



*Gesellschaft zur Wahrnehmung von  
Film- und Fernsehrechten mbH*

**GWFF Gesellschaft zur Wahrnehmung  
von Film- und Fernsehrechten mbH**  
Munich

Transparency Report for the fiscal year 2017  
--non binding convenience translation--

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## A. ANNUAL FINANCIAL STATEMENTS INCLUDING CASH FLOW STATEMENT FOR THE FISCAL YEAR 2017

### I. Balance Sheet

ASSETS	Dec 31, 2017 EUR	Dec 31, 2016 EUR
<b>A. Fixed assets</b>		
<b>I. Intangible assets</b>		
Software	100,926.00	111,771.48
<b>II. Tangible assets</b>		
1. Leasehold improvements	639.00	903.00
2. Office equipment	21,290.00	9,728.00
	<u>21,929.00</u>	<u>10,631.00</u>
<b>III. Financial assets</b>		
Shares in affiliated companies	908,424.12	893,124.12
	<u>1,031,279.12</u>	<u>1,015,526.60</u>
<b>B. Current assets</b>		
<b>I. Accounts receivable and other assets</b>		
1. Accounts receivable	0.00	500,982.81
2. Accounts receivable from affiliated companies	11,900.00	9,282.00
3. Other assets	177,783.45	400,091.57
	<u>189,683.45</u>	<u>910,356.38</u>
<b>II. Cash on hand and cash in banks</b>	<u>44,749,724.40</u>	<u>32,071,679.03</u>
<b>C. Deferred charges</b>	<u>21,626.75</u>	<u>18,582.68</u>
	<u>45,992,313.72</u>	<u>34,016,144.69</u>
<b>LIABILITIES AND SHAREHOLDERS' EQUITY</b>	<b>Dec 31, 2017</b>	<b>Dec 31, 2016</b>
	<b>EUR</b>	<b>EUR</b>
<b>A. Shareholders' equity</b>		
Capital subscribed	103,000.00	103,000.00
<b>B. Reserves and accrued liabilities</b>		
1. Pension reserves	305,819.00	285,538.00
2. Reserves for rightholders	44,840,494.76	26,360,771.46
3. Other accrued liabilities	156,000.00	125,300.00
	<u>45,302,313.76</u>	<u>26,771,609.46</u>
<b>C. Liabilities</b>		
1. Accounts payable	57,958.84	6,850,299.18
2. Other liabilities	529,041.12	291,236.05
	<u>586,999.96</u>	<u>7,141,535.23</u>
	<u>45,992,313.72</u>	<u>34,016,144.69</u>

## II. Profit and Loss Statement

	2017 EUR	2016 EUR
1. Revenue	87,455,193.75	11,950,498.26
2. Other operating income	12,368.28	10,296.86
3. Personnel expenses		
a) Salaries	-910,489.52	-871,944.58
b) Social security, pension benefit plans	-167,459.33	-153,150.57
--thereof for pension benefit plans		
EUR 9,426.00 (2016: EUR 4,861.00)--		
4. Depreciation and amortization	-51,510.33	-51,216.07
5. Other operation expenses	-740,416.37	-680,846.95
6. Interest income	77,011.62	24,280.88
7. Interest expenses	-111,595.31	-22,069.42
8. Result	85,563,102.79	10,205,848.41
9. Provisions for reserves for rightholders	-85,563,102.79	-10,205,848.41
10. Net income	0.00	0.00

### III. Cash Flow Statement

The following cash flow statement, which illustrates the change in cash and cash equivalent (change in liquidity), provides information about the liquidity situation and the financial development. In this context, the payment flows are assigned to the areas business operation, investment and finance.

	2017	2016
	EUR	EUR
Net income	0k	0k
+/- Depreciation and amortization of fixed assets	51k	51k
+/- Increase/decrease of reserves and accrued liabilities	18,531k	-24,744k
+/- Increase/decrease of accounts receivable and other assets, not assignable to investing or financing activities	718k	-296k
+/- Increase/decrease of accounts payable and other liabilities, not assignable to investing or financing activities	-6,555k	5,906k
= Cash flow from operating activities	12,745k	-19,083k
- Additions to intangible assets	-31k	-57k
- Additions to tangible assets	-21k	-2k
- Additions to financial assets	-15k	0k
= Cash flow from investing activities	-67k	-59k
Cash flow from financing activities	0k	0k
= Change in cash and cash equivalents	12,678k	-19,142k
+ Cash and cash equivalents at the beginning of period	32,072k	51,214k
= Cash and cash equivalents at the end of period	44,750k	32,072k

## IV. Notes for Fiscal Year 2017

### 1. Application of the Handelsgesetzbuch [German Commercial Code (HGB)] and the Verwertungsgesellschaftengesetz [German Collecting Societies Act (VGG)]

GWFF Gesellschaft zur Wahrnehmung von Film- und Fernsehrechten mbH having its registered office in Munich is entered under No. HRB 69235 in the Commercial Register at the Amtsgericht München [Local Court Munich].

The accounting, audit and publication regulations pursuant to Section 57 VGG and Sections 238 et seq. HGB and especially Sections 264 et seq. HGB apply to the Company except where the particularities resulting from the tasks of a collecting society do have to be considered. Like in the previous year, this results in the full application of the current accounting regulations of commercial law applicable to large companies in 2016.

The Bilanzrichtlinie-Umsetzungsgesetz [Accounting Directive Implementation Act (*BilRUG*)] has been applied from the commencement of the fiscal year 2016. The classification of the profit and loss statement has been adjusted accordingly to the new regulation. The total cost method applied so far has been maintained for the profit and loss statement.

### 2. Accounting and valuation principles

The intangible assets and tangible fixed assets are carried at acquisition cost less scheduled depreciation according to use. Depreciation is recorded straight-line pro rata temporis over a useful life of three (3) to thirteen (13) years, low-value fixed assets with a value up to EUR 150.00 are fully written off in the year of acquisition, low-value fixed assets (compound item) with acquisition cost between EUR 150.00 and EUR 1,000.00 are recorded straight-line pro rata temporis over a useful life of five (5) years. Foreign currency additions are converted at the exchange rates applicable at the time of payment. Financial assets are carried at acquisition cost and/or at the lower value to be assessed.

The accounts receivable, other assets, cash on hand and cash in banks are carried at their nominal value. In contrast to previous years all claims for which the Company received statements within the first months of the following year will be accounted for in the following fiscal year. The deferred charges contain expenses in 2017 which constitute expenditure after the balance sheet date.

The pension reserves correspond to the fulfillment amount pursuant to Section 253(1), second sentence, HGB. The basis for calculation are the "2005G guiding tables" of Prof. Dr. Klaus Heubeck. The entry-age normal method has been applied and a salary and pension trend of 0.0% has been taken as a basis. The actuarial interest rate is 3.68% per annum.

The reserves for rightholders take account of distribution commitments to rightholders and liabilities of still uncertain amount, the latter estimated in accordance with prudent business principles.

The fulfillment amounts required according to prudent business principles are taken as a basis for all reserves/provisions for all identifiable risks and contingent liabilities.

In the case of reserves/provisions with a remaining term of more than one (1) year, the assessment pursuant to Section 253(2), first sentence, HGB has no effect in terms of amount since, because of the non-profit nature of the Company prescribed in Article 2

paragraph 2 of its Statutes, such interest income must be added to the respective reserves for distribution to rightholders. The respective interest income is set off against the respective expenditure incurred for the addition to the reserve so as to give a true and fair view of the earnings situation of the Company.

The liabilities are carried at their fulfillment amount. In contrast to previous years statements received for accounting periods until the balance sheet date which were paid in the first months of the following year are not recorded as liabilities.

To the extent that revenues were received in foreign currency, they were converted at the exchange rates applicable at the time of receipt. Accounts receivable in foreign currency were converted at the official mean rate of exchange as of the balance sheet date.

### 3. Notes to the financial statements

#### Balance sheet

The development of the fixed assets is represented in the statement of fixed assets.

The accounts receivable are due and payable within one (1) year. The other assets relate mainly to the cash surrender value of a reinsurance policy in the amount of EUR 158k (2016: EUR 147k) and the investment for rent deposit in the amount of EUR 20k (2016: EUR 20k) with a term between one (1) and five (5) years.

The nominal capital entered in the Commercial Register amounts to EUR 103,000. It is fully paid in.

The fulfillment amount of the granted pension promises on the basis of the 10-year average with an assumed remaining term of fifteen (15) years (interest rate 3.68%) is EUR 306k. In application of the (previous) 7-year average and a remaining term of fifteen (15) years (interest rate 2.80%), the fulfillment amount would have been EUR 311k. Hence, the difference from the changed interest rate is EUR 5k. This difference is subject to a distribution ban.

The reserves for rightholders are obligations to rightholders including the social fund and the film promotion fund. The other reserves in the amount of EUR 156k (2016: EUR 125k) relate to vacation reserves, reserves for unrecorded liabilities, bookkeeping, the preparation, audit and publication of the financial statements, for preparation and audit of the transparency report and for the 'Berufsgenossenschaft'.

The liabilities are due and payable within one (1) year. No accounts payable relates to shareholders (2016: EUR 260k).

The other liabilities include:

	Dec 31, 2017	Dec 31, 2016
	EUR	EUR
Liabilities for taxes		
VAT	423k	251k
tax deduction on the basis of Section 50a		
Income Tax Act	93k	15k
wage and church tax	13k	19k
	529k	285k
other liabilities	0k	6k
	529k	291k

### Profit and loss statement

The revenue includes:

	2017	2016
	EUR	EUR
Remuneration pursuant § 54 UrhG domestic	78,725k	144k
Remuneration pursuant to § 27 UrhG domestic	310k	1,049k
Remuneration for cable retransmission domestic	5,196k	6,186k
Rights revenue domestic	84,231k	7,379k
Remuneration for storage media levy abroad	1,004k	1,968k
Remuneration for cable retransmission abroad	1,888k	2,175k
Remuneration for teaching and research abroad	94k	200k
Rights revenue abroad	2,986k	4,343k
Rights revenue total	87,217k	11,722k
Received cost refunds domestic	238k	228k
	87,455k	11,950k

Because of the business activity of GWFF GmbH most of the revenues are relating to different periods. The revenues from countries which withhold non-refundable withholding tax according to the DTC (Double Taxation Convention) applicable from time to time between Germany and the respective country have been shown after deduction of such withholding tax for the sake of clarity; this concerns Australia.

The first-time application of the new definition of revenue according to the Accounting Directive Implementation Act in 2016 was applied in 2016. Therefore the revenue of both years are again comparable.

The total fee charged by the auditor for the fiscal year 2017 is composed of about EUR 15k for auditing services and about EUR 7k for other certification services.

The interest expenses include an interest loss of EUR 11k (2016: EUR 11k).

The provision for reserves for rightholders, shown in a separate item of the profit and loss statement, corresponds to the addition to reserves for rightholders for obligations to the



rightholders. An amount of EUR 73,389k (2016: EUR 34,772k) was paid to the rightholders in the year under review. An amount of EUR 277k (2016: EUR 187k) was used for film promotion purposes and an amount of EUR 62k (2016: EUR 42k) for social purposes.

#### 4. Other information

##### Management

The Managing Directors holding power of individual representation are Prof. Dr. Ronald Frohne, Rechtsanwalt [Attorney-at-Law], Berlin, and Dr. Gertraude Müller-Ernstberger, Rechtsanwältin [Attorney-at-Law], Munich.

The protective clause pursuant to Section 286(4) HGB is being applied.

##### Supervisory board

The following six (6) members have been elected at the shareholders' meeting of December 1, 2016 pursuant to Section 22 VGG and to Article 9 of the Statutes:

- Dr. Christian Hauptmann,  
deputy head of legal department of UFA Film and Fernseh GmbH, Cologne  
(elected chairman on April 25, 2018)
- Chris Marcich,  
adviser to Motion Picture Association of America, Brussels / Belgium  
(elected vice chairman on April 25, 2018)
- Nikolaus Brudny,  
lawyer, Taurus Lizenz Beteiligungs GmbH (former: TaurusLizenz GmbH & Co. KG,  
former: KirchMedia GmbH & Co. KGaA i.L.), Unterföhring
- Martin Choroba,  
TELLUX Beteiligungsgesellschaft mbH, Munich
- Michael Fuehr,  
managing director of Metropolitan, Import-Export Brackel GmbH & Co. KG, Munich
- Philip Löhr,  
head of legal department of Tele-München Fernseh-GmbH & Co. Produktions-  
gesellschaft, Munich

The members of the supervisory board serve in an honorary capacity and therefore have not received remuneration in the fiscal year.

##### Advisory board

In accordance with the Statutes, the Company has an honorary advisory board composed of six (6) persons. The members of the advisory board serve in an honorary capacity and therefore have not received remuneration in the fiscal year.

##### Employees

The Company had 18 (2016: 16) salaried employees, thereof 5 (2016: 5) part-time, and additionally 3 (2016: 3) temporary staff on the average in the fiscal year 2017.

### Other financial obligations

There are other financial obligations in the amount of EUR 432k for the office rent agreed until December 31, 2021 (2016: EUR 209k for the office rent agreed until December 31, 2018).

### Shareholding

Shares within the meaning of Section 285(11) HGB are held in AGICOA Urheberrechtsschutz GmbH, Munich. As of December 31, 2017, the Company holds 51% of the shares of the nominal capital (= equity) in the amount of DM 50k (EUR 26k). The financial statements for the year ending December 31, 2017 show a net income for the year of EUR 0 in accordance with the Statutes.

The Company holds 100% of the shares in GWFF USA, Inc., Santa Monica, California, U.S.A. which was formed in the fiscal year 2003 with a common stock of US\$ 1,000k. The financial statements for the year ending December 31, 2017 show an equity amounting to USD 985k and a net income of USD 24k.

In addition, the Company holds 51% of the shares in ISAN Gesellschaft zur Registrierung von Film- und Fernsehwerken mbH, Munich which was formed in the fiscal year 2006 with a nominal capital of EUR 25k. The company's financial statements show an equity of EUR 20k and a net loss of EUR 28k for the year ending December 31, 2017.

### Appropriation of net income

In accordance with the object and purpose of a collecting society, the Company showed no net income in the year under review. The amounts not yet distributed to rightholders or the like are included in the reserves established for this purpose (see above).

Munich, August 14, 2018

GWFF Gesellschaft zur Wahrnehmung  
von Film- und Fernsehrechten mbH  
Geschäftsführung

Prof. Dr. Ronald Frohne

Dr. Gertraude Müller-Ernstberger

## Statement of Fixed Assets in the Fiscal Year 2017

	At cost				Accumulated depreciation				Net book value	
	Jan 1, 2017	additions	disposal	Dec 31, 2017	Jan 1, 2017	depreciation of fiscal year	disposal	Dec 31, 2017	Dec 31, 2017	Dec 31, 2016
	EUR	EUR	EUR	EUR	EUR	EUR	EUR	EUR	EUR	EUR
<b>I. Intangible assets</b>										
Software	1,765,357.81	31,472.55	-1,333,642.68	463,187.68	1,653,586.33	42,318.03	-1,333,642.68	362,261.68	100,926.00	111,771.48
<b>II. Tangible assets</b>										
1. Leasehold improvements	29,823.31	0.00	0.00	29,823.31	28,920.31	264.00	0.00	29,184.31	639.00	903.00
2. Office equipment	257,936.90	20,490.30	0.00	278,427.20	248,208.90	8,928.30	0.00	257,137.20	21,290.00	9,728.00
	287,760.21	20,490.30	0.00	308,250.51	277,129.21	9,192.30	0.00	286,321.51	21,929.00	10,631.00
<b>III. Financial assets</b>										
Shares in affiliated companies	893,124.12	15,300.00	0.00	908,424.12	0.00	0.00	0.00	0.00	908,424.12	893,124.12
	2,946,242.14	67,262.85	-1,333,642.68	1,679,862.31	1,930,715.54	51,510.33	-1,333,642.68	648,583.19	1,031,279.12	1,015,526.60

## B. MANAGEMENT REPORT FOR THE FISCAL YEAR 2017

### GENERAL CONDITIONS AND BUSINESS

#### 1. Economic environment

According to the annual economic report of the Federal Ministry for Economic Affairs and Energy for 2018, the German economy is in very good shape. The GDP (gross domestic product) has been increased by 2.2% adjusted for price. The labor market showed a very positive development; the unemployment rate has reached the lowest level since more than 25 years. The inflation rate in 2017 was about 1.8% on the average and therefore near the target inflation rate of the European Central Bank, that continues its expansive monetary policy. The interest on deposits (-0.40%) was still as in the previous year in the negative.

#### 2. Development of the equipment industry

According to the ZVEI (Germany's Electrical Industry) the classical consumer electronics industry realized a sector wide increase in sales by 2.6% compared to the previous year, which means a turnover of EUR 9.44 billion in 2017. However, the sales of remuneration-relevant products generally decline according to HEMIX (Home Electronics Market Index). The decline is particularly high for cell phones and smart phones (-9.5%, -1%; 2016: -19.8%, -7.6%), tablets (-14.8%; 2016: -21.8%), desktop PCs (constant at -13.5%), MP3 players (-27.9%; 2016: -31.0%), DVD players/recorders (-6.0%; 2016: -25.2%) and blank DVDs (-21.1%; 2016: -21.4%).

#### 3. Legal outline conditions

The copyright and neighboring rights administration law has comprehensively been revised by the Act on the management of copyright and neighboring rights by collecting societies ("VGG" – Collecting Societies Act) which came into force on June 1, 2016. The basic principles of the German copyright and neighboring rights administration law have however been maintained. They still form the basis for the activity of the collecting societies. Due to the new regulations of the Collecting Societies Act, the shareholders have adopted new Statutes on September 12, 2016.

### COURSE OF BUSINESS

#### 1. Field of activity

In the fiscal year 2017, the activities of the Company comprised, as in the past, the fiduciary administration of the blank tape and VCR levy rights and claims pursuant to Section 54 UrhG [German Copyright Act] in Germany in accordance with the Statutes. The rights pursuant to Section 54 UrhG have been administered both in Germany as well as in the area of private copying on the basis of reciprocity agreements with several foreign collecting societies.

In addition, the Company had been entrusted with the administration of the author's claims pursuant to Sections 27, 22, 20b UrhG in Germany.

On the basis of reciprocity agreements with several foreign collecting societies, GWFF GmbH administers blank tape levy rights and rights in the areas of use at schools and cable retransmission abroad. The rights of the rightholders are now represented in the following countries: Austria, France, Belgium, Spain, Switzerland, Liechtenstein, Netherlands,

Norway, Ireland, Denmark, Australia, Sweden, Canada, Finland, Luxembourg, Great Britain and New Zealand; since 2005, for the first time, also in Bosnia, Bulgaria, Estonia, Latvia, Lithuania, Slovakia, Slovenia, Poland, Ukraine, Romania, Portugal, South Africa, U.S.A., Iceland, Hungary and Italy.

## 2. Revenues

During the period under review, GWFF GmbH recorded revenues of EUR 84,231k (2016: EUR 7.379k) for the administration of rights for Germany. Of this amount, EUR 78.725k (2016: EUR 144k) are attributable to remuneration pursuant to Section 54 UrhG, EUR 310k (2016: EUR 1,049k) to remuneration pursuant to Section § 27 UrhG and EUR 5,196k (2016: EUR 6,186k) to cable retransmission rights in Germany. Compared with the previous year, the domestic revenues increased by EUR 76,852k. The increase is due to the distribution of PC-income.

The remuneration from abroad has declined by EUR 1,357k. The remuneration for cable retransmission rights abroad amounted to EUR 1.888k (2016: EUR 2,175k), thereof EUR 1.288k (2016: EUR 1,475k) for Switzerland and Liechtenstein, EUR 344k (2016: EUR 30k) for Denmark, EUR 0 (2016: EUR 226k) for Austria, EUR 118k (2016: EUR 258k) for Ireland, Luxembourg, Finland, Sweden, Norway, Canada, Poland, Romania, Slovenia, Belgium, Portugal and Hungary, EUR 1k (2016: EUR 14k) for France and EUR 56k (2016: EUR 79k) for Belgium, EUR 22k (2016: EUR 93k) for Spain as well as EUR 24k (2016: EUR 0k) for the Netherlands.

The remuneration for blank tape levy abroad amounted to EUR 1,004 (2016: EUR 1,968k), thereof EUR 221 (2016: EUR 539k) for France, EUR 733k (2016: EUR 1,277k) for Switzerland and Liechtenstein, EUR 13k (2016: EUR 94k) for Denmark, EUR 36k (2016: EUR 58k) for Norway and EUR 1k (2016: 0k) for Austria.

In addition, an amount of EUR 94k (2016: EUR 200k) has been received for use at schools abroad, thereof EUR 32k (2016: EUR 37k) for Australia, EUR 62k (2016: EUR 66k) for Switzerland and Liechtenstein, EUR 0k (2016: EUR 92k) for Austria and EUR 0k (2016: EUR 5k) for Denmark.

The variation in the received revenues on the basis of a year-on-year comparison is mainly due to the accounting method applied by the respective collecting agency.

## 3. Interest income

In addition to these revenues, there has been a negative interest result of -EUR 35k. The negative interest charged on money in the bank (deposit charges) amounted to -EUR 101k. These interest expenses had been compensated by interest income, which had been earned in previous interest bearing years in lawyer sander accounts that had finally been distributed to the entitled collecting societies in the fiscal year. But this had been a one time effect only.

## 4. Expenses

These revenues and interest income compared with expenses of EUR 1,858 (2016: EUR 1,747k) netted against other operating income. The cost rate of the Company is 2.1% related to the revenue and 2.6% related to the amounts paid out in the fiscal year.

## 5. Staff

GWFF GmbH efficiently fulfilled the tasks required by law through a small staff of 18 people on the average in 2017. GWFF GmbH is conscious of its social responsibility and employs disabled persons even though, in view of the number of staff members, it is not subject to the requirements of the Disabled Persons Act.

## 6. Rightholders

It has been possible to increase the number of rightholders of GWFF GmbH also in the fiscal year 2017.

## 7. Distribution of the revenues

During the period under review, quite a few distributions have been made to the rightholders.

Regarding domestic blank tape revenues: revenues pursuant to Section 54 UrhG from the PC levy, mobile phones, tablets 2015 and 2016, from mobile phones 2008 through 2014, tablets 2010 through 2014, from the PC levy, mobile phones, tablets music share 2015 and 2016 and mobile phones, tablets music share 2008 through 2014, as well as late claims 2011 through 2014. Furthermore, solved double registrations 1987 through 2015 were distributed.

Foreign blank tape revenues for Denmark, France, Norway, Austria, Spain and Switzerland have been distributed.

In addition, remuneration pursuant to Section 27 UrhG 2015 and 2016 has been distributed in 2017 to producers as well as to U.S. Guilds.

For the revenues from cable retransmission rights in Germany, distributions for the broadcasting year 2016 as well as late claims for 2013 through 2015 have been made to the U.S. Guild of Directors ("DGA") and the Guild of Writers ("WGA").

Moreover, foreign remuneration for cable retransmission rights in Belgium, Bosnia, Denmark, Finland, France, Ireland, Israel, Canada, Luxembourg, the Netherlands, Norway, Austria, Poland, Portugal, Romania, Sweden, Switzerland, Serbia, Slovenia, Spain and Hungary as well as for cable retransmission of German broadcasters in Austria has been paid.

Revenues for the use of audiovisual works for teaching and research in Australia and Great Britain have also been distributed.

A total amount of EUR 73,389k (2016: EUR 34,772k) has been distributed to the rightholders in the fiscal year 2017.

## 8. Promotion

GWFF GmbH has, as in the previous years, carried out its sponsoring measures within the framework of the International Film Festival in Berlin (Berlinale) and awarded again the "Best First Feature Award" which was created in 2006. The EUR 50k prize is awarded in equal parts to the producer and the director of the best feature from the program of the Festival, the Panorama, the Forum and the Perspective of the German Film.

In the fiscal year 2017, GWFF GmbH awarded the first prize, i.e. EUR 25k, at the Festival Osteuropäischer Film in Cottbus in addition to the so-called small scholarships for the participation of students of German film colleges in study-linked projects. Within the framework of the Berlinale, the Company also awards the student promotion prize to a student from Eastern Europe as well as, within the scope of the Studio Hamburg prize for young talents, the EUR 5k GWFF producer prize for the best production of a graduation film of a graduate from a German, Austrian or Swiss film college.

The film university Babelsberg's research expertise was sponsored with EUR 25k. Further sponsoring was provided, in particular, to the Medienboard Berlin-Brandenburg especially for the project "Artist in Residence for Israeli filmmakers in Germany 2017" as well as the International Student Festival "Sehsüchte" and the "Haus der jungen Produzenten". The Berkshire International Film Festival (with many German films) and the Berkshire Film & Media Cooperation have been sponsored via GWFF USA Inc. There has been cooperation with the University of Massachusetts in Amherst for the presentation of DEFA films. Moreover, in 2016, discussions have been started in the "German House New York" with respect to the support of the presentation of German films in the U.S. Furthermore, GWFF USA Inc. sponsored the Arthur Burns fellowship (scholarships for a stay of German journalists in the U.S. and of U.S. journalists in Germany with focus on media) and, conjoined with Carnegie Hall, a documentary film on the National Youth Orchestra of the United States of America.

## 9. Other activities

GWFF USA Inc., which has been operating in the U.S. since 2003, serves the great number of rightholders in the U.S. especially the members of MPA, IFTA as well as DGA, WGA and Screen Actors Guild (SAG).

Within the framework of the EUROCOPYA, the Company again took part in the WIPO negotiations and represented the interests of its members vis-à-vis the European Commission.

In the middle of 2005, GWFF GmbH applied for a license as ISAN Regional Agency Germany with ISAN International Agency in Geneva, Switzerland. The license as sole licensed German Agency was granted in November 2005. ISAN (International Standard Audiovisual Number) is an ISO certified numbering system to identify audiovisual works. In 2006, GWFF GmbH formed a subsidiary which, as ISAN Regional Agency, offers registration services to its rightholders. Meanwhile GWFF GmbH still holds 51% of the shares; the collecting societies VFF, VG Bild-Kunst and VG Wort hold the remaining shares.

## FINANCIAL AND EARNINGS SITUATION

### 1. Earnings situation

The earnings situation of the Company is determined by its statutory status as non-profit organization as prescribed by the law for collecting societies. Furthermore, it is inherent in the system that most of the revenues are relating to different periods because the amounts to be distributed are received, and passed on to the Company, by the administering institutions for different periods and the Company then issues the respective statements to the rightholders with time-lag. The balance arising from all income and expenditure in a

fiscal year (EUR 85,563; 2016: EUR 10,206k) is, as provision for reserves for rightholders, shown in full as reserves for rightholders in accordance with the Statutes.

## 2. Financial situation

As a result of the requirements of the law, the balance sheet and thus the financial situation of the Company are determined by items in transit. The balance sheet is thus characterized by high cash amounts (EUR 44,750k; 2016: EUR 32,072k) while the fixed assets (EUR 1,031k; 2016: EUR 1,016k) and the remaining current assets as well as the deferred items (EUR 211; 2016: EUR 928k) are of secondary importance. The main items on the liabilities side are the reserves for rightholders (EUR 44,840; 2016: EUR 26,361k) while the remaining reserves, liabilities and also the subscribed capital are secondary items.

In accordance with Section 25 VGG, the Company has adopted investment guidelines which have been examined by the auditor. According to these guidelines, the Company may only make risk-free investments pursuant to Section 1807(1) BGB [German Civil Code] (in particular fixed-interest investments); especially investments in equities are not permitted. Due to the currently low return, the relevant income is very low. Moreover, the banks have started in 2016 to charge negative interest and/or deposit fees on credit balances on accounts. We also refer to the attached cash flow statement.

## MATERIAL RISKS AND CHANCES

### 1. Risk management

The Company has adopted the general risk management policy on December 1, 2016. The primary objective of the risk management is the controlled and effective handling of the business risks in the day-to-day business. There have been no risks threatening the Company's viability in 2017.

### 2. Risk report

The main risks which might have a substantial impact on the assets, liabilities, financial position and earnings situation of the Company are set out below. The risk report includes the risk areas business environment, finance, business processes as well as the legal environment but also the chances:

#### 2.1. Business environment

The income of the company depends on the business development of the equipment industry. The discontinuance of the joint contracts with BITKOM represents a major risk. Moreover, the declining sales of remuneration-relevant products (see above: 'Development of the equipment industry') and the possible decrease of foreign income of the Company are also considerable risks.

A further risk regarding the remuneration claim pursuant to Section 54 UrhG consists in a changed user behavior. The private copying behavior is now changing from blank carriers, storage media and private recorders to cloud storage. Without the corrective and balancing action of the legislator, e.g. by introducing a remuneration regulation for cloud copying, this changed recording behavior leads to a substantial decrease in the amounts payable to the rightholders.

Moreover, it is to be feared within the scope of the empirical studies to be conducted in future on user behavior regarding audio works and audio-visual works that the



increasing use of streaming services (e.g. Netflix) will result in a further decline in the income of the Company.

There is the risk of new collecting societies being formed in future which might lead to a reduction of the Company's share; in particular, because the Collecting Societies Act provides that collecting societies admitted in other EU countries are also admitted in Germany.

It is possible that authors and producers presently represented by GWFF GmbH will entrust other collecting societies with their representation.

## 2.2. Finance

The drop in the interest level, the lower interest income and in particular the negative interest involve risks for the Company. The Company endeavors to avoid the risk of both negative interest and bad debt losses as far as possible through investments in accordance with the general investment policy.

## 2.3. Business processes

The business processes of the Company are substantially determined by the infrastructure technology. The Company ensures availability of the data and protection from unauthorized access by using modern hardware and software technology. The risk of loss of all data is reduced by data backup measures on a regular basis.

Internal controls (e.g. four eyes principle) help to minimize the risk. In view of the size of the Company no internal controlling department has been established.

## 2.4. Legal environment

While the legal environment involves a persistent exposure, it also provides opportunities. In addition to the legal amendments by the legislator, risks result also from court rulings.

The Company actively monitors the relevant developments and, via ZPÜ and Eurocopya, is in contact with the competent bodies to ensure that the interests are safeguarded in the best possible manner.

## 2.5. Chances

The chances of the Company consist in the expansion of its fields of activity, in particular the activity for foreign rightholders, and also in the inclusion of further products which are subject to remuneration. It would e.g. be desirable to subject cloud storage services to remuneration. The legal enforcement of remuneration claims which have not been enforced so far, e.g. for set top boxes, presents further chances. The Company may also realize higher interest income if the interest level increases and possibly increase its foreign revenues.

## PRESUMABLE DEVELOPMENT

The Company expects a decline in revenues in particular because of the increasing number of streaming services. However, the actual impact cannot be predicted since it depends on the future user behavior. In the fiscal year 2018 a partial compensation is expected because of joint contracts for blank DVDs and DVD recorders.

It is intended also in the years to come to distribute the money to the rightholders at the earliest possible time. The management will further endeavor to reduce the period between collection and payment of the money. The Collecting Societies Act (VGG) provides for the obligation to distribute the remuneration within nine (9) months from the end of the fiscal year in which the remuneration has been collected. This deadline does not expire if there are objective reasons which conflict with the distribution. A deadline of six (6) months applies to remuneration collected through other collecting societies on the basis of representation agreements.

Munich, August 14, 2018

GWFF Gesellschaft zur Wahrnehmung  
von Film- und Fernsehrechten mbH  
Geschäftsführung

Prof. Dr. Ronald Frohne

Dr. Gertraude Müller-Ernstberger

### C. BESTÄTIGUNGSVERMERK DES ABSCHLUSSPRÜFERS

*[reproduction of the original German wording of the unqualified audit opinion, not translated]*

Wir haben den Jahresabschluss --bestehend aus Bilanz, Gewinn- und Verlustrechnung, Kapitalflussrechnung sowie Anhang-- unter Einbeziehung der Buchführung und den Lagebericht der GWFF Gesellschaft zur Wahrnehmung von Film- und Fernsehrechten mbH, München, für das Geschäftsjahr vom 1. Januar 2017 bis 31. Dezember 2017 geprüft. Die Buchführung und die Aufstellung von Jahresabschluss und Lagebericht nach den deutschen handelsrechtlichen Vorschriften sowie den ergänzenden Bestimmungen des Gesetzes über die Wahrnehmung von Urheberrechten und verwandten Schutzrechten durch Verwertungsgesellschaften (Verwertungsgesellschaftengesetz - VGG) und den ergänzenden Bestimmungen der Satzung liegen in der Verantwortung der gesetzlichen Vertreter der Gesellschaft. Unsere Aufgabe ist es, auf der Grundlage der von uns durchgeführten Prüfung eine Beurteilung über den Jahresabschluss unter Einbeziehung der Buchführung und über den Lagebericht abzugeben.

Wir haben unsere Jahresabschlussprüfung nach § 57 Abs. 1 S. 1 VGG und entsprechend den Vorschriften des § 317 HGB unter Beachtung der vom Institut der Wirtschaftsprüfer (IDW) festgestellten deutschen Grundsätze ordnungsmäßiger Abschlussprüfung vorgenommen. Danach ist die Prüfung so zu planen und durchzuführen, dass Unrichtigkeiten und Verstöße, die sich auf die Darstellung des durch den Jahresabschluss unter Beachtung der Grundsätze ordnungsmäßiger Buchführung und durch den Lagebericht vermittelten Bildes der Vermögens-, Finanz- und Ertragslage wesentlich auswirken, mit hinreichender Sicherheit erkannt werden. Bei der Festlegung der Prüfungshandlungen werden die Kenntnisse über die Geschäftstätigkeit und über das wirtschaftliche und rechtliche Umfeld der Gesellschaft sowie die Erwartungen über mögliche Fehler berücksichtigt. Im Rahmen der Prüfung werden die Wirksamkeit des rechnungslegungsbezogenen internen Kontrollsystems sowie Nachweise für die Angaben in Buchführung, Jahresabschluss und Lagebericht überwiegend auf der Basis von Stichproben beurteilt. Die Prüfung umfasst die Beurteilung der angewandten Bilanzierungsgrundsätze und der wesentlichen Einschätzungen der gesetzlichen Vertreter sowie die Würdigung der Gesamtdarstellung des Jahresabschlusses und des Lageberichts. Wir sind der Auffassung, dass unsere Prüfung eine hinreichend sichere Grundlage für unsere Beurteilung bildet.

Unsere Prüfung hat zu keinen Einwendungen geführt.

Nach unserer Beurteilung aufgrund der bei der Prüfung gewonnenen Erkenntnisse entspricht der Jahresabschluss den gesetzlichen Vorschriften und den ergänzenden Bestimmungen der Satzung und vermittelt unter Beachtung der Grundsätze ordnungsmäßiger Buchführung ein den tatsächlichen Verhältnissen entsprechendes Bild der Vermögens-, Finanz- und Ertragslage der Gesellschaft. Der Lagebericht steht in Einklang mit dem Jahresabschluss, entspricht den gesetzlichen Vorschriften, vermittelt insgesamt ein zutreffendes Bild von der Lage der Gesellschaft und stellt die Chancen und Risiken der zukünftigen Entwicklung zutreffend dar.

Lindau, den 30. August 2018

BAY GmbH

Wirtschaftsprüfungsgesellschaft  
Rechtsanwaltsgesellschaft

Karl-Christian Bay

Wirtschaftsprüfer

**D. REJECTED REQUESTS OF USERS REGARDING THE GRANTING OF RIGHTS OF USE**

No requests of users regarding the granting of rights of use have been rejected in the fiscal year 2017.

## E. LEGAL FORM AND ORGANIZATIONAL STRUCTURE

### I. Legal bases

Formation	The Company exists in the legal form of a GmbH [ <i>German limited liability company</i> ] since March 19, 1982.
Name	GWFF Gesellschaft zur Wahrnehmung von Film- und Fernsehrechten mbH
Seat	Munich
Statutes	The current Statutes are dated November 23, 2016.
Commercial Register	<p>The Company is entered in Section B, No. 69235, of the Commercial Register at the Amtsgericht München [<i>Local Court Munich</i>].</p> <p>The most recent entry was made on March 13, 2017. It comprises the new version of the Statutes in accordance with the shareholder resolution of November 23, 2016.</p>
Purpose	<p>The fiduciary administration of rights and claims in the national territory and abroad which result from the Copyright Act in conjunction with the international and/or bilateral conventions for film producers, television producers, videogram producers, foreign actors and authors or which have been transferred to them, and the distribution of the revenue to the entitled persons.</p> <p>The Company is a collecting society within the meaning of Section 2 VGG [<i>German Collecting Societies Act</i>]. It is not operated for profit.</p> <p>The authorization required for the activity of the Company pursuant to Section 1 UrhWG [<i>German Act on the Administration of Copyright and Neighboring Rights</i>] has been granted by notification of the President of the German Patent Office of August 4, 1982. The Company is subject to supervision by the President of the German Patent and Trademark Office.</p>
Fiscal year	The fiscal year is the calendar year.
Size of the Company	<p>The Company is a middle-sized company within the meaning of Section 267(2) HGB [<i>German Commercial Code</i>].</p> <p>Since the introduction of the new German Collecting Societies Act, the collecting societies must apply the</p>

provisions applicable to large corporations pursuant to Section 57(1) VGG [*German Collecting Societies Act*].

## Nominal capital

The nominal capital of EUR 103,000 is entered in the Commercial Register and fully paid up.

## Shareholders

The shareholding is as follows:

	until Feb 8, 18 EUR	since Feb 8, 18 EUR
RA Dr. Dieter Schenk, Munich	51.500	0
Wilhelm-Fraenger-Institut Berlin gemeinnützige GmbH, Berlin	0	47.380
Taurus Lizenz Beteiligungs GmbH (former: TaurusLizenz GmbH & Co. KG, former: KirchMedia GmbH & Co. KGaA i.L.), Unterföhring	15.450	15.450
UFA Film- und Fernseh GmbH, Cologne	10.300	10.300
Tellux Beteiligungsgesellschaft mbH, Munich	10.300	10.300
Tele-München Fernseh GmbH & Co. Produktionsgesellschaft, Munich	5.150	9.270
Metropolitan Import-Export Brackel GmbH & Co. KG, Munich	5.150	5.150
MONARDA Arts GmbH, Halle	5.150	5.150
	<u>103.000</u>	<u>103.000</u>

## II. Bodies of the Company

### Managing directors

In the fiscal year 2017, the managing directors were

- Rechtsanwalt [*attorney-at-law*]  
Prof. Dr. Ronald Frohne, Berlin
- Rechtsanwältin [*attorney-at-law*]  
Dr. Gertraude Müller-Ernstberger, Munich

Each managing director holds power of individual representation.

### Shareholders' meeting

The rights and duties of the shareholders' meeting are set forth in Article 8 of the Statutes. The following resolutions have been adopted at the shareholders' meeting of August 30, 2017:

- approval of the financial statements for the year ended December 31, 2016 and the transparency report 2017
- discharge of the management for the fiscal year 2016
- election of the auditor for the fiscal year 2017

### Supervisory board

In the fiscal year 2016, the Company has established a supervisory board pursuant to Section 22 VGG [*German Collecting Societies Act*] which has six (6) members in accordance with the Statutes. The rights and duties of the supervisory board are set forth in Article 10 of the Statutes.

The following members have been elected at the shareholders' meeting of December 1, 2016 for a term of four (4) years:

- Dr. Christian Hauptmann,  
deputy head of legal department UFA Film und Fernseh GmbH, Cologne (elected chairman on April 25, 2018)
- Mr. Chris Marcich,  
adviser to Motion Picture Association of America, Brussels (elected vice chairman on April 25, 2018)
- Mr. Nikolaus Brudny,  
Rechtsanwalt [*lawyer*] Taurus Lizenz Beteiligungs GmbH (former: TaurusLizenz GmbH & Co. KG, former: KirchMedia GmbH & Co. KGaA i.L.), Unterföhring
- Mr. Martin Choroba,  
TELLUX Beteiligungsgesellschaft mbH, Munich
- Mr. Michael Fuehr,  
managing director Metropolitan, Import-Export Brackel GmbH & Co. KG, Munich
- Mr. Philip Löhr,  
head of legal department Tele-München Fernseh-GmbH & Co. Produktionsgesellschaft, Munich

The supervisory board meeting was held in the fiscal year 2017 on August 30, 2017.

## Advisory board

The advisory board, which is composed of six (6) members in accordance with the Statutes and whose rights and duties are set out in Article 13 of the Statutes, was composed as follows in the fiscal year 2017:

appointed by the shareholders' meeting for a term of four (4) years (renominated on April 25, 2018):

- Prof. Dr. Herbert Kloiber, Munich
- Mr. Nikolaus Brudny, Unterföhring

elected as representatives of the producers at the meeting of entitled persons of April 25, 2018 for a term of four (4) years:

- Mr. Idzard van der Puyl, Paris
- Mr. Chris Marcich, Brussels

elected as representatives of the authors at the meeting of entitled persons of April 25, 2018 for a term of four (4) years:

- Mr. Bob Hadl, Los Angeles
- Prof. Jürgen Haase, Berlin (since April 25, 2018)
- Dr. Dieter Meier, Bern (until April 25, 2018)

elected as substitute advisory member:

- Mr. Miguel Angel Benzal, Madrid

The term used to be three (3) years. After introduction of the VGG the Statutes of the Company have been revised and the term for the representatives of the advisory board was increased to four (4) years.

The supervisory board meeting was held in the fiscal year 2017 on August 30, 2017.

## Meeting of entitled persons

The last meeting of entitled persons at which the above-named advisory board members were elected in accordance with the Statutes was held on April 25, 2018.

After introduction of the VGG the Statutes of the Company have been revised and the term for the meeting of entitled persons has been increased to four (4) years.



### III. Entitled persons

Entitled persons (“rightholders“ until the time when the German Collecting Societies Act came into force) are domestic and foreign film producers, television producers, videogram producers, foreign actors and authors.

The entitled persons may transfer the following rights and claims to GWFF for fiduciary administration on the basis of an Administration Agreement:

1. The remuneration claims pursuant to Section 27(1+2) UrhG [German Copyright Act] for the rental and the lending of copies including audio-visual carriers.
2. Remuneration claims against the producers, importers or dealers of devices and storage media which, by their nature, may be used, alone or in conjunction with other devices, storage media or equipment, for making reproductions by recording broadcasts on an audiovisual carrier or by transfer from one audio-visual carrier to another (Section 54 UrhG)
3. The remuneration claims for making the works available to the public for teaching and research pursuant to Section 52a UrhG
4. The remuneration claim for making published works available at electronic reading places in public libraries, museums and archives pursuant to Section 52b UrhG
5. The right of reproduction and distribution of copies of a work made for other than gainful purposes for, and the distribution thereof exclusively to, persons for whom access to the work in a form of perception already available is not possible or considerably more difficult due to disability if and to the extent required for enabling access.
6. The right to make individual copies of event-driven, reporting and documenting television programs by recordings on audio-visual carriers for non-commercial educational purposes and to communicate the same in teaching events of educational institutions themselves.
7. The right of simultaneous, unchanged and complete, analog and digital retransmission of broadcasts abroad
  - 7.1. through cable systems or cable-like systems (e.g. broadband, telephone cable, fiber optic cable, open or closed network), IP-TV, microwave systems, via satellite, terrestrially, mobile radio (for example, without limitation, GPRS, UMTS, LTE) or other wired or wireless distribution paths;
  - 7.2. as live stream on the Internet or via another computer network (e.g. virtual private network (VPN)). This includes the linking and/or feeding into P2P streaming networks and any other provision of access to the live stream via a computer network for simultaneous reception and any other inclusion and/or any other adoption on websites, irrespective of whether in a separate browser window and regardless of what software is used;

- 7.3. within the scope of an online video recorder (online personal video recorder) and other recording media which are only accessible via the Internet or any other computer network.
8. The right of making online broadcasts available to the public (Section 19a UrhG). This includes, in a supplementary manner, the right of reproduction (Section 16 UrhG) if and to the extent necessary for making the broadcast available to the public (for example, without limitation, instant restart, replay).
9. Other copyright claims which are derived from retransmission and which can only be exercised collectively due to statutory provisions.

The granting of the rights covers all copyrights and neighboring rights (including those of performing artists) to which the entitled person is entitled, originally or derivatively, in films and/or audio-visual carriers.

The granting of these rights is not limited to the territory of the Federal Republic of Germany but can be transferred worldwide or for individual countries.

#### **IV. Organization of the Company**

The organization of GWFF is structured in the following areas in accordance with its Statutes:

- administration of the rights transferred to GWFF vis-à-vis the users of those rights
- fiduciary investment and administration of the collected amounts
- preparation and execution of the distribution of the collected amounts to the entitled persons

For the administration of the amounts collected on a fiduciary basis, the shareholders' meeting of GWFF has adopted the investment policy principles on September 12, 2016 and the risk management policy on December 1, 2016 which have been defined in the investment guideline of GWFF.

The Company efficiently fulfills the tasks required by law through a small team.

## F. DEPENDENT COLLECTING ENTITIES

GWFF participates in the following civil law partnerships without capital contribution:

- Zentralstelle für Private Überspielungsrechte (ZPÜ), Munich, management by GEMA
- Zentralstelle Bibliothekstantieme (ZBT), Munich, management by VG Wort

ZPÜ is an association of nine (9) German collecting societies (GEMA, GÜFA, GVL, GWFF, TWF, VFF, VGF, VG Bild-Kunst, VG Wort) in the legal form of a civil law partnership. The purpose of ZPÜ is the assertion and enforcement of the statutory remuneration claims pursuant to Section 54(1) UrhG [*German Copyright Act*] (device and storage media levy) as well as the collection, administration and distribution of the revenue. ZPÜ prepares a transparency report of its own to which reference is hereby made. The split agreed by all ZPÜ societies on the basis of empirical studies leads to a 7.34% share of GWFF.

ZBT is an association of the collecting societies VG Wort, GEMA, VG Bild-Kunst, GVL, VGF, GWFF, VFF and VG Musikedition in the legal form of a civil law partnership. ZBT is entrusted with the assertion of the claims pursuant to Section 27(2) UrhG [*German Copyright Act*] (library levy) and of the claims pursuant to Section 52a UrhG [*German Copyright Act*] (Intranet use at schools). Regarding ZBT, reference is hereby made to the statements in the transparency report prepared by the managing partner VG Wort. GWFF receives a share of 5.23% of the ZBT revenue pursuant to Section 27(2) UrhG [*German Copyright Act*] and a share of 6.09% pursuant to Section 52a UrhG [*German Copyright Act*].

## G. REMUNERATION OF THE BODIES

In the fiscal year 2017 the remuneration of the management amounted to EUR 228,690.89, plus social security (employers' share) and pension benefit plans.

The supervisory board members and the advisory board members serving in an honorary capacity have not received remuneration in the fiscal year 2017.

## H. FINANCIAL INFORMATION

### I. Rights revenue and use of rights revenue

The rights revenue is composed as follows:

Chart 1: rights revenue in the fiscal year 2017:

	2017 EUR
<b>a) Domestic</b>	
<b>Remuneration pursuant to Section 54 UrhG (device and storage media levy) from</b>	
ZPÜ for PC revenue	66,033,133.70
GEMA for PC revenue	7,220,837.45
GVL for Screen Actors Guild (SAG) (PC revenue and §§ 27. 20b UrhG)	5,443,241.87
VG Bild-Kunst for directors	27,749.93
	<u>78,724,962.95</u>
<b>Remuneration pursuant to Section 27 UrhG (video rental levy. library levy) from</b>	
GEMA for video rental levy	74,961.32
VG Wort for video rental levy	63,485.34
VG Bild-Kunst for video rental levy	45,849.82
VG Bild-Kunst for teaching and research	95,273.08
VG Wort for teaching and research	30,916.71
	<u>310,486.27</u>
<b>Remuneration for cable retransmission rights from</b>	
AGICOA GmbH for U.S. Guilds	4,476,842.20
VG Wort German broadcasters in Kabel Österreich for U.S. Guilds	719,398.33
	<u>5,196,240.53</u>
<b>Total domestic</b>	<b><u>84,231,689.75</u></b>
<b>b) Abroad</b>	
<b>Remuneration for cable retransmission rights</b>	
Switzerland/Liechtenstein (administration by SUISSIMAGE, Bern and SWISSPERFORM,, Zurich)	1,287,155.14
Denmark (administration by PRD, Copenhagen - former: CAB, Copenhagen)	344,079.65
Canada, Netherlands, Luxemburg, Ireland, Sweden, Norway, Finland, Bosnia, Latvia, Albania, Macedonia, Bulgaria, Estonia, Lithuania, Serbia, Belgium, Slovenia, Hungary, Portugal, Romania, Poland, Croatia, South Africa (administration by AGICOA Geneva)	117,584.40
Belgium (administration by AGICOA, Belgium)	55,673.33
Sweden (administration by FRF, Stockholm)	35,365.87
Netherlands (administration by VIDEMA, Noordeloos)	23,949.34
Spain (administration by EGEDA, Madrid)	22,434.84
France (administration by ANGOA, Paris)	1,460.36
	<u>1,887,702.93</u>
<b>Remuneration for device and storage media levy</b>	
Switzerland/Liechtenstein (administration by SUISSIMAGE, Bern and SWISSPERFORM, Zurich)	732,590.58
France (administration by PROCIREP, Paris)	221,389.96
Norway (administration by NORWACO, Oslo)	36,124.48
Denmark (administration by FILMKOPI, Copenhagen)	13,367.45
Austria (administration by VAM, Wien)	802.47
	<u>1,004,274.94</u>
<b>Remuneration for teaching and research</b>	
Switzerland/Liechtenstein (administration by SUISSIMAGE, Bern and SWISSPERFORM, Zurich)	61,835.66
Australia (administration by AVCS Screenrights, Australia)	31,890.47
	<u>93,726.13</u>
<b>Total abroad</b>	<b><u>2,985,704.00</u></b>
<b>Rights revenue</b>	<b><u>87,217,393.75</u></b>

The revenue pursuant to the profit and loss statement in the amount of EUR 87,455,193.75 (see page 4) is composed of this rights revenue of EUR 87,217,393.75 and of received cost refunds of EUR 237,800.00 which must be shown as revenue due to the amendment of the law by the Bilanzrichtlinie-Umsetzungsgesetz [*German Accounting Directive Implementation Act (BilRUG)*] even though they do not directly constitute rights revenue. These cost refunds are used to reduce the costs of the Company so that only the netted costs are passed on to the entitled persons.

## II. Cost of rights administration

The costs incurred in the fiscal year 2017 and shown in the profit and loss statement (see A. II.) are exclusively generated by the rights administration on behalf of the entitled persons. The Company does not provide any other services or benefits to the entitled persons or members.

The costs are covered by the rights revenue pursuant to Section 31 VGG [*German Collecting Societies Act*]. Article 4 of the Statutes and/or the Distribution Plans. The Company has adopted general principles on the deduction of administrative costs in this regard.

According to the current version of these general principles of September 30. 2016, the Company applies an administrative cost rate determined on the basis of the preceding five (5) fiscal years. The administrative cost rate of 4.64% at present is deducted from the revenue in the year of distribution to the entitled persons. If the budgeted administrative cost rate is insufficient to cover the actual costs of a distribution year, the difference is taken from the working capital reserve (WCR) set up by the Company. In the event that the budgeted administrative cost rate exceeds the actual costs of the year of distribution, the difference is added to the WCR. If and when the WCR covers more than the administrative costs of the preceding 24 months, the excess amount must be distributed to the entitled persons in addition to the next distribution amount. The WCR is established for the first time effective January 1. 2017 amounting to EUR 1.500.000 (shareholder resolution of December 1. 2016).

In view of the size of the Company, the costs are not directly attributed to the individual rights categories. The administrative cost rate is equally applied to all rights categories.

The WCR development is shown in the table of the reserves for rightholders (Chart 3) on page 33.

The cost rate of the Company (interest result included) is 2.1% related to the rights revenue in the fiscal year 2017 and 2.6 % related to the amounts paid in the fiscal year 2017.

### III. Amounts due to the entitled persons

#### a) Aggregate of the amounts allocated to the entitled persons

The rights revenue is distributed on the basis of the Distribution Plans of the Company. The Distribution Plans of GWFF GmbH may be accessed on the website of the Company ([www.gwff.de](http://www.gwff.de)).

Various settlement runs [*Abrechnungsläufe*] have been made in the fiscal year 2017. The amounts allocated to the entitled persons are set out in detail in Chart 2 on page 31.

#### b) Aggregate of the amounts distributed to the entitled persons

The entitled persons are notified of the respective result of the settlement runs by way of distribution letters. After the formal requirements have been fulfilled (especially reconciliation of the film lists, confirmation and release by the entitled person, verification of the bank account, obtaining tax exemption notices, if any), the remuneration is remitted to the entitled person without undue delay. The fulfillment of the formal requirements by the entitled persons may take some time so that, in those cases, the remittance can only be made after the end of the year in which the settlement run is made.

On the basis of the settlement runs in the fiscal year 2016 referred to above and explained in Chart 2 below, a total amount of EUR 68,942,291.03 has been paid to the entitled persons. According to these settlement runs 2017 there had been payments in the first two months 2017 amounting to EUR 3,019,476.09; in terms of commercial law this amount was shown as accounts payable in the financial statement 2016; payments on settlement runs 2017 since March 2017 amounting to EUR 65,922,814.94 are shown as usage in the reserve statement (chart 3).

For settlement runs 2016 an amount of EUR 738,968.38 had been paid out and for settlement runs before 2016 an amount of EUR 82,877.68, which are also shown as usage in the reserve statement (chart 3). On settlement runs before 2017 an amount of EUR 3,625,136.59 had been paid within the first two months 2017, in terms of commercial law shown as accounts payable in the financial statement 2016.

Overall, a total amount of EUR 73,389,273.68 has been paid to the entitled persons or EUR 66,744,661.00 excluding the amounts shown as accounts payable in 2016.

Details and the composition are also shown in Chart 2: settlement runs in the fiscal year 2016 on page 31 and the Reserve Statement after H. III. e) (Chart 3 on page 33).

#### c) Distribution dates

The distribution dates for the settlement runs made in the fiscal year 2016 are also shown in Chart 2, page 31.

Chart 2: Settlement runs in the fiscal year 2017:

Distribution-Date	Rights Category	Dis-tribution-Period	Gross Dis-tribution	Costs	WCR	Deductions for Funds/Reserves	Allocated to the Entitled Persons	thereof paid out in 2017	thereof payment impediment Double Registrations	Withdrawals Legal Examin.	Balance as of Dec 31, 2017 not yet paid out
Distributions pursuant to Distribution Plan Section 54 UrhG:											
Device and storage media remuneration for private copying											
18.01.2017	PC-levy Music Share incl. late claims	2015	1.207.554,36								
20.09.2017	PC- levy, mobile phone, tablets	2015	10.913.160,11								
20.09.2017	PC- levy, mobile phone, tablets	2016	11.698.882,49								
02.10.2017	Mobile phone	2008	1.276.132,11								
02.10.2017	Mobile phone	2009	1.879.571,00								
10.10.2017	Mobile phone, tablets	2010	4.311.660,37								
10.10.2017	Mobile phone, tablets	2011	5.749.214,43								
10.10.2017	Mobile phone, tablets	2012	8.162.958,95								
11.10.2017	Mobile phone, tablets	2013	9.102.120,10								
11.10.2017	Mobile phone, tablets	2014	10.444.455,62								
17.10.2017	PC- levy, mob. phone, tabl. - Music Share	2008-2016	7.200.634,23								
diverse 2017	Late claims, Solved double registration	1987-2015	1.466.225,52								
			<b>73.412.569,29</b>	<b>-3.172.152,64</b>	<b>-1.500.000,00</b>	<b>-5.791.230,21</b>	<b>62.949.186,44</b>	<b>-58.757.598,87</b>	<b>-57.248,28</b>	<b>0,00</b>	<b>4.134.339,29</b>
Distributions pursuant to Distribution Plan Section 27 UrhG:											
Video rental remuneration and library fee											
01.06.2017	Main distribution	2011-2015	1.783.176,22								
12.12.2017	Late claims, Solved double registration	2011-2015	319.165,67								
			<b>2.102.341,89</b>	<b>-51.383,36</b>	<b>0,00</b>	<b>-92.595,31</b>	<b>1.958.363,22</b>	<b>-1.640.918,66</b>	<b>-179.958,46</b>	<b>0,00</b>	<b>137.486,10</b>
Distributions pursuant to Distribution Plan for revenue abroad:											
Device and storage media remuneration abroad											
15.03.2017	France	1993-2015	250.281,33								
25.01.2017	Switzerland – Suissimage	2009-2015	2.200.520,92								
30.03.2017	Switzerland – Swissperform	2008-2015	547.630,27								
07.02.2017	Austria	2010-2012	44.856,66								
Cable retransmission abroad											
22.11.2017	German broadcasters in Austria	2016	841.992,00								
07.02.2017	Austria	2006-2013	362.726,82								
02.03.2017	Various countries	1986-2015	477.902,09								
26.04.2017	Various countries	2007-2015	242.047,68								
Use at schools abroad											
various 2017	Australia	2012-2016	44.204,05								
			<b>5.012.161,82</b>	<b>-203.880,83</b>	<b>0,00</b>	<b>-102.869,40</b>	<b>4.705.411,59</b>	<b>-4.243.685,37</b>	<b>-42.511,60</b>	<b>-97.328,15</b>	<b>321.886,47</b>
Distributions cable retransmission U.S. Guilds											
21.07.2017	Germany: U.S. Guilds	2016	4.424.979,70								
17.07.2017	Germany: U.S. Guilds Late Claims	2013-2015	54.643,06								
			<b>4.479.622,76</b>	<b>-179.534,63</b>	<b>0,00</b>	<b>0,00</b>	<b>4.300.088,13</b>	<b>-4.300.088,13</b>	<b>0,00</b>	<b>0,00</b>	<b>0,00</b>
			<b>85.006.695,76</b>	<b>-3.606.951,46</b>	<b>-1.500.000,00</b>	<b>-5.986.694,92</b>	<b>73.913.049,38</b>	<b>-68.942.291,03</b>	<b>-279.718,34</b>	<b>-97.328,15</b>	<b>4.593.711,86</b>

d) Aggregate of the amounts not yet allocated to the entitled persons

From the rights revenue received in 2017 an amount of EUR 8,354,303.52 has not yet been allocated. Additionally, the reserves for non-registered works and other claims of third parties in the amount of EUR 12,042,076.27 set up from the gross distribution amounts in accordance with the Distribution Plans have not yet been allocated. Therefore, the aggregate of the amounts not yet allocated to the entitled persons is EUR 20,396,379.79.

e) Aggregate of the amounts allocated, but not yet distributed, to the entitled persons

Reference is made to Chart 2 on page 31 with details of the settlement runs made in the fiscal year 2017.

Moreover, Chart 3 below shows – in the form of a Reserve Statement – the development of the reserves for rightholders (see balance sheet A. I.). It is composed of the development of the amounts not yet distributed and the development of the social fund, the promotion fund as well as the working capital reserve.



Chart 3: Reserve Statement:

	As of Jan 1, 2017	Transfers Gros Distribution	Additions to / Usage of WCR	Deductions for Additions to Reserves and Funds	Payments to Entitled Persons Usage from Funds	P U	Transfers not yet paid	Additions from Profit and Loss Statement 2017	As of Dec 31, 2017
<b>Balance Sheet Position</b>					<sup>1)</sup> -66,744,661.00	P			
<b>„Reserves for Rightholders“</b>	26,360,771.46	0,00	0.00	0.00	-338,718.49	U	0.00	85,563,102.79	44,840,494.76
Composition:									
- Allocation of the result 2016	7,178,387.20		0.00	0.00	0.00		0.00	0.00	0.00
-- Allocation revenue 2016 to settlement run in 17		-8,936,257.51							
-- Allocation actual costs 2016 to previous year		1,757,870.31							
- Settlement runs in 2017 (chart 2)	0.00	8,936,257.51	-1,500,000.00	1,709,831.43	-65,922,814.94	P	-279,718.34	0.00	4,593,711.87
		69,142,779.64	-3,606,951.46	-3,517,132.64			-97,328.15		
		725,428.86		-1,168,668.33					
		826,226.05		-452,794.57					
		1,143,396.61		-1,344,799.80					
- Settlement runs in 2016	1,658,776.18	0.00	0.00	0.00	-738,968.38	P	-919,807.80	0.00	0.00
- Reserves for non-registered works and other claims of third parties (not yet allocated to entitled persons – see H. III. d) Special reserve film compensation (ZPÜ)	6,129,739.72	-725,428.86 61,795.87	0.00	-1,709,831.43 3,517,132.64 1,168,668.33 3,600,000.00	0.00		0.00	0.00	12,042,076.27
- Double registrations	6,675,333.19	-1,143,396.61	0.00	0.00	0.00		279,718.34 -324,651.03	0.00	5,487,003.89
- amounts not yet paid for previous years, not yet called for, withdrawals by entitled persons after settlement runs or non-payment due to legal examination of the entitlement, offset with previous years	1,713,996.17	-1,757,870.31 -826,226.05	0.00	0.00	-82,877.68	P	97,328.15 919,807.80 324,651.03 6.272.586,03	0.00	6,661.395.14
- Social fund	1,499,550.00	0.00	0.00	452,794.57	-61,588.49	U	0.00	0.00	1,890,756.08
- Promotion fund	1,504,989.00	0.00	0.00	1,344,799.80	-277,130.00	U	0.00	0.00	2,572,658.80
- Working Capital Reserve	0.00	0.00	1,500,000.00	0.00	0.00		0.00	0.00	3,238,589.19
-- Addition costs by settlement runs in 2017			3,606,951.46						
-- Usage for actual costs 2017			-1,868,362.27						
- Allocation of the result of the Profit and Loss Statement 2017 (see A. II.) - (net total not yet allocated to entitled persons - see H. III. d)	0.00	-69,142,779.64 -61,795.87	1,868,362.27	-3,600,000.00	0.00		-6.272.586,03	85,563,102.79	8,354,303.52
	26,360,771.46	0.00	0.00	0.00	-338,718.49	U	0.00	85,563,102.79	44,840,494.76

1) The payments to the entitled persons amounting to EUR 66,744,661.00 were made during March until December 2017; a total of EUR 73,389,273.68 was distributed in the calendar year 2017 including the payments in the first two months 2017, which were reported as liabilities in 2016.

- f) Delays in payment if the collecting society has not made the distribution within the distribution deadline

The distribution periods of nine (9) months after completion of the fiscal year pursuant to Section 28 VGG [German Collecting Societies Act] and of six (6) months after receipt of revenues on the basis of representation agreements pursuant to Section 46 VGG [German Collecting Societies Act] have been changed in the Distribution Plans on December 1, 2016. The new distribution periods apply from the fiscal year 2017 on.

- g) Aggregate of the non-distributable amounts

There are no non-distributable amounts of the Company.

#### IV. Relations with other collecting societies

##### (1) Amounts received from other collecting societies

Regarding the amounts received from other collecting societies, reference is hereby made to Chart 1. in H. I., rights revenue.

##### (2) Amounts paid to other collecting societies

The following amounts have been paid to other collecting societies in the fiscal year 2017:

	Payment <sup>1)</sup>	Costs	Reserve	Social Fund	Promotion Fund
EGEDA, Spain	175,738.19	-9,050.72	-9,463.62	-1,765.23	-5,243.31
FRF, Sweden	1,370,392.60	-72,422.00	-74,553.56	-14,137.46	-41,988.73
GÜFA, Düsseldorf	5,977.56	-316.72	-309.51	-58.78	-174.62
NORWACO, Norway	106,872.30	-5,070.54	-5,462.08	-969.94	-2,880.99
PACC, Canada	537,151.84	-24,916.84	-25,310.76	-4,730.33	-13,923.93
PRD (former FILMKOPI), Denmark	497,364.39	-26,308.23	-27,033.99	-5,136.31	-15,255.20
PROCIREP, France	4,207,628.21	-174,790.13	-210,287.80	-31,599.93	-93,697.91
Screenrights, Australia	212,723.74	-11,261.22	-11,903.82	-2,216.82	-6,494.70
SEKAM, Netherlands	204,709.89	-7,598.72	-8,695.64	-1,447.05	-4,298.20
Suissimage, Switzerland	15,333.41	-798.60	-830.49	-165.85	-455.56
VAM, Austria	3,459,546.83	-147,769.48	-152,091.92	-27,618.44	-82,028.06
VFF, Munich	2,288,545.10	-8,583.72	0.00	0.00	0.00
VGF, Munich	178,503.91	-101,816.40	0.00	0.00	0.00

<sup>1)</sup> if applicable: amounts before deduction of taxes at source according to Section 50a EStG [*German income tax code*] as well as without VAT

## I. SOCIAL AND CULTURAL PROMOTION

The Company is obligated pursuant to Section 32 VGG [*German Collecting Societies Act*] and according to the Statutes and the Distribution Plans of the Company to allocate amounts to the social fund and the promotion fund.

Social fund pursuant to the Distribution Plans of GWFF for the revenue realized in Germany. Part A. General Terms. Article 2 II.:

An amount equal to 1% of the amount to be distributed for the respective rights category must be added to the social fund.

Promotion fund pursuant to the Distribution Plans of GWFF for the revenue realized in Germany. Part A. General Terms. Article 2 III.:

Out of the distribution amount remaining for the respective rights category after the allocation to the social fund, an amount equal to 3% must be added to the promotion fund. Culturally important works or performances and young talents are to be promoted by the fund in accordance with Section 32 VGG [*German Collecting Societies Act*].

The development of the social fund and the promotion fund is shown in the Reserve Statement on page 33 (chart 3).

### I. Social Fund

In the fiscal year 2017 an amount of EUR 452,794.57 was deducted for and added to the social fund within the scope of the settlement runs 2017.

The following amounts have been used from the social fund in the fiscal year 2017:

	EUR
GWFF-Studentship semester abroad	22,000.00
Filmuniversität Babelsberg: German scholarship for 2016 and 2017	10,800.00
Medienboard Berlin-Brandenburg: Artists in Residence	10,000.00
Filmfest München: Student Filmfest	10,000.00
Filmuniversität Babelsberg: Sehnsüchte Festival	5,000.00
Support Max Ophüls Prize	3,788.49
	<u>61,588.49</u>

## II. Promotion fund

In the fiscal year 2017 an amount of EUR 1,344,799.81 was deducted for and added to the promotion fund within the scope of the settlement runs 2017.

The following amounts have been used from the social fund in the fiscal year 2017:

	EUR
Berlinale: Sponsoring	92,500.00
Berlinale: Best First Feature Award	50,000.00
Festival Cottbus: First Prize	25,000.00
Studio-Hamburg: House of Young Producers	20,000.00
Eurocopya: fee	18,000.00
IUM: contribution	15,000.00
GVU: membership fee	10,800.00
Filmuniversität Babelsberg: promotion media expertise	10,000.00
ProduzentenAllianz: promotion international memberships	6,274.00
Studio-Hamburg: GWFF- young talent award	5,000.00
Berlinale: PAULA movie awards ceremony	5,000.00
Project „Krieg im Äther“	5,000.00
Festival Cottbus: international workshop	5,000.00
Festival Filmhochschulen: award	5,000.00
Festival Cottbus: GWFF-award young talent	4,500.00
Fees	56.00
	277,130.00

**ATTACHMENTS**

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**Attachment 1: List of abbreviations**

§	section [ <i>used in German Codes</i> ]
Abs.	paragraph [ <i>used in German Codes</i> ]
AG	Aktiengesellschaft [ <i>German corporation</i> ]
AGICOA Belgien	AGICOA Europe Brussels Scrl, Brüssel/Belgien, Belgian collecting society
AGICOA GmbH	AGICOA Urheberrechtsschutz GmbH, Munich, German collecting society
AGICOA Genf	AGICOA Association de Gestion Internationale Collective des Oeuvres Audiovisuelles, Geneva, Switzerland
ANGOA	French collecting society
AVCS Screenrights	Australian collecting society
BGB	Bürgerliches Gesetzbuch [ <i>German Civil Code</i> ]
BilRUG	Bilanzrichtlinie-Umsetzungsgesetz [ <i>German Accounting Directive Implementation Act</i> ]
BITKOM	Bundesverband Informationswirtschaft, Telekommunikation und neue Medien e.V., Berlin-Mitte
CAB	Danish collecting society
Co.	Compagnie
Dec	December
DEFA	Deutsche Film AG
DGA	U.S. Directors Guild of America
dffb	Deutsche Film und Fernsehakademie Berlin
DM	Deutsche Mark [ <i>former German currency</i> ]
DPMA	Deutsches Patent- und Markenamt, Munich [ <i>German Patent and Trademark Office</i> ]
Dr.	Doctor [ <i>German title</i> ]
DTC	Double taxation convention, double tax treaty
DVD	Digital Versatile Disc
e.g.	for example
e.V.	eingetragener Verein [ <i>German registered association</i> ]
EGEDA	Spanish collecting society
EStG	Einkommensteuergesetz [ <i>German Income Tax Code</i> ]
et seq.	and the following
EU	European Union
EUR	Euro [ <i>European currency</i> ]
EUROCOPYA	European Federation of Joint Management Societies of Producers for Private Audiovisual Copying
FILMKOPI	Danish collecting society
FRF	Swedish collecting society
GDP	gross domestic product

GEMA	Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte, Berlin German collecting society
GmbH	Gesellschaft mit beschränkter Haftung [ <i>German limited company</i> ]
GPRS	General Packet Radio Service [ <i>mobile radio standard</i> ]
GÜFA	Gesellschaft zur Übernahme und Wahrnehmung von Filmaufführungsrechten mbH, Düsseldorf, German collecting society
GVL	Gesellschaft zur Verwertung von Leistungsschutzrechten mbH, Berlin German collecting society
GVU	Gesellschaft zur Verfolgung von Urheberrechtsverletzungen e.V., Hamburg
GWFF GmbH	GWFF Gesellschaft zur Wahrnehmung von Film- und Fernsehrechten mbH, Munich, German collecting society
GWFF USA, Inc.	GWFF USA, Inc., New York City, New York/USA
HEMIX	Home Electronics Market Index
HGB	Handelsgesetzbuch [ <i>German Commercial Code</i> ]
HRB	Handelsregister Abteilung B [ <i>Entry in the Commercial Register at the relevant Amtsgericht - Local Court</i> ]
IDW	Institut der Wirtschaftsprüfer in Deutschland e.V. [ <i>German body of the German chartered accountants</i> ]
IFTA	Independent Film & Television Alliance
i.L.	company in liquidation
Inc.	Incorporated
incl.	including
ISAN	International Standard Audiovisual Number
ISAN GmbH	ISAN Gesellschaft zur Registrierung von Film- und Fernsehwerken mbH, Munich
ISO	International Standards Organization
IUM	Institut für Urheber- und Medienrecht e.V., Munich
Jan	January
k	1,000
KG	Kommanditgesellschaft [ <i>German limited partnership</i> ]
KGaA	Kommanditgesellschaft auf Aktien [ <i>German limited partnership on shares</i> ]
LTE	Long Term Evolution [ <i>mobile radio standard</i> ]
mbH	(company) with limited liability
MP3	MPEG-1 Audio Layer 3 (MPEG: Moving Picture Experts Group)
MPA	Motion Picture Association
NORWACO	Norwegian collecting society
No.	number
Nr.	Nummer [ <i>German for number</i> ]
P2P	Peer-to-Peer
PACC	Canadian collecting society



PC	Personal Computer
PRD	Danish collecting society (former: CAB)
PROCIBEL	Belgian collecting society
PROCIREP	French collecting society
Prof.	Professor [ <i>German title</i> ]
RA	Rechtsanwalt [ <i>German Attorney-at-law</i> ]
SAG	Screen Actors Guild of America
SAG-AFTRA	Screen Actors Guild - the American Federation of Television and Radio Artists of America
SEKAM	Dutch collecting society
SUISSIMAGE	Swiss collecting society
SWISSPERFORM	Swiss collecting society
TWF	Treuhandgesellschaft Werbefilm mbH, München German collecting society
UMTS	Universal Mobile Telecommunications System [ <i>mobile radio standard</i> ]
UrhG	Urheberrechtsgesetz [ <i>German Copyright Act</i> ]
UrhWG	Urheberrechtswahrnehmungsgesetz [ <i>German Act on the Administration of Copyright and Neighboring Rights</i> ]
U.S.	United States of America
USA	United States of Amerika
USD	United States Dollar [ <i>U.S. currency</i> ]
VAM	Austrian collecting society
VFF	Verwertungsgesellschaft der Film- und Fernsehproduzenten mbH, Munich German collecting society
VG Bild-Kunst	Verwertungsgesellschaft Bild-Kunst, Bonn German collecting society
VGf	Verwertungsgesellschaft für Nutzungsrechte an Filmwerken mbH, Wiesbaden German collecting society
VGG	Verwertungsgesellschaftengesetz [ <i>German Collecting Societies Act</i> ]
VG Musikedition	German collecting society
VG Wort	Verwertungsgesellschaft WORT, vereinigt mit der Verwertungsgesellschaft Wissenschaft, Munich German collecting society
VIDEMA	Dutch collecting society
VPN	virtual private network
WCR	Working Capital Reserve
WGA	Writers Guild of America
WIPO	World Intellectual Property Organization
ZBT	Zentralstelle Bibliothekstantieme (administrated by VG Wort)
ZPÜ	Zentralstelle für private Überspielungsrechte (administrated by GEMA)
ZVEI	Germany's electrical industry

**Attachment 2: Bescheinigung des Abschlussprüfers zum Transparenzbericht**  
*[reproduction of the original German wording of the auditor's certificate,  
not translated]*

An die GWFF Gesellschaft zur Wahrnehmung von Film- und Fernsehrechten mbH,  
München

Gemäß § 58 Abs. 3 VGG haben wir die in dem jährlichen Transparenzbericht der GWFF Gesellschaft zur Wahrnehmung von Film- und Fernsehrechten mbH, München, enthaltenen Finanzinformationen nach Nummer 1 Buchstabe g der Anlage zu § 58 Abs. 2 Verwertungsgesellschaftengesetz (VGG) sowie den gesonderten Bericht nach Nummer 1 Buchstabe h der Anlage zu § 58 Abs. 2 VGG für den Zeitraum vom 1. Januar 2017 bis 31. Dezember 2017 einer prüferischen Durchsicht unterzogen. Die Aufstellung des jährlichen Transparenzberichts nach den Vorschriften des VGG liegt in der Verantwortung der gesetzlichen Vertreter der Gesellschaft. Unsere Aufgabe ist es, eine Bescheinigung zu den in dem jährlichen Transparenzbericht enthaltenen Finanzinformationen nach Nummer 1 Buchstabe g der Anlage zu § 58 Abs. 2 VGG sowie dem gesonderten Bericht nach Nummer 1 Buchstabe h der Anlage zu § 58 Abs. 2 VGG auf der Grundlage unserer prüferischen Durchsicht abzugeben.

Wir haben die prüferische Durchsicht der in dem jährlichen Transparenzbericht enthaltenen Finanzinformationen nach Nummer 1 Buchstabe g der Anlage zu § 58 Abs. 2 VGG sowie des gesonderten Berichts nach Nummer 1 Buchstabe h der Anlage zu § 58 Abs. 2 VGG unter Beachtung der vom Institut der Wirtschaftsprüfer (IDW) festgestellten deutschen Grundsätze für die prüferische Durchsicht von Abschlüssen vorgenommen. Danach ist die prüferische Durchsicht so zu planen und durchzuführen, dass wir bei kritischer Würdigung mit einer gewissen Sicherheit ausschließen können, dass die in dem jährlichen Transparenzbericht enthaltenen Finanzinformationen nach Nummer 1 Buchstabe g der Anlage zu § 58 Abs. 2 VGG oder der gesonderte Bericht nach Nummer 1 Buchstabe h der Anlage zu § 58 Abs. 2 VGG in wesentlichen Belangen nicht in Übereinstimmung mit den in der Anlage zu § 58 Abs. 2 VGG enthaltenen Vorschriften aufgestellt wurden. Eine prüferische Durchsicht beschränkt sich in erster Linie auf Befragungen von Mitarbeitern der Gesellschaft und auf analytische Beurteilungen und bietet deshalb nicht die durch eine Prüfung erreichbare Sicherheit.

Auf der Grundlage unserer prüferischen Durchsicht sind uns keine Sachverhalte bekannt geworden, die uns zu der Annahme veranlassen, dass die in dem jährlichen Transparenzbericht enthaltenen Finanzinformationen nach Nummer 1 Buchstabe g der Anlage zu § 58 Abs. 2 VGG oder der gesonderte Bericht nach Nummer 1 Buchstabe h der Anlage zu § 58 Abs. 2 VGG in wesentlichen Belangen nicht in Übereinstimmung mit den Vorschriften der Anlage zu § 58 Abs. 2 VGG aufgestellt wurden.

Dem Auftrag, in dessen Erfüllung wir vorstehend benannte Leistungen für die GWFF Gesellschaft zur Wahrnehmung von Film- und Fernsehrechten mbH erbracht haben, lagen die Allgemeinen Auftragsbedingungen für Wirtschaftsprüfer und Wirtschaftsprüfungsgesellschaften in der vom Institut der Wirtschaftsprüfer e.V. herausgegebenen Fassung vom 1. Januar 2017 zugrunde. Durch Kenntnisnahme und Nutzung der in dieser Bescheinigung enthaltenen Informationen bestätigt der jeweilige Empfänger, die dort getroffenen Regelungen (einschließlich der Haftungsregelungen unter Nr.9 dieser Allgemeinen Auftragsbedingungen sowie der Regelungen im Verhältnis zu Dritten gemäß Nr. 1 Abs. 2 der Allgemeinen Auftragsbedingungen) zur Kenntnis genommen zu haben und erkennt deren Geltung im Verhältnis zu uns an.

Lindau, den 30. August 2018

BAY GmbH  
Wirtschaftsprüfungsgesellschaft  
Rechtsanwaltsgesellschaft

Karl-Christian Bay  
Wirtschaftsprüfer