



TARIFF

NO.

2

EFFECTIVE DATE
1st JANUARY 2019
SEE NOTE 6 BELOW

PUBLIC PERFORMANCE OF SOUND RECORDINGS

COPYRIGHT AND RELATED RIGHTS ACT 2000

TERMS FOR COMMERCIAL DISCOTHEQUE AND NIGHTCLUB VENUES

1. The commercial discotheque/nightclub venue ('the venue') shall make payments to PPI or its agent computed in accordance with the tariff scale on Pages 2 and 3 hereof, as determined by the High Court Order of Miss Justice Mary Laffoy dated the 24th June 2004.
2. The following information in respect of each calendar quarter shall be provided by the venue to PPI or its agent on the prescribed form within 14 days of the end of each calendar quarter:
 - (a) number of events held
 - (b) average attendances at events held
 - (c) admission charges to events.
3. The remuneration due by the venue shall be paid to PPI or its agent quarterly in arrears within 7 days of receipt of invoice. Interest at the rate of 5% per annum above the AIB Bank plc triple A ('AAA') rate shall be charged on any sum due not paid to PPI or its agent by the due date.
4. All sums payable by the venue under this tariff are liable to Value Added Tax at the appropriate rate.
5. PPI or its agent reserves the right to require detailed written returns from the venue of all sound recordings publicly performed at events not exceeding 10% of the total number of events held in any calendar year. Such returns to include the title of the musical work recorded, the name of the recording artist, the label on which the sound recording was released as a record in Ireland, the prefix number of the record and the date and time of the public performance.
6. Effective from the date of renewal or commencement of a new dual music licence during the calendar year 2019.
7. PPI reserves the right to amend these terms upon giving notice to The Controller of Patents, Designs and Trademarks in writing to that effect.
8. The venue shall indemnify both PPI and its agent against all and any expenses, costs, claims, damages and actions arising directly or indirectly from any breach by it of any of these terms.
9. In the event that a Dual Music Licence Contract is not executed then the receipt by PPI or its agent of the first calendar quarterly return due under term 2 above shall be deemed to be acceptance by the venue of these terms.

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TARIFF
NO.
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TARIFF:	FOR THE PUBLIC USE OF SOUND RECORDINGS AS SPECIALLY FEATURED ENTERTAINMENT AS PER THE HIGH COURT ORDER OF THE 24th JUNE 2004
TITLE:	COMMERCIAL DISCOTHEQUES & NIGHTCLUBS
EFFECTIVE DATE:	1st JANUARY 2019 - SEE NOTE 6 ON PAGE 1

ANNUAL FIXED PAYMENT: €361.26

<u>ATTENDANCE/CAPACITY (See note (d) below)</u>			<u>FEE PER EVENT</u>
			€
0	to	50	7.16
51	to	100	21.48
101	to	150	35.80
151	to	200	50.12
201	to	250	64.43
251	to	300	78.74
301	to	350	93.07
351	to	400	107.38
401	to	450	121.71
451	to	500	136.02
501	to	550	150.34
551	to	600	164.66
601	to	650	178.98
651	to	700	193.29
701	to	750	207.61
751	to	800	221.93
801	to	850	236.25
851	to	900	250.56
901	to	950	264.88
951	to	1,000	279.20

Attendances in excess of 1,000 shall be calculated in bands of 50 in line with the above structure, and the figures applicable to those bands shall be rateably in line with the above figures, i.e. multiplying the mid-point of the band by the applicable per person rate of €0.28

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Tariff 2 contd...

NOTES

(a) **ADMISSION PRICE ADJUSTMENT FACTOR**

The above rates are applicable to events where the gross admission charge lies in the range of €9.39 to €11.84. Outside this range an admission price adjustment factor is to be applied to the above rates in accordance with the following table:-

<u>GROSS ADMISSION PRICE RANGE</u>	<u>ADMISSION PRICE ADJUSTMENT FACTOR</u>	<u>EFFECT ON ABOVE STANDARD RATES</u>
Nil to 4.76	0.55	45% Reduction
4.77 to 7.11	0.70	30% Reduction
7.12 to 9.38	0.85	15% Reduction
9.39 to 11.84	1.00	No Effect
11.85 to 14.17	1.15	15% Increase
14.18 to 16.54	1.30	30% Increase
16.55 to 18.94	1.45	45% Increase

A pro-rata adjustment factor shall apply to admission prices above: €18.94

(b) **INFLATION / DEFLATION**

For 2020 and future years the above annual fixed payment, per event fees and admission prices shall be adjusted in line with the Consumer Price Index (CPI).

For 2018 and previous years the above annual fixed payment, per event fees and admission prices shall be adjusted in line with the CPI.

<u>EVENT LENGTH HOURS</u>	<u>ADJUSTMENT FACTOR</u>
0 hrs to 1 hr 59 mins	0.55
2 hrs to 2 hrs 59 mins	0.85
3 hrs to 3 hrs 59 mins	1.00
4 hrs to 4 hrs 59 mins	1.15
5 hrs to 5 hrs 59 mins	1.30
over 6 hrs	1.45

(d) Whether venue capacity or actual attendance applies will be a matter for agreement between the venue and PPI or its agent or, in default of agreement, at the election of PPI or its agent.
If venue capacity applies, documentary evidence from the appropriate public authority of the licensed capacity must be provided to PPI or its agent.