



Annual Report  
**2009**



# Dear GEMA-Members, Dear Readers,



*Dr. Harald Heker*

the business year 2009 was a successful year for GEMA economically – and diametrically opposed to the general trend. The entire revenues of GEMA collected for its copyright holders all over the world in the past business year amounted to €841 million, of which €218.9 million were proceeds from GEMA's mandate as a collection society for other institutions. This is an increase of €18 million (2.2 percent) in comparison to the previous year.

In the area of Television, Radio, and New Media – after a contractual agreement was achieved – a clear increase in the proceeds in comparison to the previous year was attained due to the one-time back payments from cable television companies for the years 2007 and 2008. As the proceeds in the area of cable retransmission increased by €60.6 million, the total amount of proceeds in the section Television, Radio, and New Media of €283 million was an increase of 19.2 percent over the previous year.

The regional offices also had good news to report: their total proceeds were €294.6 million, an increase of 3 percent compared to the previous year.

The developments in the online area were also positive, although the proceeds generated did not meet our expectations. The total proceeds for this area in 2009 increased by 46 percent, to €10.6 million. In the area of Recordings, the sales slump that has been a factor since the end of the 1990s also continued in 2009; however, in comparison to 2008 the decrease was distinctly less than in previous years: a decrease of €1 million to €149.4 million. Both revenue areas are included in the information shown in the Management Industry section. The forecast for the music branch for the current business year 2010 is that the trends of the past years will continue: once again there will

be a decline in sales and revenue for recordings, but good prospects for live music. In the Online area, we can assume there will be a continuing increase in music use. However, authors will still not receive an appropriate share of the economic returns. GEMA is striving to assert the rights of its members to receive an appropriate compensation in this area as well, through international co-operations and a multitude of negotiations, and also by means of arbitration board proceedings and legal procedures.

The economic results are, of course, important, but the international and political challenges GEMA faces are as equally important. There are also positive developments in the international political arena: At the beginning of the year, GEMA and seven other European collecting societies mutually wrote a postulate to harmonize the main features of the administration of copyrights rights within the legal framework of an EU guideline, and in the meantime this initiative has received support from numerous politicians. Meanwhile, the recently named EU Commission has already included this project of establishing framework guidelines for collecting agencies in its working schedule. From our viewpoint, an EU guideline is necessary to guarantee sound legal protection for the cross-border cooperation between collecting agencies and to create the prerequisites for fair competition – ensuring that the interests of copyright holders and users are taken into account in equal measure.

Yours,



Harald Heker



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## At a Glance

	2009	2008	2007
	(in million €)	(in million €)	(in million €)
Income	841,055	823,007	849,599
Expenditures	128,004	122,357	120,291
<b>Distribution Sum</b>	<b>713,051</b>	<b>700,650</b>	<b>729,308</b>
Cost Rate	15,2 %	14,9 %	14,2 %
<b>Breakdown of Income:</b>			
Arranged according to rights			
Performances (live music, recorded music, films) and broadcast rights	408,697	402,208	399,086
Reproduction rights	180,752	193,389	206,189
– from sound storage media licenses	79,277	85,094	94,490
– from other areas	101,475	108,295	111,699
Royalty entitlements	10,827	30,223	41,318
Mandates for collection	218,908	159,719	167,613
– from central licensing of sound storage media and audio-visual media	72,534	72,099	94,809
– from other collecting societies	146,374	87,620	72,804
Other income	21,871	37,468	35,393
	<b>841,055</b>	<b>823,007</b>	<b>849,599</b>
Arranged according to area			
Live Music	85,628	80,929	82,999
Soundtracks	8,014	8,391	8,131
Mechanical Music	123,191	122,420	121,964
Royalty entitlements according to Paragraph 27, Copyright Act	5,427	6,019	6,669
Reproduction of sound storage media and audio-visual media	184,069	186,758	220,585
Mandates for Collection for other collecting societies	54,783	52,151	51,333
Royalty entitlements according to Paragraph 54, Copyright Act	5,400	24,204	34,649
Radio and Television	287,275	241,457	224,878
Foreign Countries	65,397	63,210	62,998
Other income	21,871	37,468	35,393
	<b>841,055</b>	<b>823,007</b>	<b>849,599</b>
<b>Breakdown of Expenses:</b>			
Human resources expenses	73,414	65,179	65,473
Material expenses	54,590	57,178	54,818
	<b>128,004</b>	<b>122,357</b>	<b>120,291</b>

# Organization

104				108
112				116
120				126
132				138
144				152
160				168
176				184
192				200
208				



# Executive Board

**President and Chief Executive Officer:**

Dr. Harald Heker

**Member of the Executive Board:**

Rainer Hilpert

**Member of the Executive Board:**

Georg Oeller



*Dr. Harald Heker*



*Rainer Hilpert*



*Georg Oeller*

# Board of Supervisors



Jörg Evers

**Chairman:**

Jörg Evers

**Vice Chairman:**

Frank Dostal  
Karl-Heinz Klempnow

Burkhard Brozat  
Prof. Dr. Rolf Budde  
Klaus Doldinger  
Hans-Peter Malten  
Frank Ramond  
Prof. Dr. Enjott Schneider  
Dagmar Sikorski  
Patrick Strauch  
Prof. Lothar Voigtländer  
Stefan Waggershausen  
Dr. Ralf Weigand  
Christian Wilckens



Frank Dostal

**Deputies:**

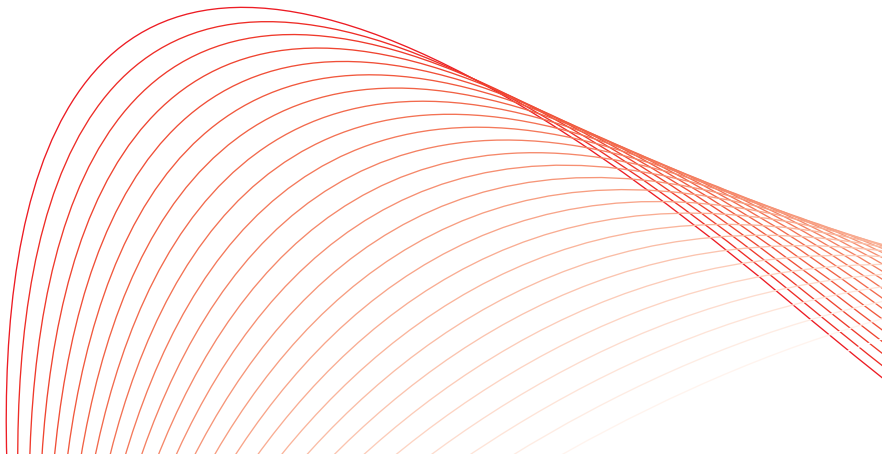
Egon L. Frauenberger († 17.11.2009)  
Lutz Ilgner  
Prof. Klaus-Michael Karnstedt  
Tobias Künzel  
Prof. Dr. h. c. Wolfgang Rihm  
Prof. Manfred Schoof



Karl-Heinz Klempnow

**Legal Advisor:**

Prof. Dr. Karl Riesenhuber





# Honorary Members

Prof. Harald Banter  
Prof. Christian Bruhn  
Klaus Doldinger  
Dr. Peter Hanser-Strecker  
Karl-Heinz Klempnow  
Jo Plée  
Prof. Dr. Hans Wilfred Sikorski  
Prof. Karl Heinz Wahren  
Hartmut Westphal

Bruno Balz (deceased)  
Richard Bars (deceased)  
Prof. Jürg Baur (deceased)  
Prof. Werner Egk (deceased)  
Dr. Hans Gerig (deceased)  
Prof. Dr. Dr. h. c. Joseph Haas (deceased)  
Hans Hee (deceased)  
Kurt Hertha (deceased)  
Heinz Korn (deceased)  
Peter Jona Korn (deceased)  
Eduard Künneke (deceased)  
Dr. Willy Richartz (deceased)  
Prof. Dr. Georg Schumann (deceased)  
Günther Schwenn (deceased)  
Dr. Hans Sikorski (deceased)  
Dr. Dr. h. c. Ludwig Strecker (deceased)

# Honorary Presidents

Prof. Dr. Reinhold Kreile  
Prof. Dr. jur. h. c. Erich Schulze

# General Administration and Regional Offices of GEMA

## GEMA-General Administration

**Head Office in Berlin**  
Bayreuther Strasse 37  
10787 Berlin  
P.O. box 30 12 40  
10722 Berlin  
Tel.: +49 30 21245-00  
Fax: +49 30 21245-950  
E-Mail: gema@gema.de

**Head Office in Munich**  
Rosenheimer Strasse 11  
81667 Munich  
P.O. box 80 07 67  
81607 Munich  
Tel.: +49 89 48003-00  
Fax: +49 89 48003-969  
E-Mail: gema@gema.de

## GEMA-Regional Offices

**Regional Office in Augsburg**  
Stettenstrasse 6/8  
86150 Augsburg  
P.O. box 10 17 07  
86007 Augsburg  
Tel.: +49 821 50308-0  
Fax: +49 821 50308-88  
E-Mail: bd-a@gema.de

**Regional Office in Berlin**  
Keithstrasse 7  
10787 Berlin  
P.O. box 30 34 30  
10728 Berlin  
Tel.: +49 30 21292-0  
Fax: +49 30 21292-795  
E-Mail: bd-b@gema.de

**Regional Office in Dresden**  
Zittauer Strasse 31  
01099 Dresden  
Subject area Sachsen:  
Tel.: +49 351 8184-610  
Subject area Sachsen-Anhalt:  
Tel.: +49 351 8184-620  
Subject area Thüringen:  
Tel.: +49 351 8184-630  
For all subject areas:  
Fax: +49 351 8184-700  
E-Mail: bd-dd@gema.de

**Regional Office in Hamburg**  
Schierenberg 66  
22145 Hamburg  
P.O. box 73 03 60  
22123 Hamburg  
Tel.: +49 40 679093-0  
Fax: +49 40 679093-11  
E-Mail: bd-hh@gema.de

**Regional Office in Hannover**  
Blücherstrasse 6  
30175 Hannover  
P.O. box 21 29  
30021 Hannover  
Tel.: +49 511 2838-0  
Fax: +49 511 8174 10  
E-Mail: bd-h@gema.de

**Regional Office in Munich**  
Rosenheimer Strasse 11  
81667 München  
P.O. box 80 06 20  
81606 Munich  
Tel.: +49 89 48003-01  
Fax: +49 89 48003-940  
E-Mail: bd-m@gema.de

**Regional Office in North Rhine-Westphalia**  
Südwall 17-19  
44137 Dortmund  
P.O. box 10 13 43  
44013 Dortmund  
Tel.: +49 231 57701-0  
Fax: +49 231 57701-120  
E-Mail: bd-nrw@gema.de

**Regional Office in Nuremberg**  
Johannisstrasse 1  
90419 Nuremberg  
P.O. box 91 05 49  
90263 Nuremberg  
Subject area Oberpfalz/  
Mittelfranken:  
Tel.: +49 911 93359-291  
Fax: +49 911 93359-252  
Subject area Ober- und  
Unterfranken:  
Tel.: +49 911 93359-290  
Fax: +49 911 93359-253  
E-Mail: bd-n@gema.de

**Regional Office in Stuttgart**  
Herdweg 63  
70174 Stuttgart  
P.O. box 10 17 53  
70015 Stuttgart  
Tel.: +49 711 2252-6  
Fax: +49 711 2252-800  
E-Mail: bd-s@gema.de

**Regional Office in Wiesbaden**  
Abraham-Lincoln-Strasse 20  
65189 Wiesbaden  
P.O. box 26 80  
65016 Wiesbaden  
Tel.: +49 611 7905-0  
Fax: +49 611 7905-197  
E-Mail: bd-wi@gema.de

# Organizational Chart of GEMA

(as of December 31, 2009)



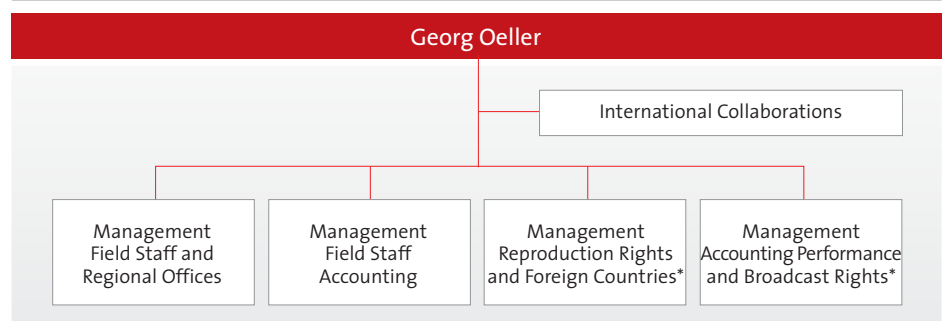
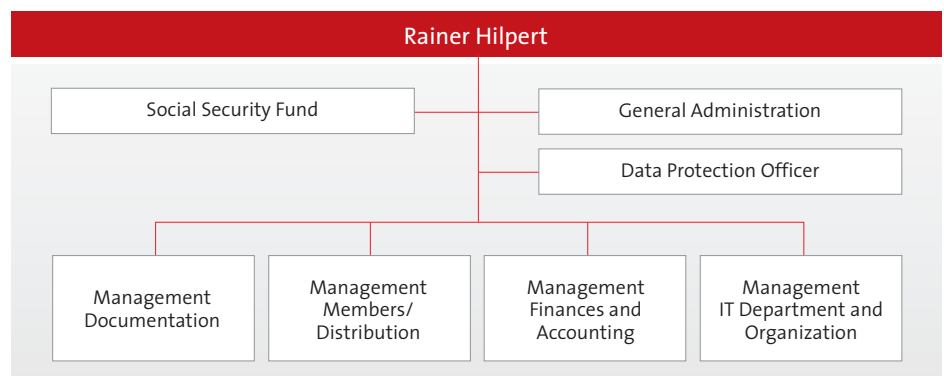
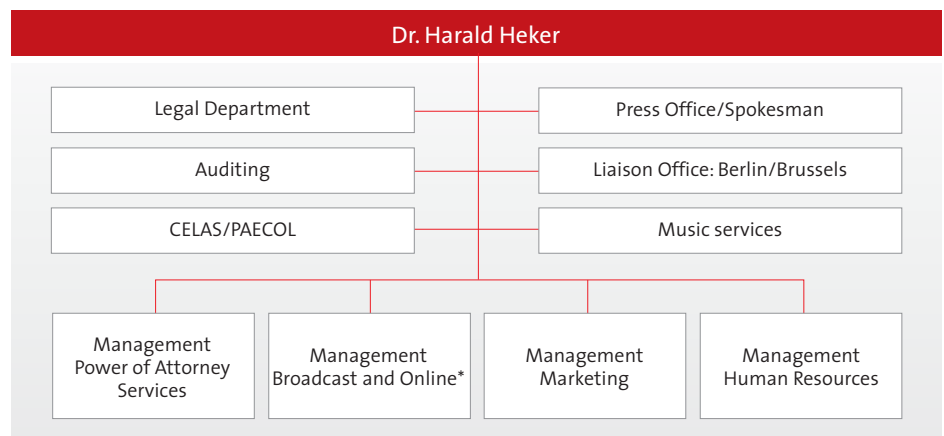
## Fields of Activities and Responsibilities of the Executive Board

The descriptions and parts of the structure of the management departments marked with an asterisk (\*) have changed since August 2009. To facilitate comparability to the previous year's numbers, the descriptions used up until August 2009 will be used in the Management Report and Foreword.

Management Television, Radio, and New Media  
(now: Management Broadcast and Online)

Management Industry, as well as Management Accounting II  
(now: Management Reproduction Rights and Foreign Countries)

Management Accounting I  
(now: Management Accounting Performance and Broadcast Rights)



# Committees

## Financial Committee

Prof. Dr. Rolf Budde  
Frank Dostal  
Prof. Dr. Enjott Schneider  
Dagmar Sikorski  
Stefan Wiggershausen  
Christian Wilckens

- **Deputies:**  
Burkhard Brozat  
Patrick Strauch  
Prof. Lothar Voigtländer

## Tariff Committee

Frank Dostal  
Jörg Evers  
Karl-Heinz Klempnow  
Hans-Peter Malten  
Frank Ramond  
Dr. Ralf Weigand

- **Specialist:**  
Patrick Strauch

## Program Committee

- **Subcommittee Serious Music:**  
Prof. Klaus-Michael Karnstedt  
Prof. Dr. Enjott Schneider  
Dagmar Sikorski  
Prof. Lothar Voigtländer

- **Deputy:**  
Prof. Manfred Schoof
- **Specialists:**  
Moritz Eggert  
Johannes Hildebrandt  
Winfried Jacobs

- **Subcommittee Light/Popular Music:**  
Burkhard Brozat  
Jörg Evers  
Lutz Ilgner  
Prof. Klaus-Michael Karnstedt  
Stefan Wiggershausen  
Dr. Ralf Weigand

## Statutory Committee

Burkhard Brozat  
Prof. Dr. Rolf Budde  
Jörg Evers

## Distribution Plans Committee

- **Composers:**  
Prof. Dr. Enjott Schneider  
Prof. Lothar Voigtländer  
Dr. Ralf Weigand

- **Representatives of Composers:**  
Prof. Dr. h. c. Wolfgang Rihm  
Christian Wilckens

- **Lyricists:**  
Frank Dostal  
Stefan Wiggershausen

- **Representative of Lyricists:**  
Frank Ramond

- **Publishers:**  
Dagmar Sikorski  
Patrick Strauch

- **Representatives of Publishers:**  
Prof. Dr. Rolf Budde  
Hans-Peter Malten
- **Specialists:**  
Prof. Harald Banter  
Klaus Doldinger

### Cultural Committee

Burkhard Brozat  
Prof. Klaus-Michael Karnstedt  
Frank Ramond  
Dagmar Sikorski  
Prof. Lothar Voigtländer  
Dr. Ralf Weigand

### Marketing Committee

Prof. Dr. Rolf Budde  
Frank Dostal  
Jörg Evers  
Prof. Dr. Enjott Schneider  
Patrick Strauch  
Stefan Wagershausen

### Committee for the Rating procedures of the Composers in the category Serious Music

Werner Heider  
Prof. Dr. h. c. Robert M. Helmschrott  
Prof. Martin Christoph Redel

- **Deputies for Choir Music:**

Prof. Karl Haus  
Gerhard Rabe

- **Delegate for associate Members  
and affiliated Members:**

Peter Helmut Lang

- **Deputies:**

Prof. Manfred Trojahn  
Helmut Zapf

- **For Choir Music:**

Wolfgang Lüderitz  
Dr. Rudolf Lukowsky

- **Delegate of the Board of Supervisors:**

Prof. Dr. Enjott Schneider

### Committee for the Rating procedures of the Lyricists in the category Serious Music

Michael Holm  
Erich Offierowski  
Carl J. Schäuble

- **Delegates for Special Members  
and Associated Members:**

Heiner Tietze

- **Deputies:**

Norbert Hammerschmidt  
Robert Jung (until June 24, 2009)  
Klaus Pelizaeus  
Hans-Ulrich Weigel (as of June 24, 2009)

- **Delegate of the Board:**

Stefan Wagershausen

### Committee for the Rating procedures of the Publishers in the category Serious Music

Stefan Conradi  
Horst Schubert

- **Deputy:**

Dr. Reinhold Quandt

- **Delegate of the Board of Supervisors:**

Dagmar Sikorski

**Committee for the Rating  
procedures of the category  
Light and Dance Music**

- **Composers:**  
Thorsten Brötzmann  
Dr. Rainer Fabich  
Michael Reinecke
- **Lyricists:**  
Michael Holm  
Erich Offierowski  
Carl J. Schäuble
- **Publishers:**  
Suzan Frauenberger  
Pamela Georgi-Michel  
Michael Wewiasinski
- **Representatives of Composers:**  
Heinz Ehme  
Peter Finger  
Ladislav Geisler
- **Representatives of Lyricists:**  
Norbert Hammerschmidt  
Robert Jung (until June 24, 2009)  
Klaus Pelizaeus  
Hans-Ulrich Weigel (as of June 24, 2009)
- **Representatives of Publishers:**  
Barbara Krämer  
Hans-Peter Malten (until June 24, 2009)  
Gabriele Schulze-Spahr (as of June 24, 2009)  
Dr. Axel Sikorski

**Delegates of associate and  
affiliated Members:**

- **Composers:**  
Ole Seelenmeyer
- **Lyricists:**  
Heiner Tietze
- **Publishers:**  
Thomas Ritter (as of June 24, 2009)  
Karin Wirthmann (until June 24, 2009)

**Assessment Committee  
of the Arrangers**

Raimond Erbe  
Jo Plée (until June 24, 2009)  
Prof. Wieland Reissmann  
Joachim Schmeißer  
Werner Theisen  
Prof. Bernd Wefelmeyer (as of June 24, 2009)

**Delegates of the Board of Supervisors:**

- **Composers:**  
Dr. Ralf Weigand
- **Lyricists:**  
Stefan Wagershausen
- **Publishers:**  
Karl-Heinz Klempnow
- **Deputies:**  
Bertram Gebauer (until June 24, 2009)  
Ladislav Geisler (until June 24, 2009)  
Rolf Kosakowski (as of June 24, 2009)  
Jo Plée (as of June 24, 2009)  
Thomas Rebensburg
- **Delegate of the Board of Supervisors:**  
Prof. Manfred Schoof
- **Deputy:**  
Prof. Dr. Enjott Schneider

**Works Committee**

- **Composers:**  
Prof. Theo Brandmüller  
Ernst-August Quelle (until June 24, 2009)  
Dieter Reith  
Jochen Schmidt-Hambrock (as of June 24, 2009)  
Prof. Bernd Wefelmeyer
- **Representatives of Composers:**  
Moritz Eggert  
Prof. Martin Christoph Redel  
Alexander von Schlippenbach  
Jochen Schmidt-Hambrock (until June 24, 2009)  
Hans-Peter Ströer (as of June 24, 2009)

### Admission Committees

- **Lyricists:**  
Erich Offierowski  
Carl J. Schäuble
- **Publishers:**  
Jan Rolf Müller
- **Representatives of Lyricists:**  
Edith Jeske  
Robert Jung
- **Representatives of Publishers:**  
Stefan Conradi
- **Delegate of the Board of Supervisors:**  
Prof. Manfred Schoof
- **Deputy:**  
Prof. Lothar Voigtländer
- **Composers:**  
Prof. Georg Katzer  
Prof. Bernd Wefelmeyer
- **Representative of Composers:**  
Helmut Zapf
- **Lyricists:**  
Robert Jung  
Erich Offierowski
- **Representative of Lyricists:**  
Michael Reincke
- **Publishers:**  
Andreas Meurer  
Michael Wewiasinski
- **Representative of Publishers:**  
Winfried Jacobs (as of June 24, 2009)  
Peter Tonger (until June 24, 2009)

### Church Music Committee

- Prof. Theo Brandmüller  
Dr. Johannes Graulich  
Prof. Dr. h. c. Robert M. Helmschrott  
Friedemann Strube
- **Specialist:**  
Prof. Dr. Enjott Schneider

### Complaint Committee

- **Chairwoman:**  
Christel Hengst  
(former presiding judge of the  
Regional Superior Court of Berlin)
- **Vice Chairman:**  
Dr. Jürgen Schmidt-Räntsch  
(former presiding judge of the  
Superior Court)

#### Representatives of Professional Groups:

- **Composers:**  
Hartmut Westphal
- **Deputy Representative of Composers:**  
Prof. Harald Banter
- **Lyricists:**  
Michael Arends
- **Deputy Representative of Lyricists:**  
Klaus Pelizaeus
- **Publishers:**  
Heinz Kremer
- **Deputy Representative of Publishers:**  
Volker Landtag
- **Specialist:**  
Wolfgang Brandenstein



# GEMA Social Security Fund

- **Composer Department:**

Hartmut Westphal  
Ralf Hoyer  
Wilhelm Dieter Siebert

Managing Director and Curator

- **Lyricist Department:**

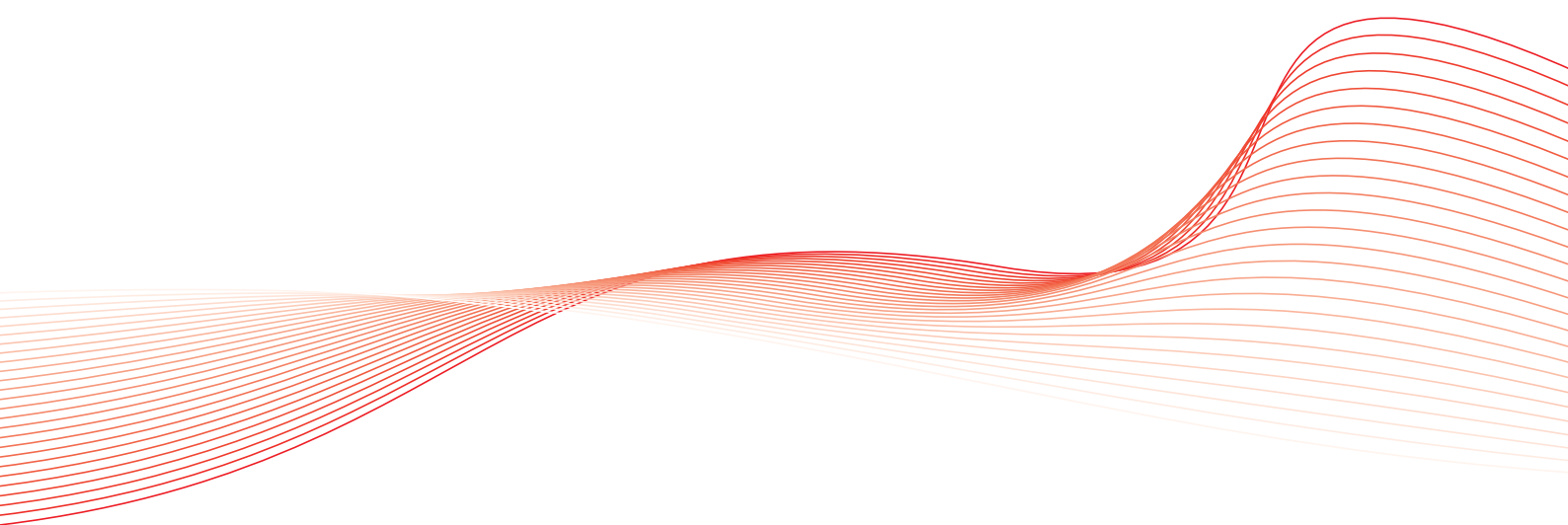
Erich Offierowski  
Wolfgang Brandenstein  
Klaus Pelizaeus

Managing Director and Curator

- **Publisher Department:**

Andreas Meurer  
Gabriele Schulze-Spahr  
Thomas Tietze

Managing Director and Curator



# International Organizations

**CISAC**  
**Confédération Internationale**  
**des Sociétés d'Auteurs**  
**et Compositeurs, Paris**

German Member of the  
Executive Board: Dr. Harald Heker

German Member of the International  
Council of Authors and Composers: Jörg Evers

German Member of the  
Legal Committee: Kilian Steiner

Member of the Common Information  
System Supervisory Board (CSB): Thimo Prziklang

**BIEM**  
**Bureau International des Sociétés**  
**gérant les Droits d'Enregistrement**  
**et de Reproduction Mécanique, Paris**

Honorary Presidents:  
Prof. Dr. Reinhold Kreile  
Prof. Dr. jur. h. c. Erich Schulze  
Prof. Dr. Hans Wilfred Sikorski

President of the Executive Board: Karl-Heinz Klemppow

Member of the Management Committee: Dr. Harald Heker

German Delegates for the  
General Assembly:  
Frank Dostal  
Jörg Evers

# Report of the Executive Board



# Management Report

## 1. Business trend in 2009

### 1.1. Overall economic development in Germany in 2009

The global financial and economic crisis presented Germany and the world with new challenges. Germany was especially affected by the crisis, due to its intensive international interdependence. On account of the severe slumps, especially in exports, the gross domestic product declined in 2009 by 5 percent, the largest decline in the history of the Federal Republic of Germany.

What was remarkable in the year 2009 was that there was a tremendous slump in exports as well as investments in equipment. Foreign trade, which was an important economic engine in the German economy in previous years, slowed down economic development in 2009. Investments in equipment declined by one fifth in comparison to 2008. The only positive impulse in 2009 came from consumer spending, which showed a distinct increase compared to the previous year. Personal consumer spending increased by 0.4 percent due to prices, and state consumer spending increased by 2.7 percent.

Incoming orders increased slightly; however, the level before the financial crisis has not been reached yet. The job market continued to be strong at the end of the year. In view of the economic conditions, so far the unemployment rate has

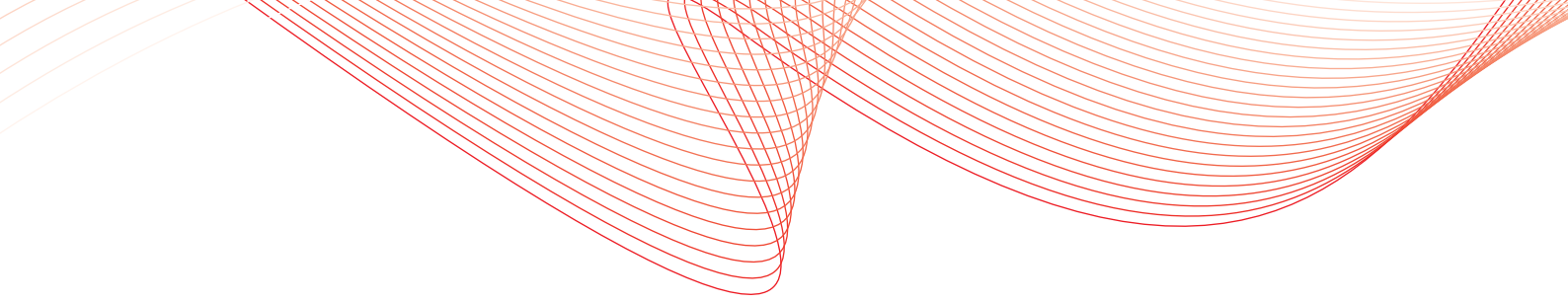
developed rather favorably. The music industry expects a considerable decline for 2009 once again. The market in Germany, similar to the international market, suffered reductions in sales and in the licensing of recordings. The online business, despite its documented growth, could not compensate for this decline. File sharing, free online streaming, and competition from other media are the essential reasons for the developments in the music market described above.

### 1.2. Financial situation, net asset situation, and revenue situation of GEMA in 2009

In the reporting year, essentially reinvestments were made in data processing systems as well as in software (€1.4 million). In addition to this, investments were made in data processing projects to the amount of €6.2 million. The society's assets consist for the most part of current assets (90 percent; previous year: 91 percent); of these €452 million (previous year: €529.5 million) are liquid assets and bonds. The financial situation of the society is marked by the installment payments for distribution to the amount of €604.5 million (previous year: €688.1 million). The society does not have any interestbearing borrowed capital. The installment payments for distribution are entirely covered by short-term binding assets.

Total revenue of GEMA in the business year 2009 was €841.1 million, and thus €18 million, or 2.2 percent, more than in the business year 2008.

	2009	2008	Difference
	(in million €)	(in million €)	(in million €)
Management Field Staff (Regional Offices)	289,970	281,575	+ 8,395
Management Industry	174,968	178,747	- 3,779
Management Television, Radio, and New Media	283,028	237,528	+ 45,500
Management Foreign Countries	65,399	63,211	+ 2,188
Management Power of Attorney Services	5,819	24,478	- 18,659
Other Income (Interest etc.)	21,871	37,468	- 15,597
	841,055	823,007	+ 18,048



In general, the increase in proceeds in comparison to the previous year can be ascribed particularly to the positive development in the collection area Television, Radio, and New Media, and to the regional offices. Opposite effects can be observed with the proceeds from royalty claims and other income.

In the area of Regional Offices, there was a distinct increase in the proceeds compared to 2008 to €290 million (plus €8.4 million).

The development in income in Management Industry is marked by a decline in proceeds in the amount of €3.8 million. This change resulted for the most part from the decline in the recording market.

Management Television, Radio, and New Media, on the other hand, was able to show a clear increase in income compared to the previous year (plus €45.5 million), due to the one-time effect from repayments from cable television companies for the years 2007 and 2008, which were a result of the signing of the new contract.

The area Foreign Countries achieved an increase in the proceeds to €65.4 million (plus 3.5 percent) compared to 2008, which can be attributed exclusively to performance rights.

A large number of general contract partners of ZPÜ (Central Organization for Private Recording Rights Munich) used the copyright amendment (“Korb 2” – the so-called “second basket”) that took effect on January 1, 2008 as an occasion to cancel their contracts with ZPÜ effective December 31, 2007, and also to discontinue the corresponding payments. For this reason, the distribution from ZPÜ to GEMA in the years 2008 and 2009 continuously declined. Therefore, in comparison to the previous year the proceeds from the area of Power of Attorney, Other Collecting Societies decreased by €18.7 million. The proceeds from the compromise agreement and the general contract on PC compensation

with the Bundesverband der Computerhersteller e. V. (BCH – German Association of Computer Manufacturers), which was agreed upon in December 2009 and covers the period from 2002 to 2010, could not be included in GEMA'S annual statement of accounts 2009.

Other income showed a distinct decline compared to the previous year (minus €15.6 million). This development is essentially attributed to the market-related low interest rates in 2009.

The **total expenditures** of GEMA in the business year 2009, compared to the previous year, increased by 4.6 percent.

The illustrated development led to a slight increase in the cost unit rate in the business year 2009, from 14.9 percent (2008) to 15.2 percent. Activities of special significance did not occur after the accounting date.

The relationship “capital assets to liquid assets” remained stable during the last three years (circa 10 percent to 90 percent of the balance sheet total).

The development of the allocation of the reserves for distribution over the last three years corresponds to the developments with the proceeds.

### **1.3. Income from copyright licenses and royalty entitlements**

Total income from the processing of copyright licenses and royalty entitlements was €819.184 million in the reporting year, of which €2.893 million is from compensation in lieu of licenses. The cost replacement amount of compensation in lieu of licenses in the amount of €2.982 million is listed under “other income.” The income for 2009 of €819.184 million is €33.645 million more than the previous year's amount of €785.539 million (€2.802 million of this was from compensation in lieu of licenses).

The income in detail:

	2009	2008	Difference
	(in million €)	(in million €)	(in million €)
<b>Income from copyright licenses and royalty entitlements</b>			
a) Income from performance, exhibition, broadcast and playback rights	408,697	402,208	+ 6,489
<i>compensation in lieu of licenses</i>	2,893	2,802	+ 0,091
b) Income from reproduction rights	180,752	193,389	- 12,637
c) Income from royalty entitlements	10,827	30,223	- 19,396
<i>– from rental and lending rights (according to Paragraph 27, Copyright Act)</i>	5,427	6,019	- 0,592
<i>– from personal copying (according to Paragraph 54, Copyright Act)</i>	5,400	24,204	- 18,804
d) Income from power of attorney services	218,908	159,719	+ 59,189
<i>– for other collecting societies</i>	146,374	87,620	+ 58,754
<i>– from central licensing of sound and audio-visual storage media (sales territory foreign countries)</i>	72,534	72,099	+ 0,435
	819,184	785,539	+ 33,645

The discussions and negotiations that have been ongoing since the autumn of 2005 on follow-up contracts to the agreements with regional cable television companies that expired at the end of 2006 resulted in a new, long-term regulation. Therefore, in 2009 the subsequent payments from the years 2007 and 2008 could be registered. The amount of €408.697 million (previous year: €402.208 million) for revenue from the administration of performance, broadcast, and playback rights includes revenue for the use of music cable rebroadcast rights in the amount of €17.151 million (previous year: €12.351 million) for the year 2009. The income for the year 2009 that resulted from GEMA's function as a collecting service for other copyright holders was €87.983 million (previous year: €32.184 million) in total. In essence, the represented copyright holders are the collecting societies VG WORT; GVL; VG BILD-KUNST; AGICOA; VFF; VGF; and GFA (ARGE Kabel).

#### 1.4. Income from interest and bonds

The income decreased by €10.613 million, from €22.531 million to €11.918 million.

This is essentially due to the distinctly lower market interest rates in comparison to 2008.

#### 1.5. Expenditures

Expenditures for human resources and materials developed over the last two years as follows:

The expenditures for human resources in 2009 include severance payments resulting from the merger of regional offices.

	2009	2008
	(in million €)	(in million €)
<b>Expenditures</b>		
Human Resources	73,414	65,179
Materials	54,590	57,178
<b>Total</b>	<b>128,004</b>	<b>122,357</b>

**1.5.1.** The fluctuation has not fundamentally changed over the course of the last three years. In comparison to the previous year, the number of employees was reduced from 1,133 to 1,111 (minus 2 percent).

**1.5.2.** In addition to extensive changes to the existing IT systems, which handle the daily business, the reporting year 2009 saw the introduction of new systems:

#### LION/MAX

A new share-based licensing potential was created for the implementation of online licensing in the regions Germany and Europe (LION = Licensing of Online Use, and MAX = Matching Tool and Central Search Index). The processing of the mass data from the online market presented a huge challenge to IT technology and IT programs, and the mass data could then be processed following the implementation of the system in December 2009.

#### MIKOS

The online service "Members' Finances," MIKOS (Member Data and Account Administration System) enabled authors and music publishers to quickly and easily access their financial data at GEMA as of October 2009. GEMA members can view their member account with this online service. In addition, the database allows members to digitally notify GEMA about changes in the contact data. A member can also communicate messages or ask questions via this online service.

#### DIDAS

Upgrades to ensure an intelligent importation of works as well as to improve service quality are planned for DIDAS (DIDAS = Data Base for an Integrated Documentation and Calculation System).



## 2. Economic development forecast

In the annual report on the economy, the German government expects on the average for the year 2010 an increase in the gross domestic product of 1.4% (2009: minus 5%).

Despite the continuing recovery, Germany has still not overcome the severest financial and economic crisis of the postwar period. The consolidation of the financial statements of the Financial Institute has not yet been completed. The initial situation for 2010 is marked by a low utilization of the production capacities. The increasing world economic demand should result in a distinct increase in German exports; however, German exports will not reach in this year the level they had before the crisis. In 2010, it may become more and more difficult for companies to maintain their level of employment, due to the high cost burden. The annual economic report predicts an increase in the unemployment rate to 8.9 percent (2009: 8.2 percent).

A continuation of the trend from the past years with ongoing slumps in sales and revenue from recordings is expected in the music branch, along with a positive outlook in the area of live music. The increase in music use in the area of Internet/Online will continue to result in the authors receiving an insufficient share of the economic benefits. GEMA is attempting by means of international cooperations, a multitude of negotiations, arbitration proceedings, and legal procedures to enforce the rights of its members to receive an appropriate compensation in this area.

In general, GEMA is also expecting a considerable decline in the proceeds for the business year 2010. This is due in particular to the estimate of an ongoing decline in domestic and foreign revenue from recordings. In view of the legal developments

and the economic conditions in the online area, in the future the collecting society will have the chance of asserting the rights of its members on a broader foundation. The prerequisites for this were created by founding the subsidiaries CELAS and PAECOL.

GEMA will not be exposed to any risks concerning the survival of the society from the legal developments described below.

## 3. Legal Developments

### 3.1 European Commission: the CISAC Proceedings and Online Commerce Roundtable

On July 16, 2008 the EU Commission decreed a prohibition order in the cartel proceedings COMP/C2/38.698 – CISAC (“CISAC Proceedings”), in which they accused GEMA and 23 other European collecting societies in particular of entering into an anticompetitive coordination of actions regarding territorial restrictions in mutual contracts for the areas Online, Satellite Broadcast, and Cable Rebroadcast. Details were reported in the Status Report for the business year 2008.

Almost all of the collecting societies involved have filed an objection to the EU Commission's decision with the European Court of Justice (formerly the European Court of First Instance). A date for the court hearing on GEMA's action for annulment, which was filed on September 30, 2008, has not been determined yet. With its decision on October 21, 2009, the court has recognized the RTL Group S. A.; Music Choice Europe Ltd.; CLTUFA S. A.; ProSiebenSat.1 Media AG; the Modern Times Group MTG AB; Viasat Broadcasting UK Ltd.; and the Verband privater Rundfunk und Telemedien e. V. (VPRT – Association of Commercial Radio and Television Media) as interveners in favor of the EU Commission for these proceedings.

## 3.2. Jurisdiction

### 3.2.1. European Court of Justice

During proceedings on the interpretation of Article 82 EC, the European Court of Justice had to decide whether an organization for the collective administration of copyrights (collecting society), which has a dominating position in the essential part of the common market, improperly misuses this position when it demands different fees from commercial television companies than the fees it demands from public companies.

The Court of Justice decided this was not true when such a practice can be objectively justified. Such a justification could result from, in particular, the public company's mission and type of financing. The additional examination in this regard, however, was deferred to the (Swedish) court handling the legal complaint.

### 3.2.2. Federal Supreme Court

a) The issue of whether an advertising agency's self-promotion with commercials using a music soundtrack on the advertising agency's Web site falls under the administration of GEMA and therefore is subject to payment of royalties was the subject of a lawsuit heard by the Federal Supreme Court. In its decision on June 10, 2009, file number I ZR 226/06, the court formulated the following guideline:

*“Based on the authorization contracts in the contract versions from 2002 und 2005 signed with the copyrights owners, GEMA does not have the right to administer the copyrights owners' rights of use in regard to music use for advertising purposes.”*

Because of this decision, GEMA does not have the right to administer the rights of its members concerning the use of music works for advertising purposes until there is a corresponding change in the authorization contracts. The courts of lower instance had passed other decisions on this issue, acknowledging that it was possible and essential

for GEMA to administer the rights of use in such circumstances. The authorization contracts of GEMA were modified in the meantime in accordance with a resolution passed on March 12, 2010, in order to reinstate the legal situation that existed before the announcement of the aforementioned decision by the Federal Supreme Court.

b) According to Paragraph 11, Section 1 of the Law on the Administration of Copyright and Neighboring Rights, collecting societies are fundamentally obligated, based on the rights they administer, to concede to every person upon demand rights of use under appropriate conditions. With its decision on April 22, 2009, file number I ZR 5/07, the Federal Supreme Court decided that this obligation to enter into a contract does not exist by way of an exception when in a specific, individual case an improper abuse of the factual monopoly position of the collecting society is eliminated, because the third party's claim for concession of the rights of use can be countered with overriding, legitimate interests.

In the opinion of the Federal Supreme Court, such a legitimate interest exists when the manufacturer of a recording could not acquire, in addition to the rights of use protected by copyright, the additional necessary performance protection due to the lack of the artist's permission. Therefore, in due consideration of the resulting trustee position in the administration contract with the author – in this case simultaneously also the artist – it is not just and reasonable to concede rights of use to GEMA that cannot be legally used.

### 3.2.3. Superior Court of Justice of Berlin

During GEMA's General Assembly in 2003 it was decided that the coefficient for music in “other commercials” (e.g., broadcaster promotions, self-promotions, Direct Response TV, phone sex services, teleshopping, infomercials and infomercial broadcasts) for performance and broadcasting rights will be reduced to Value 1 in GEMA's Distribution Plan. This would have resulted in a reduction in the royalties of the affected beneficiaries in this area.

The Superior Court of Justice of Berlin decided on July 8, 2009, file number 2 U 4/05 Kart, that a member's complaint filed against this decision was justified. It was justified, because the affected change would have differentiated between the different types of advertising in a non-objective and non-warrantable manner.

#### **3.2.4. Arbitration Board of the German Patent and Trade Mark Office**

The amount of royalties for concerts was the subject of a general contract proceeding heard by the arbitration board. Both concert associations initiated this with the goal that GEMA's rates for the corresponding use, which were valid up until February 1, 2009, should continue to be valid, whereas GEMA applied for a considerable increase. In its settlement offer on November 17, 2009, file number Sch-Urh 03/09, the arbitration board suggested general contracts with reimbursement rates for the parties. These reimbursement rates called for an effective increase in GEMA's rates in individual intervals following a four-year transitional period from 2.34 percent (up to 3,000 visitors) and 1.87 percent (from 3,000 to 15,000 visitors) to 7.2 percent, and the reimbursement

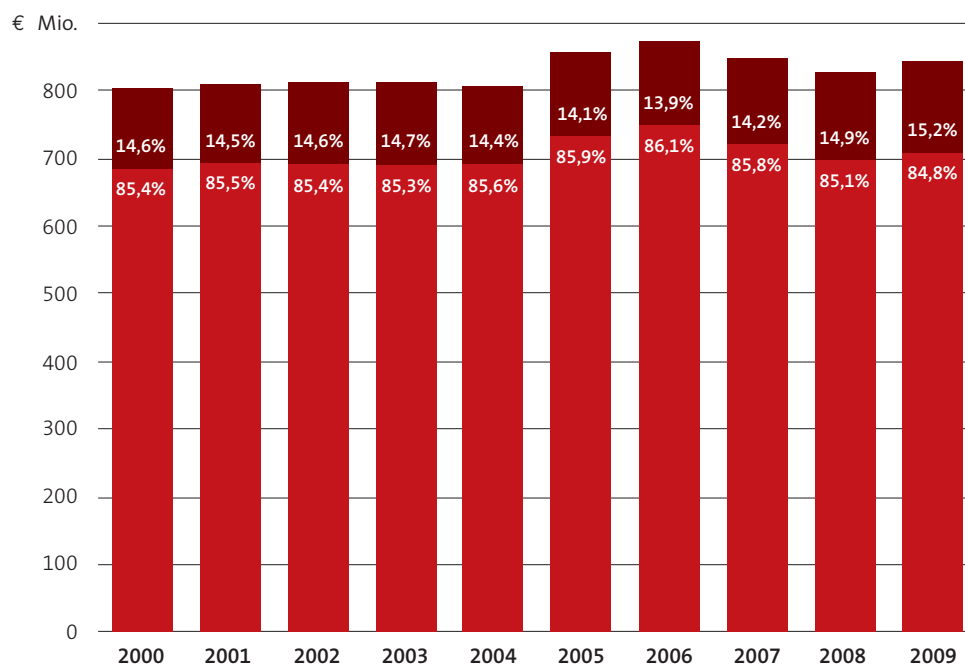
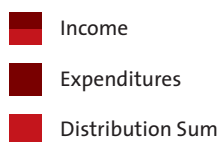
for events with over 15,000 visitors should become 7.65 percent instead of the previous 4.48 percent following the transitional period. The calculation of the fees should be based on the gross revenue from the admission tickets, and also possibly the funds from sponsors. All of the parties involved in the proceedings filed objections to the settlement offer. In the subsequent extrajudicial general contract negotiations, the concert associations and GEMA were able to arrive at an agreement that is based on the arbitration board's settlement offer. A four-year transitional period was taken into consideration as well, which in the end resulted in the following fee rates:

- For the new category, events up to 2,000 visitors: 5 percent.
- For events with over 2,000 and up to 15,000 visitors: 7.2 percent.
- For events with over 15,000 visitors: 7.65 percent of the respective gross revenue.

Whether sponsoring and advertising proceeds will be included in the calculations to arrive at the appropriate compensation must still be negotiated.

# Income, Expenditures – Development and Structure

## Distribution of the Income in Expenditures and Distribution Sum



	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
	(in € million)	(in € million)	(in € million)	(in € million)	(in € million)	(in € million)	(in € million)	(in € million)	(in € million)	(in € million)
Income	801,4	810,5	812,5	813,6	806,2	852,2	874,4	849,6	823,0	841,0
Expenditures	116,9	117,9	118,7	119,4	116,0	120,3	121,7	120,3	122,4	128,0
Distribution Sum	684,5	692,6	693,8	694,2	690,2	731,9	752,7	729,3	700,6	713,0
Cost Rate	14,6 %	14,5 %	14,6 %	14,7 %	14,4 %	14,1 %	13,9 %	14,2 %	14,9 %	15,2 %

# Income 2009

**Radio and Television** **34,16 %**  
**€ 287,275 million**

[a] Radio and Television  
 Broadcasting and Cable  
 Rebroadcast Rights, 23,27 %  
 Reproduction Rights € 195,684 million

[b] Mandates for Collection 10,46 %  
 Redirecting to Cable € 87,983 million

Mandates for Collection Regional 0,31 %  
 Television Commercials € 2,560 million

Commercials Mandates for 0,12 %  
 Collection, Europe I € 1,048 million

**Mechanical Music** **14,65 %**  
**€ 123,191 million**

**Live Music** **10,18 %**  
**€ 85,628 million**

**Foreign Countries** **7,78 %**  
**€ 65,397 million**

**Soundtracks** **0,95 %**  
**€ 8,014 million**

**Other Income** **2,60 %**  
**€ 21,871 million**

**Mandates for Collection Other** **6,51 %**  
**Collecting Societies € 54,783 million**

**Audio-Visual and Sound Storage** **21,88 %**  
**Media Industry (in total) € 184,069 million**

[c] PHO VR 10,38 %  
 € 87,276 million  
 BT VR 1,53 %  
 € 12,878 million

[d] Online 0,08 %  
 Ringtones € 0,694 million  
 Other Online Income 1,27 %  
 € 10,687 million

[e] Central Licensing Sales Territory 8,62 %  
 Foreign Countries € 72,534 million

**Royalty Entitlements according to** **0,64 %**  
**Paragraph 54, Copyright Act € 5,400 million**

Private Copying 0,34 %  
 Audio € 2,894 million

Private Copying 0,30 %  
 Video € 2,506 million

**Royalty Entitlements according to** **0,65 %**  
**Paragraph 27, Copyright Act € 5,427 million**

Rentals and Lending 0,00 %  
 Audio € 0,007 million

Rentals and Lending 0,60 %  
 Video € 5,002 million

Library royalties 0,05 %  
 € 0,418 million

**Sum Total**

**€ 841,055 million**

# Expenditures 2009

**Staff** 57,35 %  
€ 73,414 million

- [a] Wages and Salaries € 55,581 million
- [b] Pension Plans € 7,724 million
- [c] Social Programs € 10,109 million

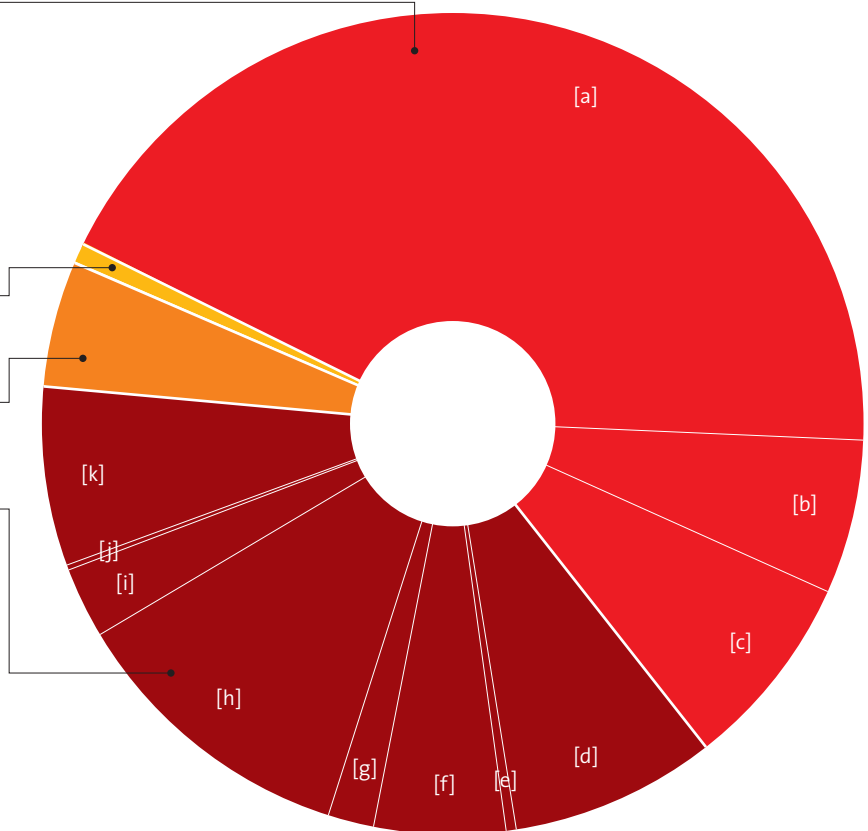
**Taxes** 0,70 %  
€ 0,898 million

**Depreciations** 4,99 %  
€ 6,387 million

**Other Expenditures** 36,96 %  
€ 47,305 million

- [d] Outsourced EDP € 10,308 million
- [e] Restructuring Measures € 0,492 million
- [f] Information and Communication Expenditures € 6,665 million
- [g] Office Devices € 2,263 million
- [h] Incidental Costs from Collection Business € 14,835 million
- [i] Administration € 3,622 million
- [j] Financial Expenses € 0,161 million
- [k] Miscellaneous € 8,959 million

**Sum Total** € 128,004 million



# Distribution to Members and Other Rights Owners

In accordance with its statutes, GEMA is entrusted with the trustee administration of copyrights and is not allowed to make a profit. All of the income is distributed to its members and other rights owners after expenses are paid. The distribution sum is calculated as such:

<b>Income</b>	<b>€ 841,055 million</b>
<b>./. Expenditures</b>	<b>€ 128,004 million</b>
	<b>€ 713,051 million</b>

This distribution sum is assigned to the distribution reserves. The breakdown for the individual sections is as follows:

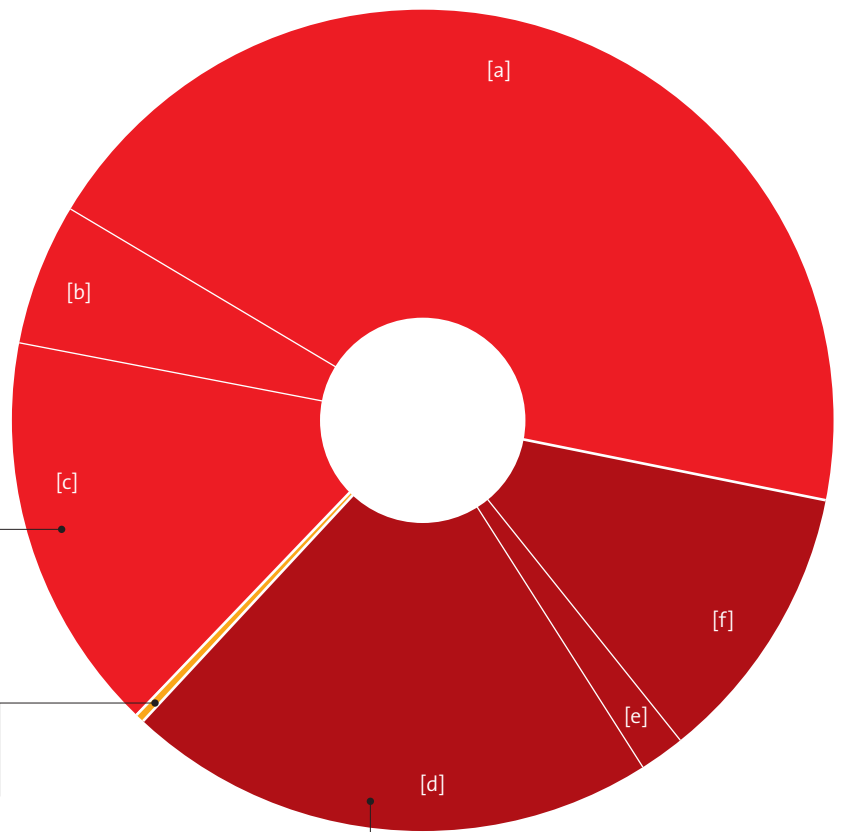
**Performances (live music, rec. music, 65,93 % films) and broadcasting rights € 470,093 million**

[a] Germany	€ 290,486 million
[b] Foreign Countries	€ 47,103 million
[c] Mandates for Collection	€ 132,504 million

**Europe I 0,15 %**  
€ 1,048 million

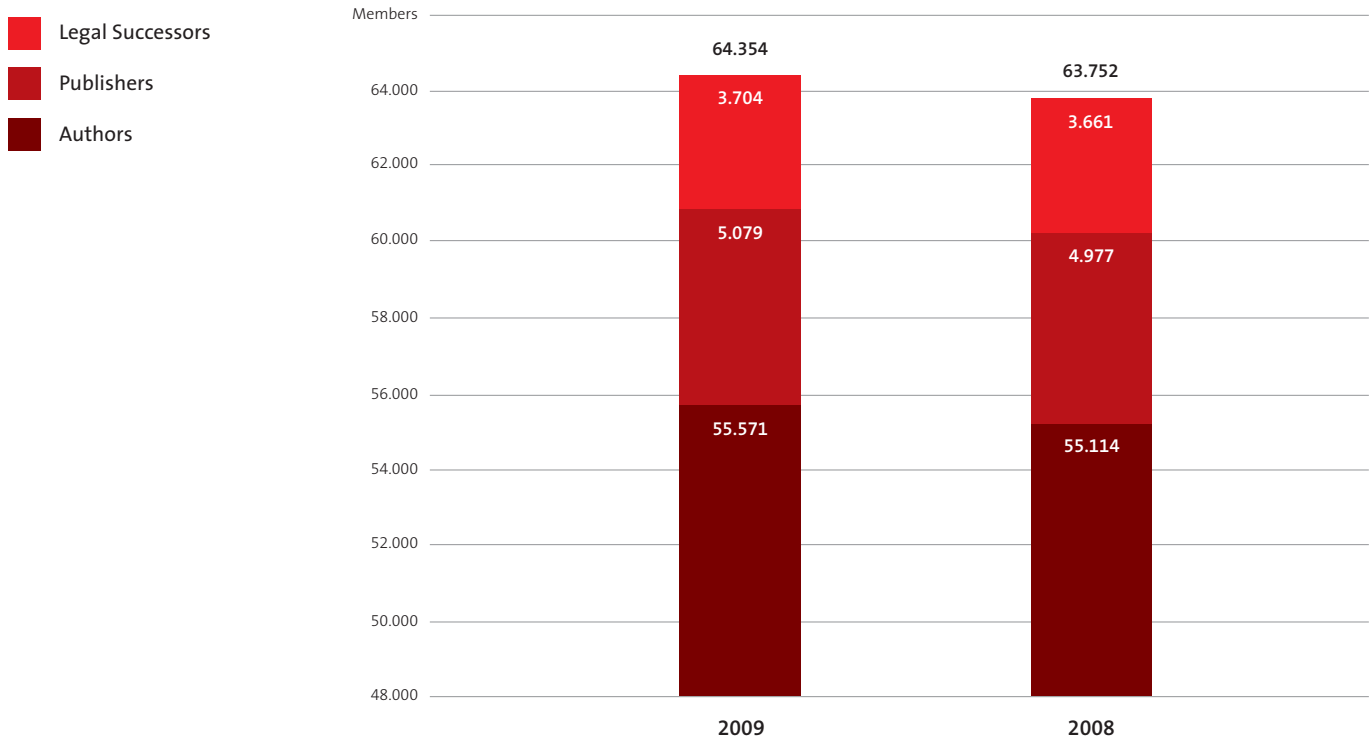
**Reproduction Rights 33,92 %**  
€ 241,910 million

[d] Germany	€ 150,766 million
[e] Foreign Countries	€ 15,986 million
[f] Power of Attorney	
Collection Services	€ 75,158 million
- from foreign countries	€ 72,531 million
- from Germany	€ 2,627 million



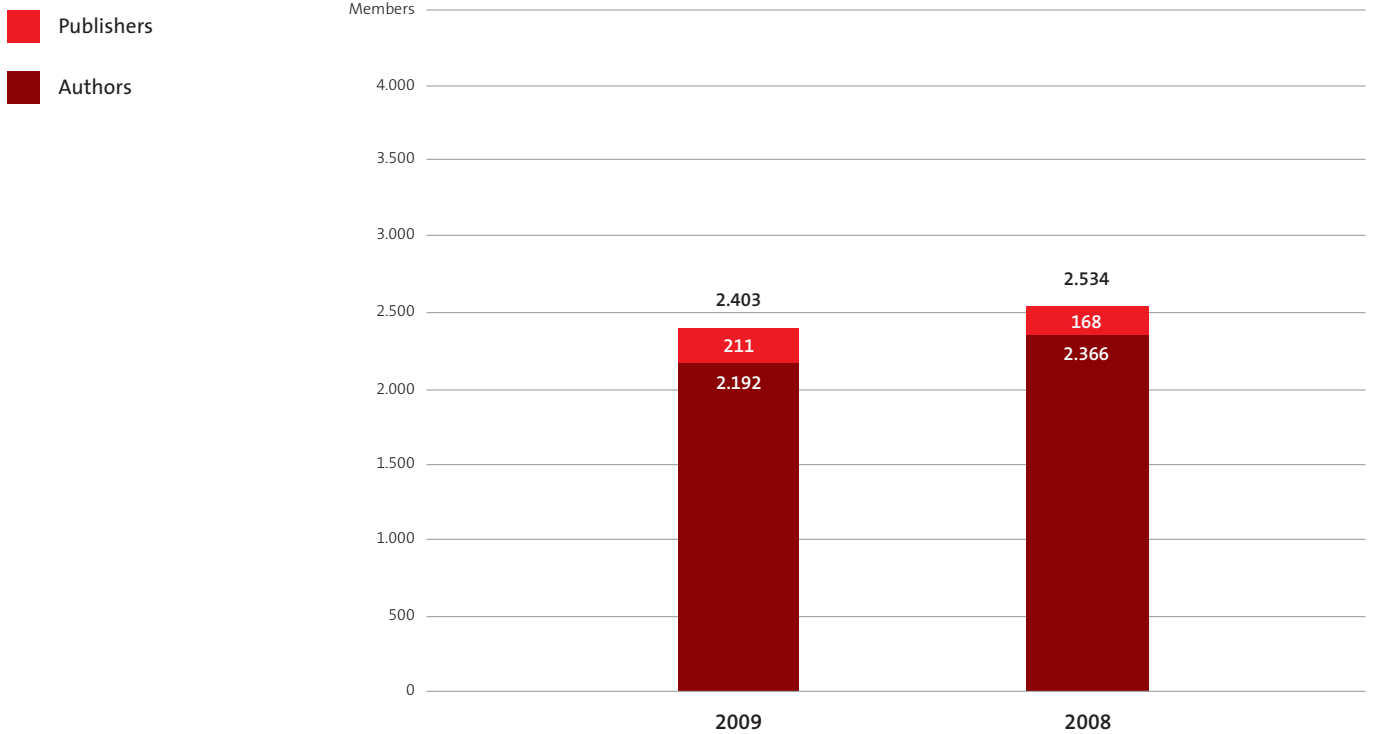


# Development and Structure of the Membership



Members according to group	31.12.2009				31.12.2008			
	Regular Members	Special Members	Associated Members	Total	Regular Members	Special Members	Associated Members	Total
Authors - including composers - including lyricists	2.329 488	6.127	46.627	55.571	2.254 485	6.198	46.177	55.114
Publishers	492	272	4.315	5.079	479	271	4.227	4.977
Legal Successors	34	7	3.663	3.704	33	9	3.619	3.661
<b>Total</b>	<b>3.343</b>	<b>6.406</b>	<b>54.605</b>	<b>64.354</b>	<b>3.251</b>	<b>6.478</b>	<b>54.023</b>	<b>63.752</b>

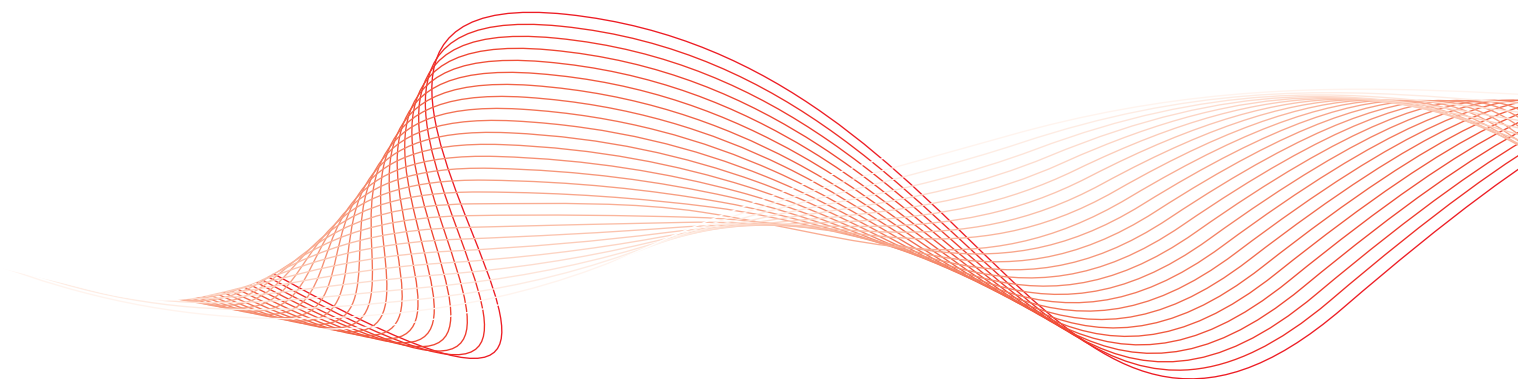
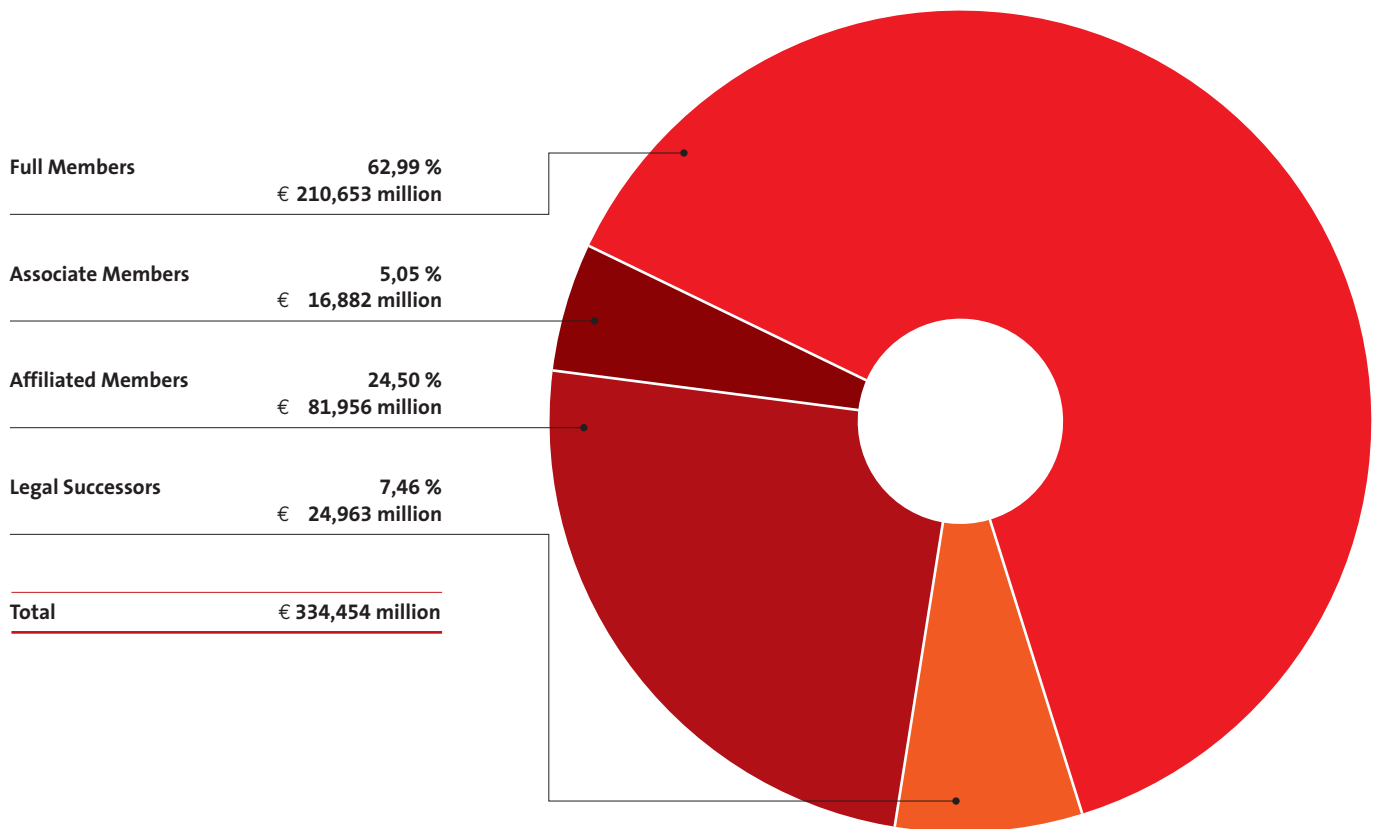
# New Admissions of Members



	2009	2008
Authors (Composers and Lyricists)	2.192	2.366
Publishers	211	168
<b>Total</b>	<b>2.403</b>	<b>2.534</b>

Compared to the previous year, the total number of members increased by 602, with 2,403 new admissions in the year 2009. The difference is the result of cancellations of memberships and early withdrawal of members.

# Participation of the GEMA Members in 2009 in the Results from the Year 2008



# Social and Cultural Payments

For the business year 2009 a total of €61,7 million (previous year: €60,9 million) was set aside for distribution to social and cultural programs, half of which, namely €29,4 million (previous year: €29,0 million), came from the 10% deduction, and the other half came from interest income, administration fees, and other undistributable income from the business year 2008.

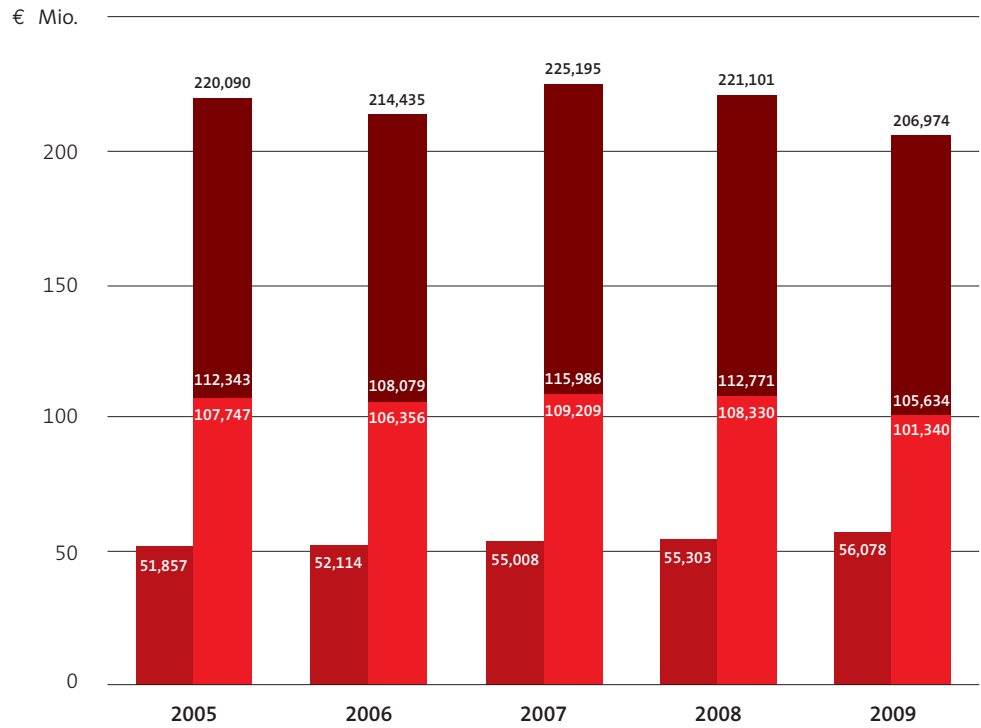
In accordance with Paragraph 1, Subparagraph 4a of the Distribution Plan, the Board of Supervisors and Executive Board allocated the funds requested

by the Social Security Fund in the amount of €7,2 million (previous year: €7,2 million). From the remaining amount of €54,5 million (previous year: €53,7 million), €16,4 million (previous year: €16,2 million) was allocated to the rating procedures in the category serious music; €32,0 million (previous year: €31,5 million) for the rating procedures in the category light music; €2,4 million (previous year: €2,3 million) assessment procedures of the arrangers; and € 3,7 million (previous year: €3,7 million) for the pension plans.

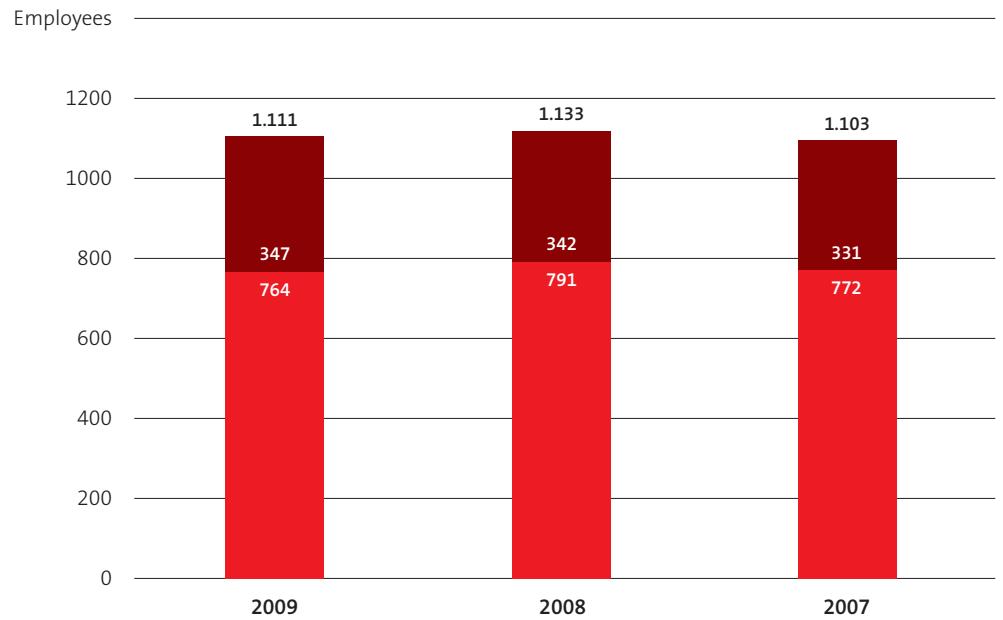
# Participation of Foreign Countries

(inasmuch as payments to affiliated companies in foreign countries and sub-publishing houses are affected)

- Income from affiliated societies
- Payments to affiliated societies
- Payments to special accounts of sub-publishing houses



# Staff



	31.12.2009	31.12.2008	31.12.2007
Employees under contract for an unlimited period			
Fulltime employees: Female	490	531	537
Male	268	271	273
	758	802	810
Part-time employees	155	144	143
Part-time employees – semi-retired	39	25	30
Total	952	971	983
Trainees	50	54	41
Temporary employees	109	108	79
<b>Total number of employees</b>	<b>1.111</b>	<b>1.133</b>	<b>1.103</b>

For educational and training purposes, 310 GEMA employees attended special seminars and other work-related training sessions. 44 employees celebrated their 10-year anniversary, 16 their 25-year anniversary and 4 their 35-year anniversary with the company.



# Annual Financial Statements



# Profit and Loss Statement for the period of January 1 – December 31, 2009

	Appendix	2009	2008
	Nr.	€ million	€ million
1. Income from licenses and royalty entitlements <i>includes income from mandates for collection of €218,908 (previous year: €159,719)</i>	12	819,184	785,539
2. Other operational income		9,953	14,937
3. Human resources expenses <i>includes</i> <i>a) Wages and salaries</i> <i>b) Social benefits and expenses for social security plans and support programs</i> <i>includes pension plan payments of €7,724 (previous year: €7,226)</i>	9	-73,414	-65,179
		-55,581	-49,029
		-17,833	-16,150
4. Depreciations on immaterial assets in the fixed assets and tangible assets		-6,387	-7,445
5. Other operational expenses	11	-47,288	-49,321
6. Income from bonds in the liquid assets		2,035	5,647
7. Other interest income and similar income		9,883	16,884
8. Interest and similar expenditures		-0,017	-0,005
9. Results from usual business activities		713,949	701,057
10. Taxes from income and revenue	10	-0,563	-0,073
11. Other taxes	10	-0,335	-0,334
12. Assignments to distribution reserve funds		-713,051	-700,650
13. Surplus/Deficit for the year		0,000	0,000

# Balance Sheet as of December 31, 2009 (76th business year)

<b>Assets</b>		As of Dec. 31, 2009	As of Dec. 31, 2008
		€ million	€ million
A. Fixed Assets	I. Immaterial Assets		
	1. Franchises, commercial trademarks, similar rights and values, as well as licenses on such values and rights	13,385	16,224
	2. Deposits paid	7,740	1,899
	II. Fixed Assets		
	1. Properties, property-like rights and buildings, including buildings on property not owned by GEMA	48,630	49,618
	2. Other facilities, office and business equipment	2,874	3,395
	III. Financial Assets		
	1. Shares in related companies	0,225	0,225
	2. Holdings	2,307	2,340
		<b>75,161</b>	<b>73,701</b>
B. Liquid Assets	I. Loans to members		
			0,373
	II. Claims		
	1. Prepayments from members	71,645	74,694
	2. Affiliated companies abroad	65,438	67,452
	3. Industry	52,650	40,194
	4. Broadcast companies	26,934	34,807
	5. Music promoters	35,084	38,245
	6. Holdings	0,244	0,000
	7. Companies with participating interests	0,238	0,549
	8. Others	8,534	16,155
	III. Bonds	56,960	92,411
	IV. Balance at Banks		
	1. Time deposits	377,190	432,492
	2. Other	17,847	4,577
	V. Cash		0,049
			<b>713,186</b>
C. Deferred income			<b>801,835</b>
D. Trustee Claims			<b>0,754</b>
		<b>1,983</b>	<b>1,913</b>
		<b>791,084</b>	<b>878,202</b>

<b>Liabilities</b>			As of Dec. 31, 2009	As of Dec. 31, 2008
		€ million	€ million	€ million
A.	Capital Resources and reserves		<b>0,000</b>	<b>0,000</b>
B.	Reserve Funds for Distribution			
	I. From performance (live music, rec. music, films), broadcast rights and royalty entitlements			
	1. Germany	306,513		342,719
	2. Mandates for collection	20,568		56,065
	3. Foreign countries	62,542	389,623	61,350
	II. From reproduction rights and royalty entitlements			
	1. Germany	172,970		182,600
	2. Mandates for collection	10,130		7,269
	3. Foreign countries	31,810	214,910	38,141
			<b>604,533</b>	<b>688,144</b>
C.	Other reserves		<b>123,040</b>	<b>102,584</b>
D.	Obligations			
	1. From distributed royalties			
	- to members	11,439		9,980
	- to affiliated foreign collecting societies	9,232		9,956
	2. From advance payments of music event organizers	0,691		4,634
	3. To holdings	0,000		0,000
	4. Others	38,549	59,911	59,400
			<b>59,911</b>	<b>83,970</b>
E.	Deferred Income		<b>1,617</b>	<b>1,591</b>
F.	Trustee Obligations		<b>1,983</b>	<b>1,913</b>
			<b>791,084</b>	<b>878,202</b>

# Balance Sheet as of December 31, 2009 (76th business year)

Assets A. Fixed Assets	Purchase and production costs				
	As of Jan. 1, 2009	Incoming Assets	Items disposed of	Transfers	As of Dec. 31, 2009
	€ million	€ million	€ million	€ million	€ million
<b>I. Immaterial Assets</b>					
1. Licenses, commercial copyrights and similar rights and assets, licenses for such rights and values	53,294	0,692	0,003	0,399	54,382
2. Installments paid	1,899	6,240	0,000	-0,399	7,740
	<b>55,193</b>	<b>6,932</b>	<b>0,003</b>	<b>0,000</b>	<b>62,122</b>
<b>II. Tangible Assets</b>					
1. Properties, property-like rights and buildings, including buildings on properties not owned by GEMA	67,255	0,000	0,000	0,000	67,255
2. Other Assets, operational and business equipment	13,074	0,950	0,990	0,000	13,034
	<b>80,329</b>	<b>0,950</b>	<b>0,990</b>	<b>0,000</b>	<b>80,289</b>
<b>III. Financial Assets</b>					
1. Shares in related companies	0,225	0,000	0,000	0,000	0,225
2. Holdings	2,340	0,000	0,033	0,000	2,307
	<b>2,565</b>	<b>0,000</b>	<b>0,033</b>	<b>0,000</b>	<b>2,532</b>
<b>Sum Total</b>	<b>138,087</b>	<b>7,882</b>	<b>1,026</b>	<b>0,000</b>	<b>144,943</b>

Accumulated Depreciations					Book Value	
As of Jan. 1, 2009	Incoming Assets	Items disposed of	Transfers	As of Dec. 31, 2009	As of Dec. 31, 2008	As of Dec. 31, 2009
€ million	€ million	€ million	€ million	€ million	€ million	€ million
37,070	3,930	0,003	0,000	40,997	16,224	13,385
0,000	0,000	0,000	0,000	0,000	1,899	7,740
<b>37,070</b>	<b>3,930</b>	<b>0,003</b>	<b>0,000</b>	<b>40,997</b>	<b>18,123</b>	<b>21,125</b>
17,637	0,988	0,000	0,000	18,625	49,618	48,630
9,679	1,469	0,988	0,000	10,160	3,395	2,874
<b>27,316</b>	<b>2,457</b>	<b>0,988</b>	<b>0,000</b>	<b>28,785</b>	<b>53,013</b>	<b>51,504</b>
0,000	0,000	0,000	0,000	0,000	0,225	0,225
0,000	0,000	0,000	0,000	0,000	2,340	2,307
<b>0,000</b>	<b>0,000</b>	<b>0,000</b>	<b>0,000</b>	<b>0,000</b>	<b>2,565</b>	<b>2,532</b>
<b>64,386</b>	<b>6,387</b>	<b>0,991</b>	<b>0,000</b>	<b>69,782</b>	<b>73,701</b>	<b>75,161</b>

<b>Liabilities</b> <b>B. Reserve funds for Distribution</b>	As of Jan. 1, 2009	Dividends for 2008 and earlier	Advance Dividends 2009	Assignments 2009	As of Dec. 31, 2009	As of Dec. 31, 2009
	€ million	€ million	€ million	€ million	€ million	€ million
<b>B. Reserve Funds</b>						
I. From performance (live music, rec. music, films), broadcast rights and royalty entitlements						
1. Germany	342,719	319,340	7,352	290,486	306,513	
2. Mandates for Collection	56,065	50,210	117,791	132,504	20,568	
3. Foreign countries	61,350	45,911	0,000	47,103	62,542	389,623
II. From reproduction rights and royalty entitlements						
1. Germany	182,600	123,584	36,812	150,766	172,970	
2. Mandates for Collection	7,269	6,012	66,285	75,158	10,130	
3. Foreign countries	38,141	22,317	0,000	15,986	31,810	214,910
III. Others						
Europe I	0,000	0,000	1,048	1,048	0,000	0,000
<b>Sum Total</b>	<b>688,144</b>	<b>567,374</b>	<b>229,288</b>	<b>713,051</b>	<b>604,533</b>	<b>604,533</b>

# Appendix

## Legal Foundations

1. The Annual Financial Statements 2009 were prepared according to the general applications of the commercial code. In accordance with Paragraph 9 of the Law on the Administration of Copyright and Neighboring Rights, collection societies are required to publish for the business year a balance sheet, a profit and loss statement, an appendix (annual financial statements), and a management report. The peculiarities of GEMA's field of activities have been taken into account.

## Methods of Preparing the Balance Sheet and Assessment

2. The methods of preparing the balance sheet and assessment were not changed in comparison to the previous year's methods.

3. The fixed assets were applied to the purchase expenses and production expenses, increased by incidental purchase expenses, and reduced by depreciation in production expenses. There followed systematic physical depreciations based on the asset depreciation rate according to the pro rata temporis linear method. Independent useable capital assets (excluding hardware), whose acquisition costs or manufacturing costs were between €150 and €1,000 were included in the compound items, which will be written off uniformly with 20 percent, respectively, starting in the year of their acquisition or manufacture. Investments valued at under €150 were immediately listed as expenditures in the reporting year.

4. The claims in own currency were balanced by their face value and in consideration of value-related assumptions. Claims from power of attorney services consisted partially of tentative estimations of the utilization during the business year that have not been calculated as of yet. The claims and obligations in foreign currency were valued according to the exchange rate on the account day, and/or according to the highest/lowest exchange rate on the account day. Recognizable risks were illustrated in corresponding value adjustments. Cash balances and

bank balances were accounted with their face value. The assessment of the bonds was calculated using their nominal value, i.e., by using the lowest stock market rate on the account day. Prepaid expenses are accumulated for pre-paid amounts, as far as this expenditure occurs for a certain period after the balance sheet date. The retirement plan reserves were calculated based on the guideline tables 2005G by Dr. Klaus Heubeck. The assessment of the fiscal current value is calculated with an interest rate of 6 percent, in accordance with Paragraph 6a of the Income Tax Act (EStG). Starting in the business year 1999, the conveyances to the retirement plan reserves were limited to the volume defined by law. The allocation of the remaining reserves followed according to reasonable commercial assessments. Obligations were applied to the amount of reimbursement. Obligations in foreign currency were calculated according to the purchase rate and/or the average exchange rate, or according to the lowest average exchange rate on the balance sheet date. The realization of proceeds occurred at the time when services were provided.

## Data on the Balance Sheet Items

5. The investment portfolio in the amount of €56.96 million (previous year: €92.411 million) consists exclusively of fixed interest-bearing securities, which serve as a temporary investment of the cash reserves.

6. The receivables are due within a year. The receivables from affiliated companies amount to €244,000. The receivables are from PAECOL.

7. GEMA does not have book-entry equity capital or book-entry reserves. All of the proceeds are distributed to the persons entitled to benefits (members and other beneficiaries) after expenditures are paid.

8. The amount of €604.533 million is available for distribution (previous year: €688.144 million). In 2009, €567.374 million was distributed for the previous years, and €229.288 million for the current year, for a total of €796.662 million.

The distribution sum assigned for 2009 is €713.051 million (previous year: €700.65 million).

As a matter of principle, distribution only occurs after payment is received.

**9.** In the remaining reserve funds in the amount of €123.04 million (previous year: €102.584 million), there are reserve funds for social security plans and similar obligations (€61.824 million); for the section Industrial Sound Storage Media / Online (€27.731 million); for the section Human Resources Expenditures (€11.95 million); for attorney and court costs (€1.355 million); for taxes (€502,000); and for expenditures for the balance sheet and tax advisors (€273,000). Reserves in the amount of €7.351 million were accumulated from receivables from power of attorney services. This took into account that the payment of dividends followed only after payments were received as a result of the claims. Reserves were also accumulated for corrections in income in the area of Television and Film (€11.705 million).

**10.** Deferred income was accumulated for income before the balance sheet date, as far as these amounts were for a certain period after the balance sheet date.

**11.** The trustee claims and trustee obligations in the amount of €1.983 million (previous year: €1.913 million) are transitory items from licensing sums collected by GEMA and administered in a trust fund until they are distributed as dividends to the legitimate parties, and also include security payments from manufacturers of sound storage media.

#### Data on Profit and Loss Statement Items

**12.** Human Resources Expenditures

	2009	2008
	(in million €)	(in million €)
Earnings and Wages	55,581	49,029
Social Security Plan and Social Welfare Programs	17,833	16,150
	73,414	65,179

The expenditures for social security plans were €7.724 million (previous year: €7.226 million); expenditures for social welfare programs were €10.109 million (previous year: €8.924 million); and together these sums amounted to €17.833 million (previous year: €16.15 million). The expenditures for social security plans consist of pension payments in the amount of €7.091 million (previous year: €6.708 million), as well as delivery to the reserves for pensions in the amount of €633,000 (previous year: €518,000). The number of employees under contract for an unlimited period decreased from 971 on December 31, 2008 to 952 on December 31, 2009. The average number of staff was 1,071 in the first quarter of 2009; 1,061 in the second quarter of 2009; 1,060 in the third quarter of 2009; and 1,058 in the fourth quarter of 2009.

**13.** A breakdown of the tax expenses is as follows:

	2009	2008
	(in million €)	(in million €)
Taxes from Income and Revenue	0,563	0,073
Other Taxes	0,335	0,334
	0,898	0,407

**14.** Other expenditures consist of the following:

	2009	2008
	(in million €)	(in million €)
Information and Communication	6,665	6,968
Office Devices	2,263	2,132
Administration	3,622	3,948
Incidentals from Mandates for Collection	14,835	13,958
Outsourced Services EDP	10,308	11,998
Restructuring Measures	0,492	1,045
Financial Expenses	0,161	0,135
Miscellaneous	8,959	9,142
	47,305	49,326



**15.** The income from licenses and royalty entitlements amounted to €819.184 million for the business year (including €2.893 million from compensation in lieu of licenses); in the previous year this amount was €785.539 million (including €2.802 million from compensation in lieu of licenses). The breakdown of the income is as follows:

	2009	2008
	(in million €)	(in million €)
a) Income from Performance (live music, recorded music, films) and Broadcast Rights from compensation in lieu of licenses	408,697 2,893	402,208 2,802
b) Income from the Administration of Reproduction Rights	180,752	193,389
c) Income from Royalty Entitlements	10,827	30,223
d) Income from Mandates for Collection	218,908	159,719
Income from Licenses and Royalty Entitlements	819,184	785,539
e) Other Income	21,871	37,468
<b>Total Income</b>	<b>841,055</b>	<b>823,007</b>

These income items can be broken down into the following individual licensing sections:

	2009	2008
	(in million €)	(in million €)
Live Music	85,628	80,929
Soundtracks	8,014	8,391
Mechanical Music	123,191	122,420
Royalty Entitlements, according to Paragraph 27, Copyright Act	5,427	6,019
Sound and Audio-visual Storage Media Industry	184,069	186,758
Radio and Television	287,275	241,457
Mandates for Collection for Other Collecting Societies	54,783	52,151
Royalty Entitlements, according to Paragraph 54, Copyright Act	5,400	24,204
Foreign Countries	65,397	63,210
Other Income	21,871	37,468
<b>Total Income</b>	<b>841,055</b>	<b>823,007</b>

The income from the sound and audio-visual storage media industry consists of income from the reproduction of sound and audio-visual storage media as well as online income from sales in Germany in the amount of €111.535 million (previous year: €114.659 million), and from central licensing from sales in foreign countries in the amount of €72.534 million (previous year: €72.099 million). The income from the section Radio and Television consists of collections for broadcast rights and cable rebroadcast rights, as well as reproduction rights in the amount of €195.684 million (previous year: €205.988 million), and for power of attorney services (cable retransmission, regional television commercials, Europe I) in the amount of €91.591 million (previous year: €35.469 million).

#### Supplementary Data

**16.** The auditors calculated a total fee of €338,000 for the business year 2009. Of this, €230,000 is for services for the annual audit and €108,000 for miscellaneous services. Members of the Executive Board in the reporting year were Dr. Harald Heker (president of the Executive Board), as well as Professor Jürgen Becker (vice president of the Executive Board up until July 31, 2009), Rainer Hilpert (member of the Executive Board), and Georg Oeller (member of the Executive Board as of August 1, 2009). The annual salaries of the Executive Board were: Dr. Harald Heker €431,600; Professor Jürgen Becker €362,400; Rainer Hilpert €313,400; and Georg Oeller €104,200. The contractual pension benefits of previous members of the Executive Board amounted to €548,700. The amount of €2,957,800 was deferred to cover pension claims of previous members of the Executive Board. In accordance with Paragraph 13, Number 1 of the GEMA statutes, the Board of Supervisors consists of 15 members. Two deputies can be elected for each occupational group in accordance with Paragraph 13, Number 1, Clause 2 of the statutes.

The Board of Supervisors was elected during the general assembly on June 24, 2009. The election of the chairperson and two vice chairpersons was held during the Board of Supervisors' meeting on June 24, 2009.

Up until June 24, 2009, the positions on the Board of Supervisors were:

**Composers:**

Prof. Christian Bruhn (Chairman)  
Klaus Doldinger  
Jörg Evers  
Prof. Dr. Enjott Schneider  
Prof. Lothar Voigtländer  
Dr. Ralf Weigand  
Prof. Dr. h. c. Wolfgang Rihm (Deputy)  
Prof. Manfred Schoof (Deputy)

Following the elections on June 24, 2009, the positions on the Board of Supervisors are:

Klaus Doldinger  
Jörg Evers (Chairman)  
Prof. Dr. Enjott Schneider  
Prof. Lothar Voigtländer  
Dr. Ralf Weigand  
Christian Wilckens  
Prof. Dr. h. c. Wolfgang Rihm (Deputy)  
Prof. Manfred Schoof (Deputy)

**Lyricists:**

Burkhard Brozat  
Frank Dostal (Vice Chairman)  
Egon L. Frauenberger  
Stefan Wiggershausen  
Frank Ramond (Deputy)  
Hans-Ulrich Weigel (Deputy)

Burkhard Brozat  
Frank Dostal (Vice Chairman)  
Frank Ramond  
Stefan Wiggershausen  
Egon L. Frauenberger (Deputy, † 17.11.2009)  
Tobias Künzel (Deputy)

**Publishers:**

Prof. Dr. Rolf Budde  
Dr. Peter Hanser-Strecker  
Prof. Klaus-Michael Karnstedt  
Karl-Heinz Klempnow (Vice Chairman)  
Dagmar Sikorski  
Gabriele Schulze-Spahr (Deputy)  
Patrick Strauch (Deputy)

Prof. Dr. Rolf Budde  
Karl-Heinz Klempnow (Vice Chairman)  
Hans-Peter Malten  
Dagmar Sikorski  
Patrick Strauch  
Lutz Ilgner (Deputy)  
Prof. Klaus-Michael Karnstedt (Deputy)

The members of the Board of Supervisors only receive reimbursement for expenses. In 2009, these expenditures amounted to a total sum of €0,499 million.

Munich, March 15, 2010



Dr. Harald Heker



Rainer Hilpert



Georg Oeller

The Executive Board

# Results of the Examination and Verification Notice

Based on the results of our dutiful examination we hereby grant the following unconditional verification notice, dated March 15, 2010:

## Verification Notice of the Certified Auditor

“We have examined this annual statement of accounts – consisting of the balance sheet, profit and loss statement, as well as the appendix – including the bookkeeping and status report of the GEMA, Society for Musical Performing and Mechanical Reproduction Rights, Berlin, for the financial year from January 1 to December 31, 2009. The bookkeeping and compilation of the annual statement of accounts and status report was done according to German commercial code and was the responsibility of the association's Executive Board. Our task is to give our judgment on the annual statement of accounts, based on the examination we conducted on the bookkeeping and the status report.

We dutifully examined the annual statement of accounts according to Article 317 HGB and in adherence to the German guidelines set by the Institut der Wirtschaftsprüfer (IDW: Institute of Private Auditors in Germany). According to these guidelines, the examination is to be planned and conducted so that errors and infractions that have a significant effect on the conveyed image of the asset situation, financial situation, and income situation in the annual statement of accounts and status report, following the guidelines of correct bookkeeping, will be recognized and identified with certainty. With the determination of the auditing procedures the information of the association's activities and its economic and legal situation, as well as the possibility of errors, are taken into consideration. During the course of the examination, the effectiveness of the in-house control system for the financial accounting, as well as documentary evidence of the statements

in the bookkeeping, annual statement of accounts, and status report, are evaluated chiefly on the basis of sample audits. The examination consists of the evaluation of the guidelines for compiling the balance sheet and the Executive Board's basic estimates, as well as the assessment of the overall depiction of the annual statement of accounts and the status report. We are of the opinion that our examination has an adequate and safe foundation for our judgment.

Our examination did not result in any objections.

According to our judgment, based on the results from the examination the annual statement of accounts adheres to legal regulations and was conducted according to the rules of correct bookkeeping, and it reflects the corresponding image of the actual circumstances of the association's asset situation, financial situation, and income situation. The status report is in agreement with the annual statement of accounts, and conveys a correct image of the association's status, and it portrays correctly the opportunities and risks for the future development of the association.

In accordance with Article 9, Paragraph 5 of the Law on the Administration of Copyright and Neighboring Rights (UrhWG), we confirm that the bookkeeping, annual statement of accounts, and status report correspond to the law and statutes.”

Munich, March 15, 2010

**PricewaterhouseCoopers Corporation  
and Certified Auditing Company**

Winter  
CPA

Obermayr (per pro)  
CPA



# Report of the Board of Supervisors



# Report of the Board of Supervisors

The Board of Supervisors held meetings on twelve days during the period for reporting, namely on March 11 and 12; on May 6 and 7; on June 24; on September 21 and 22; on October 14 and 15; and on December 9 and 10, 2009. In addition, the committees set up by the Board of Supervisors (such as the Tariff Committee, Distribution Planning Committee, and Program Committee) held regular meetings, and the Appraisal and Shop Committees also held regular meetings. During joint meetings with the Executive Board and based on written and oral reports from the Executive Board, the Board of Supervisors examined the status of GEMA, the business trend, and the business policies, and the Board of Supervisors consulted with the Executive Board on these issues. During the business year of 2009, the Financial Committee of the Board of Supervisors held meetings on May 5; on October 12; and on December 8. The results of these respective meetings were reported to the Board of Supervisors. In addition, the Financial Committee examined the business report for 2009 prepared by the Executive Board during its meeting on May 10, 2010, and the Financial Committee reported on this to the Board of Supervisors during their meeting on May 11, 2010. A certified auditing company, the PricewaterhouseCoopers Corporation of Munich, examined the Annual Financial Statements 2009 that were prepared by the Executive Board, taking into account the bookkeeping and management report, and bestowed an unconditional verification notice. The Board of Supervisors discussed the certified auditing company's report at its meeting on May 11, 2010, and there were no objections to the

report's results and to the management report of the Executive Board. The Board of Supervisors sanctions the annual financial statements, and they are hereby approved. During the reporting year, the following persons were on the Board of Supervisors: For the occupation group of composers: Professor Christian Bruhn (until June 24); Klaus Doldinger; Jörg Evers; Professor Enjott Schneider; Professor Lothar Voigtländer; Dr. Ralf Weigand; Christian Wilckens (as of June 24); and as deputies, Professor Wolfgang Rihm and Professor Manfred Schoof. For the occupational group lyricists: Burkhard Brozat; Frank Dostal; Egon L. Frauenberger (until June 24; as of June 24 as a deputy; and he passed away on November 11); Frank Ramond (until June 24; as of June 24 as a deputy); Stefan Waggerhausen; and as deputies Hans-Ulrich Weigel (until June 24) and Tobias Künzel (as of June 24). For the occupational group of publishers: Professor Rolf Budde; Dr. Peter Hanser-Strecker (until June 24); Professor Klaus-Michael Karnstedt (until June 24; as of June 24 as a deputy); Karl-Heinz Klemppnow; Hans-Peter Malten (as of June 24); Dagmar R. Sikorski; Patrick Strauch (as of June 24; until June 24 as a deputy); and as deputies Lutz Ilgner and Gabriele Schulze-Spahr (until June 24). Jörg Evers is chairman of the Board of Supervisors (as of June 24; Professor Christian Brühn was chairman up until June 24), and Frank Dostal and Karl-Heinz Klemppnow are the vice chairmen.

**Munich, May 11, 2010**

**Jörg Evers**

**Chairman of the Board of Supervisors**

# In memory of our members who passed away

Bruce Philip Adams  
Heinz-Walter Ahlfeldt  
Reinhard Allewelt  
Peter Backhaus  
Hans Barani  
Walter Baranowski  
Kurt Bartsch  
Franz Bartzsch  
Ellen Ruth Baumann  
Jürg Baur  
Georg Bayer  
Werner Biffar  
Hilmar Binder  
Friedrich Bischoff  
Robert Matthias Blum  
Günter Blume  
Hans-Günther Bockelmann  
Karlheinz Borwitzky  
Peter Bosl  
Gerhard Branstner  
Günter Brücher  
Malcolm Fraser Cameron  
Alessandro Capponi  
Gaetano Carri  
Gina Cotae  
Dieter Croemer  
Friedrich Deckner  
Günter Dietrich  
Rainer Arthur Dinges  
Hans Döpke  
Johann-Baptist Dorfhuber  
Christian Johannes Dudek  
Hans Ehrenhauss  
Kurt Eichenseher  
Wilfried Elias  
Wolfgang Engel  
Ulrich Fasold  
Gerhard Rupert Fink  
Helmut Flohr  
Erich Arthur Franz  
Egon Louis Frauenberger  
Heinz-Gerhard Freimuth  
Wolfgang Fricke  
Peter Hans Joachim Fuchs  
Ralf Gabe  
Erwin-Helmut Geldmacher  
Hans Gisha  
Rainer Gladosch  
Joachim Georg Görlich  
Willi Görsch

Reiner Görtz  
Harald Goldhahn  
Friedrich Goldmann  
Rex Gorden  
Richard Mark Graves  
Rupert Gross  
Frank Joseph Guida  
Angelekah Gussmann  
Gerhard Hahn  
Hans Hee  
Peter-Friedrich Heise  
Christian Henatsch  
Helmut Henne  
Peter Herbolzheimer  
Christoph Herrmann  
Hans-Joachim Herrmann-Partout  
Arthur Heyme  
Hans Hombsch sen.  
Eberhard Hopp  
Peter Horst  
Lorenz Hummel  
Gerti Igelhoff  
Eckart Ihlenfeld  
Peter Jansen  
Mary Jay-Jacobson  
Gerrit Juhnke  
Erich Jung  
Gregor Kaloudis  
Hans-Peter Kammerer  
Erhard Karkoschka  
Herbert Kauschka  
Dieter Keitel  
Kurt Kellner  
Martin Kirchner  
Hildegard Kirschig  
Marcus Kissel  
Giselher Klebe  
Hans Joachim Klostius  
Horst Koch  
Bernd Kohnke  
Walter Willi Krick  
Walter Kuck  
Richard Kübler  
Katrin A. Kunze  
Werner Lang  
Manfred Lehmann  
Thomas Lins  
Horst K.-J. Lubitz  
Thomas Luck  
Gaby Maibaum

Carmine Mariano  
Helmut Maslo  
Manuela Mechtel  
Anneliese Messner  
Fred Miebach  
Heinz Müller  
Matthias Müller  
Bernhard Naumann  
Baldur Niedrig  
Edith Nothdorf  
Klaus Obermayer  
Hans Ostarek  
Karl-Heinz Otto  
Alexander-Michael Parche  
Paul Peters  
Richard Allan Peterson  
Karl-Heinz Pick  
Henryk Piontek  
Georg Plathe  
Dexter Eugene Porter  
Matthias Prange  
Vladmir Radojcic  
Fritz Rübiger  
Albin Rasch  
Benno Ronzheimer  
Egon Rossmann  
Jo Roszak  
Siegfried Rundel  
Hermann Runge  
Heinz Sanden  
Peter Sandloff  
Jörg Schacht  
Hermann Ernst Schaefer  
Constanze Schanzara  
Fritz Schieri  
Elmar Schmid  
Wilfried Schmuck  
Anne Schöning  
Heinz Gerhard Schröter  
Richard Schuckmann  
Günter Schumacher  
Dieter Seelow  
Valentin Seib  
Werner Seitz  
Erhard Senkpiel  
Siegfried Siara  
Oskar Siebert  
Hans Rudolf Siemoneit  
Rolf Sondermann  
Mal Sondock

Siegfried Spieß  
Michael Staab  
Andreas Staiger  
Wally Stanke  
Harro Steffen  
Wolfgang Stielow  
Bernd Suhr  
Mohammad Tahmasebi  
Moradi  
Peter Teumer  
Christan Thielen  
Franz Thon jr.  
Ulrich Trepte  
Josef Vill  
Bernd Wawzyniak  
Hella Weg  
Christian Weidner  
Erwin Weiß  
Hans Paul Welz  
Hans Jürgen Wiese  
Klaus Jochen Wiese  
Gerhard Wilhelm  
Kurt Wilhelm

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Annual Report  
**2009**

**GEMA**

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