

General Guidelines



for the reproduction and/or distribution of audio products and audio-visual products

Please refer to the two separate information letters for additional information on the reproduction and distribution of audio products (sound carriers, audio books, audio data carriers, ring tone melodies) and audio-visual products (music videos, karaoke, film videos, multimedia products, video games) as well as for information regarding the tariff remuneration rates published for the respective product category (tariffs). For additional information, please visit

www.gema.de/musiknutzer/musiknutzung-tontraeger/

1.) The manufacturing and/or distribution of the types of carriers mentioned above pertains to the following rights of an author:

Right of reproduction § 16 of the German Act on Copyright and Related Rights (UrhG), Right of distribution § 17 UrhG

The tariff remuneration rates for the grant of the corresponding rights of use must be paid prior to the manufacture or delivery of the number of units ordered by the licensee, with additional VAT (currently 7%). GEMA only charges licence fees for the reproduction and distribution of the musical works of authors and other right holders that are represented by GEMA in this respect. The grant of the rights of use is subject to the complete payment of the licence fee calculated by GEMA.

Synchronisation right („Herstellungsrecht/Recht zur Benutzung“)

The right of synchronisation is the right to combine musical works with works of other categories (still images/pictures, moving images/film etc.). Such a right may be affected if, for example, music is being used in the context of a video game or in a movie. Usually, the right of synchronisation is granted by the right holders (author, publisher). The licensee is required to contact the right holders prior to the manufacture of the production and obtain their permission with regard to synchronisation. Please submit a confirmation for the clearance of the synchronisation right in writing alongside with your product application to GEMA (for further details, please refer to the information letters mentioned above).

For further information on music publishers and authors, please refer to the GEMA online repertoire research

www.gema.de/portal/app/repertoiresuche/werksuche

Alternatively, you can submit a request to

GEMA-Generaldirektion Berlin

Mitglieder-Service

Postfach 30 12 40

10722 Berlin

e-mail mitgliederservice@gema.de

phone +49 30 21245 600

(Monday – Thursday 9 a.m. – 5 p.m., Friday 9 a.m. – 4 p.m.)

General guidelines

Right of communication to the public

If your audio-visual products are intended for purposes of public presentation (multi-media shows, business and industry films, commercials, educational films), such presentation affects the **right of communication to the public**.

The same applies to the playback of an audio product in public (for example, the playback of a sound carrier during a public dance event).

For additional information, please visit

www.gema.de/musiknutzer/musiknutzung-oeffentlichkeit/

2.) The license granted by GEMA for the reproduction and/or distribution of the products mentioned above does not include the following rights:

The license of GEMA does not include, inter alia:

- The right of (first) publication (a GEMA licence is granted only under the condition that such a right has not been violated)
- The permission for adaptations of the original of a protected work, especially the use of parts of a work and the use for promotional purposes
- The permission to manufacture a film or other audio-visual recordings
- Any Claims of third parties in connection with material compensations for so-called reverse-bound* works ("reversgebundene Werke", see the explanation below)
- Neighbouring rights of performers, producers of audio recordings etc.
- The permission of a rights holder for the use of a work for the production of a commercial of the advertising industries, for example, for broadcasting.

*Reverse-bound works are productions, which, for example, are given to third parties for the purposes of a performance and for a short period only. Following such a use, the works must be returned to the owner. From a legal perspective, the right of reproduction and the right of distribution are not affected in such cases; this means that such a production remains free of charge.

Moral rights of the author

The licensee (producer) is required to gain permission from the author or other rights holders respectively for the use of parts of a work. The moral rights of the author, especially in connection with adaptations, must be observed.

Neighbouring rights §§ 75, 85 UrhG (rights to the recording)

If you intend to make use of pre-existing original recordings of musical works, the neighbouring rights of the performers and producers of the audio recordings (the record labels) must be obtained prior to the production. Such rights are usually represented by the record labels.

For further information, please contact the **BVMI** Bundesverband Musikindustrie e.V. (formerly IFPI):

Phone	+49 30 590038-0
e-mail	info@musikindustrie.de
Internet	www.musikindustrie.de

General guidelines

The **GVL** (Gesellschaft zur Verwertung von Leistungsschutzrechten, the German Neighbouring Rights Society) manages the so-called secondary exploitation rights ("Zweitverwertungsrechte") of performers and producers of audio recordings. Further, the GVL is competent for applications for a label code (LC code).

GVL Berlin

Phone +49 30 48483-600
e-mail infomail@gvl.de
Internet www.gvl.de

Please note:

For the reproduction of sound carriers that contain music, a record label is not mandatory.

3.) The copyright licence for reproduction and distribution must be acquired prior to the manufacture or delivery of the number of sound carrier units as stated in the product application. The licensee (producer) undertakes to provide truthful and accurate information in this respect. The tariffs published for the respective product category apply.

Process for the grant of rights

a) Product application

To submit a product application regarding the manufacture of audio sound carriers to GEMA, please visit our online application "GEMA online portal for product applications of sound carrier productions".

www.gema.de/portal/app/lizenzierungvontraegern

For all other types of carrier productions, please submit the corresponding form for your production. All forms are available on our website. Alternatively, you can access the forms via the above online application.

For further information and detailed instructions, please refer to our separate information letters on audio-visual productions and audio productions, both of which can be found here

www.gema.de/musiknutzer/musiknutzung-tontraeger/

b) Delivery authorisation

Following the successful review of your product application (and usually within the next 10 business days), you will receive a delivery authorisation document or an invoice that also indicates the pressing plant/the manufacturing company appointed by you in connection with the manufacture of the production.

Please note: Regarding the pressing plant/manufacturing company appointed by you, the delivery authorisation document/the invoice serves as a **verification document for the registration** of your production with the GEMA VBC division.

c) Invoice

The grant of the rights of use is subject to complete payment of the licence fee, which is calculated by GEMA on the grounds of the licensing basis as well as the information given in the product application.

General Guidelines

Work claim

a) Repertoire designation

GEMA will inform the licensee about the designation of the works listed in the product application. The following abbreviations may be used in this context:

GEMA	= protected and represented by GEMA
DP	= Domaine public (public domain, no copyright protection for the original without adaptations)
PM	= Pas membre (Nicht-Mitglied – protected, but not managed/represented by GEMA)
PAI	= Propriétaire actuellement inconnu (the owner of the rights is currently unknown)
KLI	= no work claim with regard to licensing keine Lizenzzeichnung (for example, noises)
SAI	= Statut actuellement inconnu (the legal status is currently unknown)
RA	= Refus d'annotation (refusal of a work claim, for example, due to missing or insufficient information provided in the registration)

b) Reservations due to changes of the work claim

The work claim is subject to the correctness and completeness of the information given in the product application. A "DP" work claim is valid only under the condition that it is the original work and not a protected adaptation represented by GEMA.

A work claim „PM“, „PAI“ or „SAI“ is merely informational in nature and **does not constitute a permission of GEMA regarding a reproduction or distribution.**

GEMA explicitly reserves the right to credit adjustments within the applicable statutory limits, if the rights owner who is currently not known becomes known (changes to the present "PAI" or "SAI" work claim) and if the licensee has not acquired the rights directly from the rights owner.

GEMA membership and own works of a member

If the licensee (producer), who is also a member of GEMA, intends to manufacture a production that exclusively contains the own works of the producer, the producer is nevertheless required to obtain a licence for the reproduction and distribution of the works from GEMA due to the grant of the exclusive rights of use by a GEMA member to GEMA via the Deed of Assignment.

For further information, especially regarding possible special conditions for productions that contain the own works of a producer, please refer to the detailed information provided in the separate information letter for audio productions, section "GEMA-Mitgliedschaft und eigene Werke". The information letter can be found here

www.gema.de/musiknutzer/tarife-formulare/tarif-gema-mitglieder-mit-eigenen-werken/

4.) Excursions

Design of the carrier and the inlays etc.

The carrier itself shall contain the following information:

Alle Urheber- und Leistungsschutzrechte vorbehalten. Kein Verleih!
Keine unerlaubte Vervielfältigung, Vermietung, Aufführung, Sendung!

General Guidelines

The print **GEMA** shall be included on the labels, carriers and inlays. A graphic template (EPS, Adobe Illustrator) of GEMA can be found here for download:

www.gema.de/fileadmin/user_upload/Musiknutzer/Informationen/gema_cd_label.zip

Title of the works included, the names of all authors to the works and – if applicable – the arranger and the name of the publisher(s). If available: order number, catalogue number, label, label code on the tags, carriers, inlays and carrier sleeves.

Industrial manufacturing (import/export)

a) Imports

For imports of carriers, it is necessary to acquire the rights for distribution in Germany directly via the VBC division of GEMA, given that the carriers have not also been licensed for their distribution in Germany via the foreign producer. For imports from the USA and Canada, the rights of use must be obtained directly from GEMA.

b) Exports

GEMA issues export licences for the exports of carriers, not including exports to the USA.

GEMA Vervielfältigung, Business Services und COE Verteilung (VBC)
Rosenheimer Str. 11
81667München
www.gema.de

Date 01/12/21