


IRISH MUSIC RIGHTS ORGANISATION CLG

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STANDARD TARIFF HLC

Introduced on 1st January 2016
 Effective from 1st January 2019

To be read in conjunction with the Dual Licence Contract* and the Dual Licence General Terms*.

1. SCOPE OF TARIFF

This tariff applies to performances of copyright music within the Repertoire Controlled by IMRO in leisure centres and/or gyms.

2. DUAL COPYRIGHT MUSIC LICENCE CONTRACT

This tariff is incorporated into and forms an integral part of the Dual Licence Contract. A breach of any term or condition of this tariff shall constitute a breach of the Dual Licence Contract. In the event of any conflict between the constituent parts of the Dual Licence Contract, the descending order of precedence shall be as follows: (i) the main body of the Dual Licence Contract; (ii) this tariff; and (iii) the Dual Licence General Terms*.

3. ROYALTY RATES

The following rates apply to all Royalties falling due under this tariff between

1st January 2019 and 31st December 2019

Background Music*

		Higher Royalty rate €	Standard Royalty rate €
(i)	For leisure centres and/or gyms with an Area* up to 100 m ²	291.49	194.34
(ii)	For leisure centres and/or gyms with an Area between 100 m ² and 250 m ²	583.02	388.66
(iii)	For leisure centres and/or gyms with an Area exceeding 250 m ²	874.53	583.02
(iv)	For aerobic and keep-fit classes, including aqua-aerobics, the Royalty per session is:	3.24	2.17

The minimum annual Royalty under this tariff is €92.01.

* See Definitions

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4. HIGHER AND STANDARD ROYALTY RATES

- (i) All performances in the first Licence Year* will be charged at the Higher Royalty rate unless the user applies in writing for a licence before the music is performed.
- (ii) Any performances not declared are unauthorised and constitute **an infringement of copyright** and will be charged as unlicensed performances at the Higher Royalty rate.
- (iii) Standard Royalty rates shall apply after the first Licence Year only if there is a valid Dual Licence Contract in place between IMRO and the Licensee.

Where the Premises are open only during a limited season in each Licence Year the annual Royalty is adjusted by a proportionate reduction, subject to the minimum annual Royalty specified below.

5. INFLATION ADJUSTMENT

The foregoing Royalty rates are related to the Consumer Price Index of Retail Prices for mid-October 2018 (on the November 1996 base), as published in the Irish Statistical Bulletin, and will be adjusted on 1st January 2020 and on each subsequent anniversary of that date in proportion to annual changes in that Index.

6. DEFINITIONS

Capitalised terms used but not defined in this tariff shall have the meaning set forth in the Dual Licence Contract.

“**Area**” means the area of the leisure centre and/or gym measured from wall to wall of the whole of that part of the premises to which the public are admitted and in which the music is audible. It also includes staff areas and the areas occupied by swimming pools, jacuzzis and plunge pools.

“**Background Music**” means music when performed by a record/tape/CD player otherwise than for featured purposes, and includes music performed by a relayed radio, audible throughout the premises. It also includes music sourced by means of satellite dish or cable.

“**Dual Licence Contract**” means the Dual Copyright Music Licence Contract between the Licensee, IMRO and PPI.

“**Dual Licence General Terms**” means the General Terms and Conditions Applicable to the Dual Copyright Music Licence Contract and Related IMRO and PPI Tariffs.

“**IMRO**” means the Irish Music Rights Organisation CLG.

“**Licence Year**” means the first and each recurring 12 consecutive month period.

7. VALUE ADDED TAX

Every Licensee under this tariff shall pay to the Irish Music Rights Organisation CLG, in addition to the Royalty due under this tariff, a sum in respect of Value Added Tax calculated at the relevant rate on the Royalty payable.