on request. Terms used and not otherwise defined in this tariff have the meanings given in the relevant licence agreement.



TARIFF
NO.
71

EFFECTIVE DATE
1st JANUARY 2021

TARIFF:	FOR THE MAKING AVAILABLE OF SOUND RECORDINGS AS PART OF TV PROGRAMMES
TITLE:	PAY-TV ON-DEMAND SERVICE TARIFF
EFFECTIVE DATE:	1st JANUARY 2021

This Pay-TV On-Demand Service tariff covers the making available of sound recordings as part of TV programmes on certain paid-for TV services that allow subscribers to access TV programmes on-demand (i.e. at a time individually chosen by them).

The tariff covers on-demand streaming **and/or** DRM-protected temporary downloads of TV programmes via the licensed service.

More details of the rights covered and restrictions are set out in the Notes section below.

Licence Fees

The greater of:
<ul style="list-style-type: none">• €0.06 per subscriber per month; or• a minimum annual fee of €10,000

Notes:

- (1) This tariff only applies to paid-for TV services that offer on-demand TV content and also provide access to linear TV channels (N.B. the provision of linear TV channels is subject to payment of a separate licence fee under PPI's Tariff 70)
- (2) This tariff only applies to a service operated by the licensee and content delivered via: (a) a set-top box (or equivalent device) provided to support the licensed service; and/or (b) from the licensee's website/servers; and/or (c) the licensee's app.
- (3) Main Exclusions*: This tariff does not cover any of the following:
 - a. Subscription Video On-Demand ('SVOD') services.
 - b. The making available of music videos.
 - c. The making available of any pay-per-view content.

- d. Providing downloads of content that continue to be accessible to a customer after they cease to be a subscriber to the service.
- e. Other than as permitted by section 101 of the Copyright and Related Rights Act 2000 the licensed service must not enable programmes to be permanently downloaded.
- f. The use of commercial sound recordings for the purpose of advertising or sponsorship.

** Full details of all the relevant exclusions and restrictions are set out in PPI's standard licence agreement for this tariff.*

PPI may be able to offer a separate licence for 3(a), 3(b) or 3(c) above but will require specific licence fees to be negotiated based on the details of the service offering.

The relevant recording rightsholder(s) should be contacted directly to discuss a potential licence for any use of commercial sound recordings as per 3(d), 3(e) or 3(f) above.

- (4) Tariff amounts are liable to Value Added Tax at the appropriate rate.
- (5) PPI reserves the right to amend these terms upon giving notice to the Controller of Intellectual Property in writing to that effect.
- (6) For 2022 and future years the above tariff for 2021 shall be adjusted in line with the Consumer Price Index (CPI).
- (7) This is only a guide to the licence terms. A full copy of PPI's standard licence agreement for this tariff is available on request. Terms used and not otherwise defined in this tariff have the meanings given in the relevant licence agreement.



TARIFF NO. 71A

EFFECTIVE DATE
1st JANUARY 2021

TARIFF:	FOR THE MAKING AVAILABLE OF SOUND RECORDINGS AS PART OF TV PROGRAMMES
TITLE:	PAY-TV LIMITED CATCH-UP SERVICE TARIFF
EFFECTIVE DATE:	1st JANUARY 2021

This Pay-TV Limited Catch-up Service tariff covers the making available of sound recordings as part of TV programmes in paid-for TV catch-up services that allow subscribers to access previously transmitted TV programmes on-demand (i.e. at a time individually chosen by them) for a limited time period.

The tariff covers on-demand streaming of either up to:

- (a) **7 (seven) days** of the most recent transmission of the relevant programme on a channel on the service, or
- (b) **30 (thirty) days** of the most recent transmission of the relevant programme on a channel on the service

The tariff does not cover the provision of downloads.

More details of the rights covered and restrictions are set out in the Notes section below.

Licence Fees

(a) On-demand streaming up to 7 days	(b) On-demand streaming up to 30 days
The greater of: <ul style="list-style-type: none"> • €0.02 per subscriber per month; or • a minimum annual fee of €5,000 	The greater of: <ul style="list-style-type: none"> • €0.03 per subscriber per month; or • a minimum annual fee of €7,500

Notes:

- (1) This tariff only applies to paid-for TV services that offer on-demand TV catch-up content and also provide access to linear TV channels (N.B. the provision of linear TV channels is subject to payment of a separate licence fee under PPI's Tariff 70).
- (2) This tariff only applies to a service operated by the licensee and content delivered via: (a) a set-top box (or equivalent device) provided to support the licensed service; and/or (b) from the licensee's website/servers; and/or (c) the licensee's app.

- (3) Main Exclusions*: This tariff does not cover any of the following:
- a. Making available TV programmes for streaming on-demand for more than (a) 7 days or (b) 30 days (as appropriate) after the most recent linear transmission of the relevant programme on a channel available on the service.
 - b. Other than as permitted by section 101 of the Copyright and Related Rights Act 2000 enabling programmes to be downloaded or otherwise made available for viewing "offline".
 - c. Making available any TV programmes that have not previously been transmitted by a channel available on the service (including any so-called 'series stacking').
 - d. Subscription Video On-Demand ('SVOD') services.
 - e. The making available of music videos.
 - f. The making available of any pay-per-view content.
 - g. The use of commercial sound recordings for the purpose of advertising or sponsorship.

** Full details of all the relevant exclusions and restrictions are set out in PPI's standard licence agreement for this tariff.*

PPI may be able to offer a separate licence for any of the acts referred to in 3(a) to 3(f) above but will require specific licence fees to be negotiated based on the details of the service offering.

The relevant recording rightsholder(s) should be contacted directly to discuss a potential licence for any use of commercial sound recordings as per 3(g) above.

- (4) Tariff amounts are liable to Value Added Tax at the appropriate rate.
- (5) PPI reserves the right to amend these terms upon giving notice to the Controller of Intellectual Property in writing to that effect.
- (6) For 2022 and future years the above tariff for 2021 shall be adjusted in line with the Consumer Price Index (CPI).
- (7) This is only a guide to the licence terms. A full copy of PPI's standard licence agreement for this tariff is available on request. Terms used and not otherwise defined in this tariff have the meanings given in the relevant licence agreement.