

COMPOSERS AND AUTHORS SOCIETY OF SINGAPORE LTD



Performing Royalties Distribution Rules

(Updated October 2003)

	Page
1. Pool Division	1
2. Frequency and Timing of Distribution	1
3. Distribution Numbering System	1
4. Calculation of Net Distributable Royalties	1
5. Special Allocations	1
5.1 Unlogged Performance Allocation	2
6. Program Returns	3
7. Division of fees	3
7.1 Works originating from COMPASS repertoire	3
7.2 Works originating from the repertoire of other societies	4
7.3 COMPASS originating works sub—published abroad	4
7.4 Foreign—originated works	4
8. Arrangement of works	5
8.1 Arrangement of Copyright works	5
8.2 Arrangement of Non—copyright works	5/6
9. Music Classification	6
9.1 Featured Work	6
9.2 Programme Music	6/7
10. Points Awards Table	8
11. Special Accounts	9
11.1 Public Domain Special Account (SP)	9
11.2 Non-member Special Account (SN)	9
11.3 Dispute Special Account (SD)	9
11.4 Undistributable Royalties Special Account (SU)	9
12. Dramatico-musical works	10
13. Adjustments	10
14. Royalty Pro—rate	10
15. Warsaw Rule of CISAC	10
16. AMALFI Resolution of CISAC	11

5. Special Allocations

5.1 Unlogged Performance Allocation (UPA)

The UPA is made to compensate for performances that are omitted in the analysis due to sampling and other factors. This allocation is paid to local and overseas members.

a. For COMPASS members

UPA shall be fixed by the Council of Directors. This amount is payable to all participating COMPASS members.

A participating COMPASS member is one who was admitted as COMPASS membership in or before the Distribution Year in question and had received royalties for performances for the period concerned. Where no royalties were received, UPA will be applicable in the year when the COMPASS member first receives royalties for performances.

UPA will not be allocated to COMPASS member who has not earned any performing royalties, exclusive of UPA, for 3 consecutive years beginning from the last performance royalties received. However, UPA will re-apply in the year the member begins to receive royalties again.

b. For overseas members

A UPA (Overseas) ratio for a Distribution Year will be based on the ratio of the royalties distributed to COMPASS members against royalties paid to all overseas societies in the previous performance year.

e.g. COMPASS : Overseas Societies
1 : 1.5

UPA (overseas) ratio 1.5

An amount of UPA is then calculated according to the UPA (overseas) ratio, and allocated to all overseas societies in a lump sum pro-rated over their performing royalties income of that Distribution Year.

Works in non-members or dispute account will not be considered in determining the UPA ratio.

6. Program Returns

COMPASS obtains program details of music performed or broadcasted from broadcasters, general licensees users and permit holders. The frequency of such submission will be:

Pool	Program Returns	Sampling
Broadcasting	Acquired from Broadcasting stations	1 in 7 days
General Licenses & Permits	Acquired from all licensees and permits	1 in 15 days
Concerts	Acquired from all concert licensees	100% census
Airlines	Acquired from all airlines	Monthly
Cinema	Extract from newspapers	1 in 7 days

7. Division of fees

7.1 Works originating from COMPASS repertoire

The distribution of performing royalties to interested parties shall be based on the schedule in item 8. The divisions are in every case subject to modification that may be agreed upon in writing between the interested parties, except that in no case may the share of publisher, or the combined share of all publishers of a particular work, exceed one-half of the total distribution fees.

When a composer or lyricist is not a member, his share is placed in the Non-member Special Account. Whereas, if a publisher is not a member, its share will be equally divided between the composer and lyricist.

For performances of work originally in the form of vocal, the lyricist will receive his/her normal share. If, however, a vocal version is made of a work originally in the form of instrumental, the lyricist receives a share only when the vocal version is performed.

The translator of non-copyright words, or the author of new works replacing original non-copyright words, receives a normal lyricist's share.

7.2 Works originating from the repertoire of other societies

COMPASS uses share division according to information given and conditions laid down by the society from which the work originated, provided that they are consistent with the CISAC recommendations.

7.3 COMPASS originating works sub-published aboard

Where the contract between the writer(s) and its original publisher of a work provides for a specific total publisher-share, that share alone is divisible in accordance with the provision of the sub-publication contract.

If the original publishing contract does not specify the share payable to the writer(s) and publisher respectively, but provides that the division shall be in accordance with COMPASS rules, the society will allocate the publisher a maximum of 50% of the total share and the balance of 50% will be divided equally between the composers and authors of the musical work.

The share of sub-author/translator, if any, is 8.3%, taken from the author/composer share (subject to the approval of copyright owners). If the publisher agrees to pay the sub-author/translator higher than 8.3%, the addition must come out from the publisher share.

7.4 Foreign-originated works

a. Non-member publisher

Where a publisher is not a member, its allocated share will be divided equally between the composer and author.

b. Non-member writer

Where a composer or author is not a member, his share will be paid to the society of the original publisher.

If the work is unpublished, the non-member writer share will be paid to the society of the co-writer, if any.

8. Arrangement of works

8.1 Arrangement of Copyright works

The share of arranger, 8.3%, is taken from the author/composer share (only upon proof that approval of copyright owners have been granted). If the publisher agrees to pay the arranger higher than 8.3%, the addition must come from the publisher.

8.2 Arrangement of Non-copyright works

Arranger of non-copyright works will entitled to full share distribution.

Manuscript Works (Unpublished works)

1.	Composer	100.0%	3.	Composer Arranger	DP 100.0%
2.	Composer Author	50.0% 50.0%	4.	Composer Author Arranger	DP 50.0% 50.0%

Published Works

1.	Composer Publisher	50.0% 50.0	4.	Composer Author Sub-Author Publisher	25.0% 16.7% 8.3% 50.0%
2.	Composer Author Publisher	25.0% 25.0% 50.0%			
3.	Composer Arranger Publisher	DP 50.0% 50.0%	7.	Composer Arranger Author Publisher	16.7% 8.3% 25.0% 50.0%
4.	Composer Author Arranger Publisher	DP 25.0% 25.0% 50.0%	8.	Composer Author Sub-Author / Translator Publisher	25.0% 16.7% 8.3% 50.0%

5.	Composer	25.0%
	Author	16.7%
	Translator	8.3%
	Publisher	50.0%

9. **Music Classification**

The following definition is used to identify types of musical works or types of usage for works registration and royalties distribution:

9.1 **Featured Work**

Serious Music (WS)

All serious music performed live in concert or by radio broadcast

Pop Music (WP)

All featured music not included as serious music performed in concert or by radio broadcast general licensees.

9.2 **Programme Music**

Music used in film, TV/radio programmes.

Title Music (FT)

Music used on radio and TV and is found at the beginning and/or end of an individual programme or each programme of a series or a film.

Visual Music (FV)

Music used as being audible to the character(s) in the scene portrayed.

Background Music (FB)

Music which is heard by the viewers as an accompaniment to the scene portrayed but not performed as being audible to the character(s) therein. This can also be use by general licensees.

Signature Tune (ST)

Music used on radio and TV to identify or set the mood of an individual programme or each programme of a series of a film used before and after each commercial break, or music used. on radio and is found at the beginning and/or end of each non—music programme including traffic news, financial report, weather report and news.

Commercial Jingle (CJ)

A short musical item performed on radio and TV to advertise a product or promote an event.

Trademark/Emblem/Logo (TM)

A short musical item performed at the beginning or end of (but not specially related to) a film or TV programme, and advertises the producer or distributor of that film or programme.

Station Identification Music (SI)

A short musical item on radio or TV performed to identify and promote a particular broadcasting station or channel.

Interval Music (IM)

Music used on TV which does not form part of advertised programmes and which is played during a voluntary or involuntary break in transmission e.g. music video.

Programme Identification Music (PI)

Music used on TV at the end of a voluntary or involuntary break in transmission, which does not form part of advertised programmes but relates to subsequent programme.

10. Points Awards Table

	<u>Music Type</u>	<u>Table Used</u>
WS	Serious Music	T1
WP	Pop Music	T1
FT	Title Music	T2
FV	Visual Music	T2
IM	Interval Music	T2
FB	Background Music	T3
ST	Signature Tune	T3
CJ	Commercial Jingle	T3
TM	Trademark/Emblem/Logo	T3
SI	Station Identification Music	T3
PI	Programme Identification Music	T3

Table T1

From	To	Points
0' 1"	4' 0"	3.0
4' 1"	6' 0"	4.0
6' 1"	8' 0"	6.0
8' 1"	10' 0"	7.5
10' 1"	15' 0"	13.0
15' 1"	20' 0"	17.0
Above 20' 1"		30.0

Table T2

First 30 seconds	0.30
Every 10 seconds thereafter	0.01

Table T3

First 30 seconds	0.20
Every 10 seconds thereafter	0.01

11. Special Accounts

At each Distribution, royalties payable to a work or to certain interested party (parties) of a work may be held in suspense in the following Special Accounts:—

11.1 Public Domain Special Account (SP)

Works that are arrangements of works in the public domain may have a share of the royalties withheld for the non-copyright element in the work. The Share will be placed in this account. During the calculation process of this account, the amount allocated to this account will be ploughed back into the distribution pool and be allocated pro-rata to all other parties receiving royalties in subsequent distribution.

11.2 Non-member Special Account (SN)

If one of the interested parties of a COMPASS— originated work is not a member, that non-member share will be placed in this account. The royalties will be held until the non-member becomes a member only then will the amount held be released. If the non-member does not become a member by the time of the next Distribution, the non-member royalties will be placed into the Undistributable Royalties Special Account (SU) to be distributed with the subsequent distribution. For a non-COMPASS work, if only one of the writers is identified at the time of distribution, the CISAC Warsaw Rule will apply.

11.3 Dispute Special Account (SD)

Royalties or a share of royalties for a work in dispute (e.g. arising from alleged infringement or conflicting ownership claim) would be held in this account. Royalties will remain in suspense until COMPASS is notified of a settlement.

11.4 Undistributable Royalties Special Account (SU)

Royalties allocated to a work later found to be in the public domain or for any other reasons undistributable, will be placed in this account. The amount held in this account may be used to pay, after validation, for performances which were missed in previous distributions.

12. **Dramatico-musical works**

Under the present Deed of Assignment of performing right with COMPASS members, the Society is empowered to administer a number of performing rights for its members. However, as a matter of policy, COMPASS does not administer and license Grand Right Performances in Singapore in its normal licensing distribution work unless specifically requested by its interested parties to do so. The reasons are as follows:-

a. **Overseas Works**

Overseas societies are not given the right to license Grand Right performances by their members in the first place. Consequently, COMPASS is not empowered to license in the Singapore.

b. **Local Works**

Grand Right performances of local works are infrequent. COMPASS members may prefer to collect royalties directly from the presenters involved.

13. **Adjustments**

In the normal course of distribution, error may occur due to misidentification of works or their interested parties. Members and foreign societies are entitled to adjustments if COMPASS is notified within 3 years of distribution.

14. **Royalty Pro-rate**

In the event of changes to catalogue ownerships the royalty allocated to those works in the catalogue concerned shall be accrued to the seller of the catalogue.

15. **WARSAW Rule of CISAC**

If at the time of distribution there is no documentation available for a work that has been performed or broadcast, but if one of the writers is identified as a member or copyright owner belonging to a sister-society, the total royalty payment for this work must be forwarded to this sister-society. The receiving society will carry out the distribution according to the documentation available to it.

16. **AMALFI Resolution of CISAC**

16.1 That the author of an authorised local version should be entitled to receive a share in the distribution of performance royalties only if:

- a. it is the local version which has been performed; or
- b. the performance was a performance of an instrumental version; or
- c. there is genuine doubt as to which version was performed.

16.2 That the societies' distribution rules should provide:

- a. that for performances of a local version the shares distributed to the original lyricist and the local sub-lyricist respectively should be equal;
- b. that for performances of an instrumental version, or where it is not known whether the original version or the local version was performed, the share distributed to the original lyricist should be double the share distributed to the local sub-lyricist.

16.3 That this recommendation be applied

- a. in respect of all performances which take place from the 1st of January 1991 onwards; and
- b. regardless of when the performed works were originally composed.