

## **B. Special Distribution Principles**

### **1) Distribution of revenue from levy on devices and storage media pursuant to § 54(1) UrhG for private copying**

(Version from August 2022)

I. These compensation claims are directed against the manufacturers, importers and retailers of devices and storage media which by their nature or in conjunction with other devices, storage media or accessories are suitable for copying broadcasts to an audiovisual carrier or for copying from one audiovisual carrier to another.

For this category of rights, GWFF is representing the rights of producers of the original version and the German dubbed version of audiovisual works which are not already represented by the collecting societies VFF, VGF or VG Bild-Kunst.

II. Based on empirical studies, revenues concerning this category of rights are transferred to GWFF from ZPÜ under consideration of the share of simultaneously released US productions which has been determined through the empirical studies and are allocated to the following groups of works:

a) Film and Television works

b) Serials

c) TV reports, documentary works and all other audiovisual productions neither commissioned nor produced by a German TV station

Furthermore, GWFF is receiving

d) revenues for authors of US audiovisual works per group a-c

III. Distribution will be made on a calendar year basis ("distribution period") for works longer than 10 minutes which have been broadcast by TV stations having a market share equal to or more than one (1) percent during the distribution period. Exceptions from this rule for TV stations which have been broadcasting almost no GWFF repertoire can be made by decision of the shareholders and advisory board.

IV. The number of points attributable to each audiovisual work to be considered is calculated as follows:

- a) length of work multiplied by
- b) audience figure determined by Media Control

V.a) The total number of points calculated per group of works (see B.1.II. a-c) is split into a share of number of points concerning US productions and a share of number of points for non-US productions under consideration of the share of simultaneously released US productions which has been determined through the empirical studies (cf. B.1.II).

b) The revenues allocated to these groups of works (B.1.II. a-c) are split between US productions and non-US productions in the same proportion as in B.1.V.a.

VI. The revenues calculated for US productions per group will be added to the revenues received for US authors of the same group (B.1.II.d) and afterwards split into an author's share of 50% and a producer's share of 50%.

The author's share of 50% calculated per group of works will be transferred to VG BildKunst.

VII. The revenues for producers of US productions per group of works as well as the remaining revenues per group of works for producers of non-US productions will be reduced by deducting the costs of the company, the reserves and the amounts added to the social and cultural funds pursuant to A.I.1. and B.1.VIII.

VIII. The amount of reserves is equal to five (5) percent for the distribution period 2013 ff..

IX. Depending on whether it is a US production or a non-US production, each audiovisual work receives the distribution amount from the overall distributable amount for its group of works which matches its number of points in relation to the overall number of points for US productions/non-US productions per group of works.

X. The calculated number of points per broadcast as well as the distribution amount based on the number of points will be split into 80% for the producer of the original version and 20% for the producer of the dubbed version.

XI. The broadcasters holding a market share of equal to or more than one (1) percent to be considered (see B.1.III. above) are set out in the appendix.

## **Appendix: Broadcasters to be considered**

Distribution period 2019 ff

| <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> |
|-------------|-------------|-------------|-------------|
| 3SAT        | 3SAT        | 3SAT        | 3SAT        |
| ARD         | ARD         | ARD         | ARD         |
| ARTE        | ARTE        | ARTE        | ARTE        |
| BFS         | BFS         | BFS         | BFS         |
| DMAX        | DMAX        | DMAX        | DMAX        |
| HR          | HR          | HR          | HR          |
| Kabel 1     | Kabel 1     | Kabel 1     | Kabel 1     |
| MDR3        | MDR3        | MDR3        | MDR3        |
| N3          | N3          | N3          | N3          |
|             |             | ONE         | ONE         |
| Pro7        | Pro7        | Pro7        | Pro7        |
| RBB         | RBB         | RBB         | RBB         |
| RTL         | RTL         | RTL         | RTL         |
| RTL2        | RTL2        | RTL2        | RTL2        |
| RTLNITRO    | RTLNITRO    | RTLNITRO    | RTLNITRO    |
| RTLplus     | RTLplus     | RTLplus     | RTLplus     |
| SAT1        | SAT1        | SAT1        | SAT1        |
| SAT1 Gold   | SAT1 Gold   | SAT1 Gold   | SAT1 Gold   |
| Super RTL   | Super RTL   | Super RTL   | Super RTL   |
| Tele 5      | Tele 5      | Tele 5      | Tele 5      |
| SW3         | SW3         | SW3         | SW3         |
| VOX         | VOX         | VOX         | VOX         |
| WDR3        | WDR3        | WDR3        | WDR3        |
| ZDF         | ZDF         | ZDF         | ZDF         |
| ZDFinfo     | ZDFinfo     | ZDFinfo     | ZDFinfo     |
| ZDFneo      | ZDFneo      | ZDFneo      | ZDFneo      |