



**IRISH MUSIC RIGHTS ORGANISATION CLG**

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## **STANDARD TARIFF PVFI**

Introduced on 1<sup>st</sup> January 2016  
Effective from 1<sup>st</sup> 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 bars, lounges, cabaret rooms and similar premises but does not apply to such premises when they form part of a hotel, disco or restaurant and nor does it apply to any distinct part of the premises being operated as an Off-Licence\* when IMRO Standard Tariff RS shall apply. The tariff applies to all performances in premises outside of the areas represented by the Licensed Vintners' Association, to which the Standard Tariff PLVA applies (but see paragraph 11 re jukeboxes).

This tariff has been discussed with the Vintners' Federation of Ireland and does not include Licensees whose charges are currently calculated by reference to Standard Tariff HRNPD.

### **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

**1<sup>st</sup> January 2019 and 31<sup>st</sup> December 2019**

\* See Definitions

**A. Rates for Electronic Apparatus:**

		<b>Higher Royalty rate</b>	<b>Standard Royalty rate</b>
		€	€
(i)	Radio (with or without tape, CD or record deck) with built in speakers	122.29	81.56
(ii)	Television & Video	97.85	65.23
(iii)	For Background Music* Or	293.58	195.72
(iv)	a composite rate for (i), (ii) & (iii) above	366.96	244.65

**B. Other Music\***

(i)	<b>Level of Annual Turnover*</b>	<b>Rate per Music Session</b>	
		<b>Higher Royalty rate</b>	<b>Standard Royalty rate</b>
		€	€
	Under €190,500	14.70	9.78
	€190,500 but less than €381,000	22.92	14.70
	€381,000 but less than €635,000	29.34	19.55
	€635,000 but less than €952,500	39.17	26.10
	€952,500 but less than €1,270,000	48.95	32.59
	€1,270,000 or more	61.99	40.78

Note: Under this Paragraph B(i), if the Level of Annual Turnover of a Licensee includes turnover from the operation of an Off-Licence as distinct from that from the standalone operating of a bar, lounge, cabaret room or similar premises, then provided that IMRO is provided each year with a copy of an unexpired Publican's Licence alongside a certificate breaking down the Level of Annual Turnover between that arising from the operation of an Off-Licence and that arising from the distinct operating of a bar, lounge, cabaret room or similar premises, and such certificate is signed by the Licensee and certified to be a true and accurate breakdown of the Level of Annual Turnover, by a person who is qualified to be appointed as auditor of a company under Sec 187 of the Companies Act, 1990, then IMRO shall charge in line with the Level of Annual Turnover attributable to the operation of the bar, lounge, cabaret room or similar premises as certified.

Licensees are obliged, on request from IMRO to provide a copy of their most up to date Publicans Licence.

- (ii) Where there is a charge for admission to any event which includes the use of copyright music, the Royalty per event shall be calculated as a percentage of gross income from admission charges plus any other income received by the promoter or the Licensee in respect of the event e.g. sponsorships or other fees. The rates shall be: -

<b>Higher Royalty rate</b>	<b>Standard Royalty rate</b>
4.5%	3%

Note 1: This is subject to a minimum charge that corresponds to the Levels of Annual Turnover at B(i) above.

Note 2: Where Other Music is promoted in venues covered by this tariff with the venue simply renting out the facilities, this tariff may not apply to the Licensee. To avail of this exclusion, the Licensee shall notify IMRO in writing at least two weeks in advance of the concert/event and provide the name and address of the promoter.

**The minimum annual Royalty under this tariff will be €65.23**

#### **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.

#### **5. PAYMENT TERMS**

- (i) Payment of Royalties and VAT due under this tariff is due either on receipt of invoice or in cases where Royalties exceed €150.00 by means of a banker's direct debit completed at the time of the issuing of the Dual Licence Contract.
- (ii) Where Royalties are due for payment under Paragraph 2A only of this tariff, the payment by direct debit for Royalties due will be by four consecutive monthly direct debits commencing on the 15<sup>th</sup> day of the month of issue of the invoice.
- (iii) In all other instances, the payment by direct debit for Royalties due will be by way of eight consecutive monthly direct debits commencing on the 15<sup>th</sup> day of the month following the month of issue of the invoice in order to afford Licensees an opportunity to resolve bonafide disputes.

#### **6. 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 1<sup>st</sup> January 2020 and on each subsequent anniversary of that date in proportion to annual changes in that Index. This adjustment shall not be greater than 2% in any one year.

## 7. DEFINITIONS

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

“**Background Music**” means music which is relayed by electronic apparatus other than by radio and TV (as defined in 2A(i) and (ii) above), and does not include music played for the purpose of dancing or karaoke.

“**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.

“**Level of Annual Turnover**” refers to the Annual Turnover on which Publican Licence Duty is paid.

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

“**Off-Licence**” means a separate premises or distinct part of a Public House that has its own off-street entrance, and that is used solely by the Licensee for the retail selling of alcoholic beverages for consumption off the premises.

“**Other Music**” means music performed by means of live performers and/or electronic apparatus (excluding radios and TV's) where the electronic music is used for the purposes of dancing or where a DJ is employed. This includes music performed in bars and lounges which are open for an extra hour or longer outside the current ordinary seven-day licensed hours.

Any disagreement on the definition and the categorisation of music under the definitions can be referred to the Arbitration Committee.

## 8. 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.

## 9. ARBITRATION

In the event of a dispute arising between IMRO and a VFI member, such a dispute may be referred to the IMRO/VFI Arbitration Committee.

The IMRO/VFI Arbitration Committee shall consist of an independent Chairman and two other members, one from IMRO and the other from the VFI.

If a dispute is referred to the IMRO/VFI Arbitration Committee the Chairman shall give such directions as he or she considers will ensure a fair and orderly hearing and determination of the dispute.

## 10. TRADITIONAL MUSIC (i.e. public domain)

Irish traditional music in the public domain is exempt from this tariff. Playing of copyright music within the Repertoire Controlled by IMRO will incur the full tariff.

Where there is a dispute as to whether the music at the session or venue is Irish traditional music, the matter can be referred to the Arbitration Committee.

**11. JUKEBOXES**

Copyright music within the Repertoire Controlled by IMRO performed by audio or visual jukeboxes is not covered by this tariff (see Tariff JB).