

**DISTRIBUTION PLAN
of GWFF
for the Revenues pursuant to**

**Section 54 (1) UrhG
Foreign Film and Television Works
excluding EU, EEA and Swiss Feature Films
with German Theatrical Exploitation
Distribution Period
2000 ff.**

PART I

GENERAL TERMS AND CONDITIONS OF DISTRIBUTION

Article 1

General Distribution Principles

1. What will be distributed are the revenues from the blank tape and VCR levy pursuant to Section 54 (1) UrhG [German Copyright Act] which are allocable to the group „foreign film and television works excluding EU, EEA and Swiss feature films with German theatrical exploitation“ and to the respective calendar years less all costs of the Company and the deductions and reserves to be made pursuant to Part II of this Distribution Plan.
2. Distribution will be made on a calendar year basis („distribution period“).
3. For the group „foreign film and television works excluding EU, EEA and Swiss feature films with German theatrical exploitation“, distribution will be made for the respective film to the producers and directors on the basis of the broadcasts made in the distribution period by private TV stations and public TV stations holding a market share of more than one percent (1%). By resolution of the advisory board of the Company, also the criterion of recording from cassette to cassette („AV-use“) may be taken into consideration if and to the extent that definite figures are available in this regard.
4. The distribution criteria are as follows: market share of the broadcasting TV station, length of broadcast of the work and actual audience figure per work determined by Media Control.
5. The registrations filed by the rightholders are decisive for the consideration of a film. The registrations must be in the form prescribed by GWFF and provide for the required contents.

The filing deadlines for the respective distribution periods are set out in the filing requests of the Company. Registrations received after expiration of the time limit will be considered in the following distribution period out of the reserves which have been set aside, unless such consideration is excluded pursuant to Article 4, para.3.

In the event of difficulties in the registration, the management may extend the registration periods twice for six (6) months each.

6. The distribution is described in detail in the special distribution principles and assessments of the film and television works specified in Part II of this Distribution Plan.
7. If the distribution amount of a rightholder does not reach an amount of EURO 50 in any year, such amount will not be distributed but be added to the revenues for the next distribution period.

Article 2

Reserves, Promotion and Social Fund

1. For each distribution period, reserves will be set aside each year for non-registered films and for other claims of third parties. The amount of such reserves for the individual groups and distribution periods is specified in Part II of this Distribution Plan.
2. Out of the remaining sum, an amount equal to one percent (1%) will, for each distribution period, be allocated to a social fund. Special guidelines will be established with respect to the distribution of this amount.
3. Out of the sum remaining after the setting aside of the reserves and the allocation to the social fund, an amount equal to three percent (3%) thereof will be allocated to a culture-promotion fund.

Article 3

Promotion Fund

The funds of the culture-promotion fund established pursuant to Article 2, para. 3 serve to promote cultural works and performances, in particular, in the audio-visual area, as well as talents in the film and television business. Separate guidelines with respect to the allocation of the funds will be established by the management of the Company in agreement with the advisory board.

Article 4

Release of Reserves/Preclusive Periods

1. The reserves referred to in Article 2, para. 1 will, if and to the extent that they have not been exhausted, be released five (5) years after expiration of the respective distribution period and be allocated to the next following distribution period.
2. Rightholders may conclude collection agreements and file late claims for non-registered film and television works also after expiration of the registration period specified in Article 1, para. 5. Such registrations will be considered pursuant to Article 1, para. 5 and be satisfied out of the reserves in accordance with the principles of this Distribution Plan. The late claims will be considered in order of receipt thereof. Once the reserves are exhausted, no further claims can be asserted.
3. Five (5) years after expiration of the respective distribution period, no late claims may be filed any longer and no claims for participation in the fee pursuant to Section 54 (1) UrhG may be asserted. The five-year period is an absolute preclusive period. Amounts undistributed after expiration of the preclusive period will be allocated to the next distribution period.

Article 5

General Assessment Criteria

1. Each film will, out of the distribution amount attributable to the group „foreign film and television works excluding EU, EEA and Swiss feature films with German theatrical exploitation“, receive an amount which corresponds to its number of points in proportion to the total number of points of the group. The number of points attributable to the film and the apportionment of the amount so determined among producers and directors are set out in the Special Terms and Conditions of Distribution in Part II.
2. Producers of synchronized versions may participate in the share of the foreign producers. The participation amount is set out in Part II.

Article 6

Subsequent Payments

In the event that GWFF receives considerable subsequent payments for a longer period, distribution will be permissible also for earlier distribution periods.

Article 7

Release

The Company is obligated to make payment only if and when the rightholders proved the asserted rights to GWFF and declare in a legally binding manner that they own/hold the rights pursuant to Section 54 UrhG and that they release GWFF and indemnify and hold GWFF harmless from any and all claims of third parties relating to the asserted rights.

Article 8

Withholding Tax

If the foreign rightholder does not submit a certificate of tax exemption, the Company will be entitled and obligated to deduct the withholding tax pursuant to Section 50a EStG [German Income Tax Act].

Part II

Special Terms and Conditions of Distribution

I. Distribution Amount, Deductible Lump Sums and Costs, Reserves

Distribution Period 2000 ff.

1. For the distribution period 2000 ff., a film author's share of
 - 33.33% until the distribution period 2004,
50.00% from the distribution period 2005 on
of the revenues attributable to U.S. film and television works

 - 16% of the revenues attributable to film and television works from all other countries of origin except Hong Kong (no film author's share is created for film and television works from Hong Kong)

will, for the group „foreign film and television works excluding EU, EEA and Swiss feature films with German theatrical exploitation“, be paid to VG Bild-Kunst in settlement of any and all claims of foreign film authors – against release of GWFF.

If film authors are directly represented by GWFF, the author's share is not payable to VG Bild-Kunst.
2. Out of the remaining amount, the reserves pursuant to Article 2, para. 1 will be set aside after deduction of the costs of the Company.

The amount of the reserves pursuant to Article 2, para. 1 of Part I is equal to five percent (5%) for the distribution period 2000 ff.
3. The distribution amount resulting after deduction of the reserves will be reduced by the amounts added to the social fund and the culture fund pursuant to Article 2, paragraphs 2 and 3 of Part I.
4. The revenues to be distributed thereafter will be apportioned between the producers and the producers of synchronized versions on a 80:20 basis pursuant to Article 5, para. 3.

II. Assessment of the Broadcast Foreign Film and Television Works

1. Attribution of points to broadcasts in 2000 ff.

The number of points attributable to each film and television work to be considered is calculated as follows:

Length of broadcast of the work x audience number determined by Media Control = number of points attributed to the work.
2. The broadcasters to be considered, holding a market share of more than one percent (1%) (see Part I, Article 1, para. 3), are set out in the Appendix.

III. Deadlines in Case of Double Registrations

„Where the rightholder's attention is drawn to double registration, he or she must cooperate to clarify the matter within three (3) months from receipt of the respective notice. Failing this, GWFF will be entitled to release the remuneration claim“.

