

## **INFORMATION ABOUT DISTRIBUTION IN CATEGORIES E, ED, EM AND BM FOR BUSINESS YEAR 2019**

Notice: Explanations for the terminology can be found at point 5, glossary.

### **Dear members,**

In order to cushion the economic impact of the corona pandemic for the members affected and to reduce the surplus resp. carryover of old usages, **a one-off pay-out of the categories of performing rights and mechanical performance will be made for the 2019 financial year in two main distribution dates.**

Exceptionally, events that took place in the previous year but were not licensed before 2020 shall also be taken into account in the two pay-outs.

### **Pay-out dates for the financial year 2019:**

- **01/06/2020: First main distribution** in the categories U, UD, M, E, ED, EM, BM, KI, DK and DK VR
- **01/11/2020: Second main distribution** in the categories U, UD, M, E, ED, EM, BM  
This date replaces the usual supplementary distribution date in November.

### **Claims deadlines**

Due to the introduction of a second distribution date on 01/11/2020, you can submit claims for events in the year 2019 as follows:

- **Categories U, UD, M:** until 01/02/2021
- **Categories E, ED, EM, BM:** until 01/11/2021

Please **do not submit** any potential **claims before 01/11/2020** since it will only be then that the full year result for the 2019 financial year will be available. GEMA is not going to initiate the final processing of the claims before that date.

The form for claims and any further details can be accessed online at [www.gema.de/claims-domestic](http://www.gema.de/claims-domestic).

With kind regards

Your GEMA

## Information about distribution for business year 2019 on June 1<sup>st</sup>, 2020

Performances in live categories can only be included in the distribution on June 1<sup>st</sup> if the following conditions are fulfilled:

1. The event in which the work usage took place must have been notified in due time to GEMA.
2. The event organizer must have paid the amount invoiced by GEMA in due time.
3. The event organizer must have submitted the setlist to GEMA in due time. Please use our online service:  
<https://www.gema.de/en/music-authors/online-services-for-gema-members/playlists-online/>
4. The information of the setlist must be complete.
5. Your work must have been registered at GEMA in due time. Please use our online service:  
<https://www.gema.de/en/music-authors/online-services-for-gema-members/works-registration/>

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

In **category E** a collective distribution applies for live performances of serious music works in Germany.<sup>1</sup> 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 points. For the business year 2019, the point value has the amount of **0,4304 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 keys<sup>2</sup> of your itemized list.<sup>3</sup> 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.<sup>4</sup>

### 2. Example of calculation for category E

Work	GEMA Distribution plan	Valuation key	Points	Point value in business year 2019 in EUR	Distribution sum for a work usage in EUR
Piano piece, duration 2 minutes	§ 63 chapter 1 clause 1	038	12	0,4304	5,16 *
Four-part choral work, duration 4 minutes	§ 63 chapter 1 clause 3	071	36	0,4304	15,49
Sonatina (flute and piano), duration 5 minutes	§ 63 chapter 1 clause 1	032	96	0,4304	41,32
String quartet, duration 10 minutes	§ 63 chapter 1 clause 2	043	240	0,4304	103,30
Work for small orchestra, duration 20 minutes	§ 63 chapter 1 clause 5	094	960	0,4304	413,18
Work for large orchestra, duration 20 minutes	§ 63 chapter 1 clause 6	104	1.200	0,4304	516,48
Oratory for choir and large orchestra, duration 45 minutes	§ 63 chapter 1 clause 6	106	2.160	0,4304	929,66

\* Process of calculation: 12 x 0,4304 EUR = 5,16 EUR per work (12/12)

<sup>1</sup> Royalties for performances abroad are distributed in the category for live performances in foreign countries (A)

<sup>2</sup> Cf. GEMA Jahrbuch (annual book) 2019/2020, p. 435 ff.

<sup>3</sup> Available online at: <https://www.gema.de/en/music-authors/online-services-for-gema-members/gema-download/>

<sup>4</sup> You can find the detailed rules and standards for the distribution in category E in the distribution plan § 63 and §§ 72 ff., GEMA Jahrbuch (annual book) 2019/2020, p. 376 ff. and 384 f.

### 3. Direct distribution in categories ED, EM and BM

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

The revenues GEMA generates for a performance in this sector, will be distributed to the used works less costs and other deductions (direct distribution).<sup>8</sup> 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
	<b>250,00</b>	<b>20,7429</b>	<b>10</b>	<b>5</b>	
<b>Net encashment</b>	250,00 EUR – 20,7429 % = 198,14 EUR – 10 % =				<b>178,33 EUR</b>
<b>Distribution amount per work</b>	178,33 EUR / 5 =				<b>35,67 EUR</b>

Further information about the distribution procedure can be found under [www.gema.de](http://www.gema.de). In case of further questions please send them to [as-service@gema.de](mailto:as-service@gema.de).

### 5. Glossary

#### AUFF (performances)

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

#### ANTEIL (share)

This column shows the work share, 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 plan, 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 free or not represented.

#### 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 plan in category E. The key reflects in category E so called point values, which ensue from the rules of the distribution plan. You can gather the amount of points, which corresponds to the respective key, from the GEMA Jahrbuch (annual book) 2019/2020 p. 435 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.

<sup>5</sup> Cf. GEMA Jahrbuch (annual book) 2019/2020, p. 383 f., p. 384 f.

<sup>6</sup> §§ 123 ff. distribution plan, cf. GEMA Jahrbuch (annual book) 2019/2020, p. 403

<sup>7</sup> §§ 69 ff. distribution plan, cf. GEMA Jahrbuch (annual book) 2019/2020, p. 383

<sup>8</sup> § 11 chapter 3 distribution plan, cf. GEMA Jahrbuch (annual book) 2019/2020, p. 357

**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 points. The distribution per work usage emerges from the multiplication of its rated points with the point value of the respective business year.

**[www.gema.de](http://www.gema.de)**