



TARIFF NO. 88

Effective Date: 1st September 2022

<u>Tariff:</u>	FOR THE LINEAR TRANSMISSION OF MUSIC VIDEOS
<u>Title:</u>	LINEAR TV CHANNELS DELIVERED VIA BROADCAST (SATELLITE AND/OR TERRESTRIAL), CABLE AND/OR THE INTERNET.
<u>Effective Date:</u>	1st September 2022

This tariff covers the use of music videos by linear television channels available via broadcast transmissions (satellite and/or terrestrial) and/or cable programme services and/or the internet.

Television channels which are covered by the Cable Operators Agreement (as listed on the notes below) are not subject to the tariff.

<p>1. Broad-Format & Genre-Specific Channels (excluding Music Television Channels)</p> <p style="text-align: center;"><u>Annual Licence Fee</u></p> <p>12.5% of Net Commercial Revenue* relating to the channel for the annual period, pro-rated by the Music Video Percentage* for that channel</p> <p style="text-align: center;">or</p> <p style="text-align: center;">€500 per method of transmission whichever is greater</p> <p>2. Music Television Channels (<i>i.e. a channel of which 5% or more of the total duration of programme content (excluding any advert breaks) consists of music videos</i>).</p> <p style="text-align: center;"><u>Annual Licence Fee</u></p> <p>12.5% of Net Commercial Revenue* relating to the channel for the annual period, pro-rated by the Music Video Percentage* for that channel</p> <p style="text-align: center;">or</p> <p style="text-align: center;">€4,000 per method of transmission whichever is greater</p> <p style="text-align: center;">*See notes below</p>



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Notes:

- (1) The Annual Licence Fee will apply per channel.
- (2) A time-shift channel will be limited to the minimum fee for the purpose of the Annual Licence Fee calculation. Any Net Commercial Revenue for a time-shift channel shall be reported against the channel originally transmitted.
- (3) The following are treated as separate methods of transmission under this tariff and will each attract a separate minimum fee: i) broadcasts via satellite or terrestrial transmissions, ii) inclusion in a cable programme service iii) the internet. The Annual Licence Fee is the greater of the sum of the minimum fees applicable or 12.5% of Net Commercial Revenue relating to the channel for the annual period, pro-rated by the Music Video Percentage for that channel.
- (4) The channels covered by the Cable Operators Agreement may vary from time to time. As of the effective date, the BBC channels are: BBC ONE SD & HD, BBC TWO SD & HD, BBC FOUR SD & HD, CBBC SD & HD, Cbeebies SD & HD, and BBC News SD & HD; the ITV channels are: ITV 3 and ITV 4.
- (5) This tariff does not cover the broadcast of sound recordings, in whole or in part. A separate tariff is available for the broadcast of sound recordings.
- (6) This tariff does not cover any on-demand, download and/or catch-up services which allow members of the public to access content at a place and at a time individually chosen by them (including any interactive functionality).
- (7) Tariff amounts are liable to Value Added Tax at the appropriate rate.
- (8) For 2023 and future years the above tariff for 2022 shall be adjusted in line with the Consumer Price Index (CPI).
- (9) PPI reserves the right to amend these terms upon giving notice to The Controller of Intellectual Property in writing to that effect.

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- (10) For the purposes of this tariff, save where otherwise defined in the relevant licence agreement:

“Gross Commercial Revenue” means all revenue, whether in money or money’s worth, paid or payable to the Licensee (or any person, firm, company or entity which is a member, associate, holding company, subsidiary or agent of the Licensee, or any third party on behalf of the Licensee) in connection with a Licensed Service and in each case computed on an invoiced sales basis including, without limitation, and by way of example only:

- i) advertising revenue;
- ii) sponsorship revenue;
- iii) barter and contra deals (the reasonable commercial value of which shall be reported by the Licensee as if regular billing had been made for the airtime based on the time of day and audience reach of the transmission);
- iv) telephony revenue;
- v) donations;
- vi) if applicable, revenues derived from the Internet Simulcast of a Channel and any webpage from which the user can access the Internet Simulcast (where more than one Channel is licensed under this Agreement such webpage revenues to be allocated on the basis of the number of streams per Channel in comparison to the total number of streams from the webpage);
- vii) revenues derived from any operators of transmission platforms (such as cable or satellite); and
- viii) subscription revenue.

PROVIDED THAT if any revenues do not exclusively relate to transmission of the Licensed Service in the Territory, such revenues shall be included in accordance with any contractually specified allocation for the Territory (where such contractually specified allocation is both relevant and reasonable), or in the absence of which, in accordance with the pro rata share of the revenue by reference to the number of homes connected in the Territory in comparison to the overall number of homes connected receiving the Licensed Service both within and outside the Territory.

“Net Commercial Revenue means” means Gross Commercial Revenue less the following (in each case where actually incurred and in respect of the same year of the Licence Period as the revenue from which it is being deducted):

- i) in the case of advertising and sponsorship revenue, combined agency and selling agent commission up to a maximum of 17.5% (seventeen point five percent) (and in the case of sponsorship revenue only, combined agency and selling agent commission up to a maximum of 25% (twenty-five percent)); and
- ii) bad debts;



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“Music Video Percentage” means, in respect of any given period, and in respect of any given Channel, the percentage (calculated by reference to time) of the total Programming Content on that Channel for that period that comprises Music Videos (irrespective of whether other material is Broadcast concurrently with such Music Videos)

“Programming Content” means the transmitted content of a Channel, including Music Videos, other music videos and Programmes but excluding all other material (such as advertising, promotions, sponsorship slots, trailers, station announcements and station identity signals)

- (11) A full copy of PPI’s standard licence agreement for this tariff is available on request. Terms used and not otherwise defined in this tariff have the meanings given in the relevant licence agreement.