

Product application



GEMA
Direktion Vervielfältigungsrechte und Ausland VR/A
LIZ/VR Einzellizenznehmer
Rosenheimer Str. 11
81667 München/Germany

Fax +49 89 48003-779
E-mail vr-el@gema.de
Internet www.gema.de

Customer Number
(to be completed by GEMA)

Product application - magazine supplements with returns

Audio carrier production for sale and distribution of magazine supplements with returns (Tariff VR-T-H 2).

Information relating to the pressing/manufacturing plant

Name of pressing/manufacturing plant	ZIP code/city	
Contact person	Order number	
Telephone	Fax	E-mail

As soon as your product application has been successfully reviewed, GEMA will send you an authorisation to deliver (in the case of a first release) and/or an invoice (in the case of a reissue) approximately within the next 10 working days.

The authorisation to deliver and/or invoice serves as notification for your pressing/manufacturing plant.

Information relating to the commissioning party

In the case of a GbR, one-man business, GmbH etc., please always provide details of the shareholder, owner, managing director, etc.

The commissioning party is always the recipient of the invoice!

Company/legal entity	Legal form	
First name, Surname (shareholder owner, managing director for legal entities)	Label code (if known)	
First name, Surname (private person non-legal entity)	Street/no.	
Contact person	ZIP code/city	
Telephone	Fax	E-mail
VAT number	Homepage	
Information relating to membership of an association (e. g. GEMA)		

To be completed by GEMA

Eingangsnummer	Lfd. Nr.	LVA
Trägerart	Anmeldenummer	

Product application - magazine supplements with returns

Information relating to the audio carrier

Type of audio carrier (e. g. CD)

Budget

Yes No

If yes, month and year of the first release (e. g. 01/2014)

Compilation-Code

Yes No

Planned date of manufacture (approx. delivery from pressing/manufacturing plant)

Date of first release (only for reissue)

First release

Reissue

Audio carrier title

Performing artist

Total playing time (min:sec)

Total number of tracks

Catalogue- or reference number

Copies to be manufactured

thereof copies for sale

thereof copies for free issue

€
Published price to dealer (PPD excl. VAT)

or

€
Retail price to end users (RP excl. VAT)

Please enter each track of the audio carrier on Page 3!

Should your product contain more than one carrier, e. g. double CDs, each audio carrier has to be registered in a separate product application.

To be completed by GEMA

Auslieferungsgenehmigung Datum SBKZ

Sichtkontrolle Datum SBKZ

Erfassung Datum SBKZ

Einzeichnung Datum SBKZ Trägerart

Product application - magazine supplements with returns

Please provide details of each track used, all sequences and/or audio logos or signets.

Audio carrier title

List of tracks

001				
Cons. No.	Original Work title and (if available) alternative title		W/F ²⁾	Bes. ³⁾
				ISRC
				Playing time (min:sec)
K = Composer and if so, B = Arranger First name/Surname ¹⁾ T = Lyricist First name/Surname OV = Original Publisher SV = Sub Publisher ¹⁾				

Cons. No.	Original Work title and (if available) alternative title		W/F ²⁾	Bes. ³⁾
				ISRC
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¹⁾ Please indicate accordingly e. g. "K = John Lennon"

²⁾ W = work (playing time > 1'45"), F = fragment (work extract, playing time ≤ 1'45")

³⁾ Bes. = instrumentation

Product application - magazine supplements with returns

Please provide details of each track used, all sequences and/or audio logos or signets.

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Product application - magazine supplements with returns

Specification to the product and distribution, tariff VR-T-H 2 (magazine supplements with returns).

Title of the magazine

Is the magazine produced exclusively for the German market? yes no

If the answer is "no", please enclose a separate list of the countries together with copies.

Price of the CD

€

Date of publication of the magazine for sale

If the audio carrier is still being distributed via additional channels, please submit a separate product application.

Frequency of publication

monthly quarterly annually

other periods

Returns procedure

GEMA charges the royalties for the quantities manufactured at the rates specified in the applicable tariff VR-T-H 2 and in this way licenses the use of the rights it administers after the use has been notified and the remuneration paid. The rights are utilised by way of reproduction of audio carriers. For supplements enclosed with magazines, however, we agree to allow substantiated returns on maximum half of the copies manufactured subject to the following condition.

Proof of destruction of particular copies of audio carriers shall be provided by way of a destruction log. Any suitable evidence (witness, certificate, etc.) as provided in the German Code of Civil Procedure may be considered as proof. There are no further conditions as to what form and appearance a destruction log should assume.

In the case of weekly to quarterly supplements, the relevant destruction log must be automatically sent to GEMA no later than 6 months after publication of the magazine supplement and in the case of half-yearly publication no later than 8 months and/or annual publication no later than 15 months after publication of the magazine.

The burden of proof for receipt of the destruction log shall be borne by the commissioning party.

If the destruction log does not reach GEMA until after expiry of the above deadline, returns will not be recognised by GEMA as reducing the licence costs.

The above returns procedure shall take precedence over any contrary provisions in the tariff VR-T-H 2.

If your company does not have or claim any returns in respect of your magazine supplements, please use the form **Product application - special productions**.

The copyright owners must agree with the above-mentioned type of distribution, if the moral rights of authors are affected or adaptations are made (e. g. abridged works). This cannot be assessed by GEMA, but is decided on a case-by-case basis, which if necessary must be clarified by a lawyer. This agreement of the rights owners is a condition for licensing by GEMA.

For any and all purposes, we would also like to point out that, if you wish to use musical works from audio carriers already in existence, the neighbouring rights have to be obtained before using the works. The neighbouring rights are administered by GVL, Gesellschaft zur Verwertung von Leistungsschutzrechten mbH, Podbielski Allee 64, 14195 Berlin, Tel. +49 30 48483-600, Fax +49 30 48483-700. We kindly request you to contact this society for further information in this connection.

All documents, tariffs and forms can be downloaded under: <http://www.gema.de/herstellungsmeldung>

The publisher of the magazine is responsible for publication of the magazine including audio carrier supplements, even if the publisher of the magazine does not itself notify the audio carriers or has them notified by third parties. The same applies if third parties issue and/or receive declarations to GEMA for the publisher of the magazine including supplement. The invoice shall be sent by GEMA to the publisher of the magazine.

The commissioning party (licensee) confirms that all information stated in the product application was provided to the best of his/her knowledge. Additionally the licensee confirms that licensing conditions for commercial carriers (magazine enclosures) according to GEMA (tariff **VR-T-H 2**) were taken notice of. The registration of the product through GEMA and the resulting claims hereof are based on the licensing provisions and the data provided in the product application. Usage rights are granted only after full payment of the royalties as calculated by GEMA.

Please complete the product application in full and in a clearly legible manner!
Incomplete or illegible product applications cannot be processed!

City

Date

Signature/stamp (if available)

Product application - magazine supplements with returns

Details for completing the forms

Mandatory fields are marked with an * asterisk!

Page 1

Customer Number

To be completed by GEMA, please leave the field blank.

Audio carrier production as supplements enclosed in magazines with returns

The royalty rates of the tariff **VR-T-H 2** apply in particular to audio carriers distributed as supplements enclosed with magazines or other products or services, furthermore to audio carriers intended for the promotion of audio carrier editions and audio carriers, which are published for distribution via special distribution channels (distribution channels other than the audio carrier retail trade). The royalty rates apply to phonographic records, music cassettes, compact discs, minidisks and digital compact cassettes.

If you enclose the above declaration with the product application without fully completing the declaration, distribution will always be assumed to take place through the "customary audio carrier retailers" and the audio carrier will be licensed in accordance with the tariff **VR-T-H 1**.

*Information relating to the pressing/manufacturing plant

Details of the pressing/manufacturing plant will help us to match your application against any queries of the pressing/manufacturing plant. In case of "self-burned carriers", e. g. audio carrier burned on a CD please enter "self-burned" in the field for name of pressing/manufacturing plant.

Authorisation to deliver

As soon as your product application has been successfully reviewed, GEMA will send you an authorisation to deliver (in the case of a first release) and/or an invoice (in the case of a reissue) approximately within the next 10 working days.

The authorisation to deliver and/or invoice serves as notification for your pressing/manufacturing plant.

* Information relating to the commissioning party

In this context, the commissioning party is the party bearing economic responsibility for the production of the audio carrier. Upon application the commissioning party takes over the liability for the licence and the settlement of the GEMA invoice!

Where a company (e. g. GmbH, GbR) acts as the commissioning party, please note that in the case of a one-man business the **owner** of this company has to be stated, in the case of a company established under civil law (GbR) at least one of the **partners** and in the case of a limited liability company (GmbH) the **managing director**. In case of any queries, please always be sure to specify under which telephone number you can be reached during the day.

Label/Label-Code (LC-Number)

If you publish the audio carrier under a specific "label", please enter the name here. For information regarding the label code (LC Number) please contact

GVL Telephone +49 30 48483-600.

The LC code is used to settle neighbouring rights between the broadcasters and GVL.

VAT Identification Number VAT ID No.

The VAT ID No. is required by companies (not private individuals) to prove that they are operating as an entrepreneur. This VAT ID No. must be used in all future – entrepreneurial – orders. Please notify us of any changes to the VAT ID No.

Private individuals should leave this field blank.

Membership in an association

The question relating to a membership in one of the following associations serves as a source of information for GEMA:

GEMA, BVMI e. V. (German federal association of the music industry formerly **IFPI** in Germany, umbrella association of audio carrier pro-

ducers), **VUT** e. V. (association of independent music companies), **VDM** (association of German music authors), **DRMV** (German rock musicians association), **BOEV** (association of German publishers and booksellers), **BVV** federal association for audiovisual media e. V., **MHV** midi-files manufacturing association, other associations. If no information is provided, the assumed answer is "no".

Please do not enter any information in the field marked "To be completed by GEMA".

Page 2

Information relating to the audio carrier

*Type of audio carrier

Either select the type of audio carrier or enter it manually.

Budget

Budget minimum royalties are applicable at the earliest one year after the date of first release of the audio carrier. If this applies to your production, please enter the month and year of first release.

Compilation Code

If at least 50 % of the works contained have already been released on other audio carriers, it can be registered as a compilation. Please tick "Yes" or "No" in the field provided.

*Planned date of manufacture

If you do not know the precise date of manufacture, it is also sufficient to state, for example, "July 2016" or "7/2016".

*First release or reissue

Please inform us whether the audio carrier is a first release or reissue. In the case of a reissue, please enter the date of manufacture of the first release.

Audio carrier title

To ensure identification, please enter the title of the audio carrier. If there is no carrier title, please enter the title of the first track.

Performing artist

Please enter the performing artist here. If it is a sampler, please enter "miscellaneous".

*Total playing time

Total playing time of all works on the carrier (music incl. spoken word, but excl. breaks) in minutes and seconds.

*Total number of tracks on the audio carrier

Number of all works and fragments on the audio carrier. Please summarise all tracks that contain spoken word as well as noise as one track in the 1st line.

Catalogue- or reference number

This is the number that can be defined by you or your sales department (also as alphanumerical numbers), under which the audio carrier can, for example, be ordered. If you have not defined any catalogue - or reference number, then enter "no number". Supplying a catalogue - or reference number can be helpful for identifying the audio carrier.

*Copies manufactured or to be manufactured, thereof copies for sale and/or thereof copies for free issue

Number of copies ordered from the pressing/manufacturing plant (if pressing is already completed, then the copies manufactured). Break-down indicating how many audio carriers from the total pressing are for sale and how many are for free issue (promotion, advertising). Subsequent scrapping of the audio carriers will have no impact on GEMA's licence.

Product application - magazine supplements with returns

*Published price to dealer (PPD excl. VAT) or retail price to end user (RP excl. VAT)

Please provide details of the highest published price to dealer or retail price to end user excluding VAT. If the entire audio carrier production is to be distributed free of charge, please enter the price to end user of Euro 0.00.

Please do not enter any information in the field marked "To be completed by GEMA".

Page 3/4

Audio carrier title

Please repeat the title of the audio carrier.

*Cons. No.

Please enter the consecutive track number of the works of the audio carrier. Please summarise repetition of works (music, spoken, noises) in one line. The individual playing times of these repetitions also need to be summed up accordingly.

*Work title and alternative title

Please always provide the original title and, if applicable, the alternative title of the work. Please summarise all tracks that contain spoken word as well as noise as one track in the 1st line (in minutes and seconds).

*Composers, arrangers and lyricists

Please always provide the legal first names and surnames of the composers and (if applicable) arrangers, lyricists, as well as any pseudonyms and professional names registered with a collecting society. The name of a group (band) is not sufficient.

Original and/or sub-publisher

If a publisher holds the rights in the work, please enter the relevant publisher.

w or f

Partially reproduced works (extracts) up to 1'45" = F (fragment), more than 1'45" = W (work).

Instrumentation

The code to indicate the instrumentation of the work.

Examples

S = spoken words/text e. g. SD = spoken German text
IN = instrumental
V = vocal, e. g. VE = vocal English
CH = choir
G = noises

ISRC

International Standard Recording Code. The 12-digit code must be provided without any special characters (e. g. hyphens, blank spaces).

*Playing time per work

The playing time must be entered per work. Please summarise all tracks that contain spoken word as well as noise one track in the 1st line (in minutes and seconds).

Page 5

Specification to the product and distribution (magazine supplements with returns).

Please answer every question to the "Declaration" on Page 5 completely and in full.

*Signature

The product application cannot be processed if it has not been signed by the commissioning party! If you sign on behalf of your customer, we kindly request you to enclose the corresponding "Power of attorney for third parties" with the product application (not applicable to magazine supplements). Please download this document from the GEMA-homepage.

<http://www.gema.de/musiknutzer>

or contact our information service.

Telephone +49 89-48003-800

E-mail info-vr@gema.de

Note: Mechanical rights are not granted until after GEMA's invoice has been paid.

It is not possible to licence works on the conditions for magazine supplements with returns via GEMA's licensing system in the Internet!

Please send the "Product application - magazine supplements with returns" either via E-mail with a digital signature to vr-el@gema.de, or via fax to +49 89 48003-779 or via post to:

GEMA

Direktion Vervielfältigungsrechte und Ausland
LIZ/VR Einzellizenznehmer
Rosenheimer Str. 11
81667 München/Germany

Tel +49 89 48003-800

Fax +49 89 48003-779

E-mail vr-el@gema.de

Internet www.gema.de

GEMA VAT Number DE136622151

Technical Information

This form is equipped with interactive buttons. After you have completed the form, you can send it to us as an E-mail attachment with an electronic signature or as a printout via post or fax. To display the PDF-form correctly, you will need the current version of Adobe Reader on all operating systems. Programs like "Preview" on systems with Mac OS do not show the document correctly.

The current version of Adobe Reader for your system can be downloaded under www.adobe.de.

