

INFORMATION ABOUT DISTRIBUTION IN CATEGORIES E, ED, EM AND BM FOR THE BUSINESS YEAR 2017

Information about distribution for the business year 2017 of April 1st, 2018.

We are asked frequently why work usages are not included in the documents of the distribution. Therefore we want to list the conditions which must be fulfilled for a distribution of work usage as of April 1st:

1. The event where in the work usage occurs has to be registered on time at GEMA.
2. The event organizer has to pay the amount invoiced by GEMA on time.
3. The event organizer has to submit the setlist to GEMA on time. Please use our online service on <https://www.gema.de/en/musikurheber/online-services-for-gema-members/playlists-online>
4. The information of the setlist must be complete.
5. Your work must be registered at GEMA on time. Please use our online service at <https://www.gema.de/en/musikurheber/online-services-for-gema-members/works-registration/>

You can complain about the probably missing work usages in your detailed distribution information within three months (category U, UD, M) and twelve months (category E, ED, EM, BM) after the distribution date. Information on necessary data for the submission of a claim and the complaints form can be found on <https://www.gema.de/en/musikurheber/royalties/payouts-distribution-of-domestic-income/>. If all requirements are present after verifying the complaint, the claim can be distributed on one of the next scheduled distribution dates, potentially at the additional distribution date on November 01st, 2018.

1. The collective distribution in category E (serious music performances)

In **category E** applies a collective distribution for live performances of serious music works in Germany.¹ The basis of the distribution is a non encashment-related uniform point value, which is determined for every business year as a quotient from the net distribution sum and the total number of all allowable points. For the business year 2017, the point value is in the amount of **0,4634 EUR**.

Every single work usage will be rated – depending on play duration and orchestration – with a point valuation between 12 and 2.400 points. The number of points for a work usage can be seen in the valuation keys² of your itemized list.³ The distribution sum per work usage emerges from the multiplication of its rated points with the point value of the respective business year. This calculated distribution sum will be split up to the involved parties of the work.⁴

¹ Royalties for performances abroad are distributed in the category for live performances in foreign countries (A).

² Cf. GEMA annual book 2017/2018, p. 421 ff.

³ Available online at: www.gema.de/musikurheber/online-services-fuer-gema-mitglieder/gema-download/.

⁴ You can find the detailed rules and standards for the distribution in category E in the distribution policy § 63 and §§ 72 ff., GEMA annual book 2017/2018, p. 364 ff. and 372 f.

2. Example of calculation for category E

Work	Distribution policy	Valuation key	Points	Point value in business year 2017	Work
Piano piece, duration 2 minutes	§ 63 chapter 1 clause 1	038	12	0,4634	5,56*
Four-part choral work, duration 4 Minutes	§ 63 chapter 1 clause 3	071	36	0,4634	16,68
Sonatina (flute and piano), duration 5 Minutes	§ 63 chapter 1 clause 1	032	96	0,4634	44,49
String quartet, duration 10 Minutes Work for small orchestra,	§ 63 chapter 1 clause 2	043	240	0,4634	111,22
duration 10 Minutes	§ 63 chapter 1 clause 5	094	960	0,4634	444,86
Work for large orchestra, duration 20 Minutes	§ 63 chapter 1 clause 6	104	1.200	0,4634	556,08
Oratory for choir and large orchestra, duration 45 Minutes	§ 63 chapter 1 clause 6	106	2.160	0,4634	1.000,94

* Process of calculation: $12 \times 0,4634 \text{ EUR} = 5,56 \text{ EUR per work (12/12)}$

3. Direct distribution in categories ED, EM and BM

A distribution in **category ED** (serious music direct distribution) is done for causes, which are described in §§ 66 and 75 of the distribution policy of GEMA.⁵ For example, work performances in hospitals and retirement homes are directly distributed in category ED. For improvisations the distribution policy also provides direct distribution. The mechanical reproduction is distributed in **category EM**⁶, stage music in **category BM**.⁷

The revenues, GEMA generates for a performance in this sector, will be distributed to the used works less costs and other deductions (direct distribution).⁸ Point values respectively duration and orchestration are immaterial here, the distribution ensues pro rata numeris.

4. Example of calculation for categories ED, EM or BM

	Encashment EUR	Cost rate (%)	Deduction for social and cultural purposes (%)	Number of copy-righted work usages of the performance	Result
	250,00	22,5065	10	5	
Net encashment	$250,00 \text{ EUR} - 22,5065 \% = 193,73 \text{ EUR} - 10 \% =$				174,36 EUR
Distribution amount per wor	$174,36 \text{ EUR} / 5 =$				34,87 EUR

Further info about the new distribution procedure can be found under www.gema.de. In case there are further questions please send them by mail to as-service@gema.de.

⁵ Cf. GEMA annual book 2017/2018, p. 371 ff.

⁶ §§ 123 ff. distribution policy, cf. GEMA annual book 2017/2018, p. 392.

⁷ §§ 69 ff. distribution policy, cf. GEMA annual book 2017/2018, p. 372.

⁸ § 11 chapter 3 distribution policy, cf. GEMA annual book 2017/2018, p. 346.

5. Glossary

AUFF (performances)

For distribution, the work usages of the submitted programs are recorded. In this column the number of work usages are cumulated depending on category, work number and valuation key.

ANTEIL (share)

This column shows what share is of the work, to which the beneficiary of the itemized list has to be shared (in each case “share of 12”).

AZ (addition for unallocated royalties)

According to § 28 chapter 3 distribution policy, only extraordinary and affiliated members receive an outage addition.

This is about a percentage addition to the accounting, which assembles from the sum of all shares, which are not distributable because they are in public domain.

BEW (valuation key)

This is the so called valuation key, which is used for a work, respectively a work amendment, according to § 63 respectively 65 distribution policy in category E. The key reflects in category E so called point values, which ensue from the rules of the distribution policy. You can gather the amount of points, which corresponds to the respective key, from the GEMA annual book 2017/2018 p. 421 ff. In category ED, the valuation key is always “161”, in category EM “162” and in category BM “001”. There is no point valuation with these three keys.

PW (point value)

The uniform point value is determined for every business year as a quotient from the net distribution sum and the total number of all allowable points. The distribution per work usage emerges from the multiplication of its rated points with the point value of the respective business year.

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