



IRISH MUSIC RIGHTS ORGANISATION CLG

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STANDARD TARIFF AC

Effective from 1st of January 2020

To be read in conjunction with the AC Dual Licence Contract.

1. SCOPE OF TARIFF

This tariff applies to performances of copyright music within the Repertoire Controlled by IMRO in aircraft registered in the Republic of Ireland.

2. DUAL COPYRIGHT MUSC LICENCE CONTRACT

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

3. ROYALTY RATES

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

1st January 2020 and 31st December 2023

The annual Royalty payable in respect of performances in aircraft to which this tariff applies shall be calculated at the rate of €11.00 per 500 Passenger Hours of Music* played.

4. COMPUTATION OF ROYALTY CHARGE

(a) Take-off and Landing Music

Under this tariff the duration of music usage during take-off and landing is to be taken as 15 minutes per passenger –

EXAMPLE: (Calculation at €11.00 per 500 hours)

In the case of an aircraft which carried 60,000 passengers to whom music was audible during take-off and landing, the number of passenger hours would be 15,000 (60,000 ÷ 4), and the annual Royalty would be €330.00.

(b) In-Flight Music

The number of hours flown with passengers by the aircraft during the year will be divided by the number of stage flights to produce an average flight duration, and the average flight duration will then be multiplied by the number of passengers who listen to in-flight music.

EXAMPLE: (Calculation of €11.00 per 500 passenger hours)

In the case of an aircraft flying a total of 3,300 hours, in 600 stage flights, the average flight duration would be calculated at 5.50 hours.

If the number of passengers to whom in-flight music was audible was 20,000 the annual Royalty would be:-

$$\begin{array}{r} 20,000 \times 5.50 \times \text{€}11.00 \\ \hline \phantom{20,000 \times 5.50 \times \text{€}11.00} \\ 500 \end{array} = \text{€}2,420.00$$

5. ROYALTY CHARGE REDUCTION

A 10% reduction will apply to any Royalties calculated pursuant to Clause 4 herein provided that:

- (i) There is a signed AC Dual Licence Contract in place;
- (ii) Full performance particulars as required by Clause 6 of the AC Dual Music Licence Contract for the previous licence year is received by IMRO by the 31st of January each year;
- (iii) The performance data as required pursuant to Clause 6.5 of the AC Dual Music Licence Contract for the previous licence year is received by IMRO by the 31st of January each year; and,
- (iv) Payment on account of Royalties for the current year together with any underpayment for the previous licence year is received by IMRO by the 31st of January each year.

6. INFLATION ADJUSTMENT

The foregoing Royalty rates are related to the Consumer Price Index of Retail Prices for mid-October 2019 (on the November 1996 base) as published in the Irish Statistical Bulletin, and will be adjusted on the 1st of January 2021 and on each subsequent anniversary of that date in proportion to annual changes in that Index.

7. DEFINITIONS

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

“AC Dual Licence Contract” means the AC Dual Copyright Music Licence Contract between the Licensee, IMRO and Phonographic Performance (Ireland) CLG (PPI).

“IMRO” means the Irish Music Rights Organisation CLG.

“Passenger Hour of Music” means one hour of music audible to one passenger.

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.