

Copyright Society of Composers Authors and Publishers Incorporated
(COSCAP Inc.)

Distribution Rules (Amendment No. 1) 2017

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PART I
GENERAL PROVISIONS

- Authority:** These Rules were made on the 22nd day of November, 2008 by the Council of Directors (the “Council”) of the Copyright Society of Composers Authors and Publishers Incorporated (COSCAP) in exercise of the powers conferred on it by By-Law 4.12 of the By-Laws of COSCAP and approved by COSCAP in General Meeting on 22 November, 2008.
- Commencement:** [22ndday of November, 2008].
- Amendment No. 1:** The Council of COSCAP in exercise of the powers conferred on it by By-Law 4.12.2 of the By-Laws of COSCAP makes the following amended Distribution Rules (Amendment No. 1).
- Effective Date:** Approved by the Society in General Meeting on the day of January, 2017.

CITATION

1. These Rules may be cited as the *Distribution Rules (Amendment No. 1) 2017* of the Copyright Society of Composers Authors and Publishers Inc (COSCAP).

DEFINITIONS AND CLASSIFICATION

2. In this Distribution Rules the following expressions have the meanings hereby respectively assigned to them and are used to identify types of usage for registration of works and the distribution of royalties:

(1) Member Shares: means those parts of a musical work that:

- (a) consist of music, lyrics, or both, that were created by a writer who is a member of COSCAP or an affiliated society;
- (b) is published or administered by a publisher who is a member of COSCAP or an affiliated society.

OR

Member Shares: means those parts of a sound phonogram that:

- (a) Consist of vocals or instrumental performances by a performer-member of COSCAP or an affiliated society;
- (b) Are produced by a producer of phonogram who is a member of COSCAP or an affiliated society.

(2) Non-Member Shares: means those parts of a musical work that:

- (a) are not protected by copyright in COSCAP territory;
- (b) are created by a writer who is neither a member of COSCAP nor an affiliated society;
- (c) are published, co-published or administered by a publisher who is neither a member of COSCAP nor an affiliated society;

(d) Non-member shares will be placed in a non-member account for a maximum period of three years. If the non-member does not become a member of any society during this period then the funds will be allocated under the discretion of the respective Boards;

(e) do not fall within the definition of Member Shares.

OR

Non-Member Shares: shall mean those parts of a sound phonogram that:

(a) are not protected by under the provisions of the Barbados Copyright Act 1998-4;

(b) are the recorded performances of a performer or producer of phonograms who is not a member of COSCAP or an affiliated society.

(3) Performance Credits: means the performance usage points allotted to a musical work based on logged performances or similar data

OR

Performance Credits: means the performance credit points allotted to a performance based on logged performances or similar data.

(4) Publisher: means a music publisher to whom a writer has assigned or licensed copyright in a musical work, or an entitlement to receive a share of performing and/or recording right royalties in respect of a musical work.

(5) Writer: means a composer, lyricist, or a songwriter living or deceased.

(6) Feature or Visual Music: music which falls into one or more of the following categories:

(a) music which is performed by, or represented on screen as being audible to one or more of the characters in the scene portrayed;

(b) music performed in video clips;

(c) music performed in association with choreographed dance sequences;

(d) music performed live in its entirety or on camera by performers before the live audience of a television program.

(7) Theme Music: Music which identifies a television programme, a film or a series at the beginning, end, or within the programme, film or series.

(8) Background Music: Music which is neither feature nor theme music.

(9) Logo Music: Music that identifies a production company at the beginning and/or end (also called “bump ins” and “bump outs” respectively) of a television program, film or television music which is not a theme.

(10) Program Promotions (Promos) Music: Music performed on radio or television to identify and promote a particular television/radio program, film or series.

(11) Station Identification Music: A short musical item on radio or television performed to identify and promote a particular broadcasting station or channel.

(12) Commercial Jingle: A short musical item on radio and TV to advertise a product or promote an event.

- (13) Advertisements: Music other than commercial jingles contained in advertisements (including infomercials) and public service announcements.
- (14) Feature Music: All music performed at live events by the primary artiste(s) performing at the event and that are featured as such in any advertisement or newspaper reviews.
- (16) Support: All Music performed at live events by the artiste(s) who are secondary to the headline artiste performing at the event and that are featured as such in any advertisements or newspaper reviews.
- (17) Background Music: Music which is performed by mechanical or electronic devices
- (18) Non-Featured Performers: These are session musicians defined as performers, including background vocalists, engaged for a specified period of time to make one or more backing performances which are included in the sound recording.
- (19) Contracted Featured Performers: These are performers with an exclusive agreement with the record company producing the sound recording. This does not include agreements to do session work or producer/remixer agreements.
- (20) Other Featured Performers: Performers within this category include those not exclusively contracted to the commissioning record company whose personal or professional names appear with or is linked with the name of the Contracted Artist. Other Featured Performers are entitled under the terms of the contract with the Contracted Artist to receive royalties from sales of the recording.
- (21) Performing Producers: A Performing producer is a studio producer who makes a performing contribution whether audible or inaudible to the live performance that is recorded. An audible performance includes playing an instrument or singing and an inaudible performance includes conducting or directing the live performance as it is recorded.

ALLOCATIONS AND DISTRIBUTIONS

- 3. In this Distribution Rules and all other Distribution Rules of COSCAP unless the context otherwise requires:
 - (1) Subject to Rule 3 (2) below, royalty allocations and distributions made by the Council are final and binding except that the Council may consider and, if thought fit, make any adjustment:
 - (a) in response to any claim by any interested persons made within three years of the date of allocation or distribution concerned; or
 - (b) otherwise, within three years of the date of the allocation or distribution concerned.
 - (2) COSCAP may recover from any interested person any amount paid in error, by recovering that amount from the member or deducting the amount from any amount distributable to the member.
 - (3) The Distribution Rules are determined by the Council from time to time pursuant to the authority vested in Council under COSCAP's By-Law 4.12.2. Such determinations are made with the intent and purpose of achieving a fair and equitable distribution of the income collected by COSCAP.
 - (4) The Distribution Rules are applied and interpreted by the Council in a manner that best achieves this intent and purpose. If in the Council's opinion, this intent and purpose is being abused or has been abused, appropriate action may be taken in order to prevent or remedy such abuse or potential abuse.

- (5) If a member or affiliated society disagrees with the interpretation or application of a rule to their particular case or with any action taken by COSCAP's management under Rule 3 (4), then that member or affiliated society may submit a written request for review of that matter to management. Management shall review the matter, make a determination and advise the member accordingly.
- (6) If, after management advises according to Rule 3 (5), the member or affiliated society disagrees with the determination, then upon being notified thereof the matter shall be submitted by management to the Council for its consideration. The decision of the Council shall be final.

DISTRIBUTABLE REVENUE

4. (1) The distributable revenue of COSCAP shall be determined in accordance with By-Law 4.12 of COSCAP's By-Laws.
- (2) The distributable revenue may include:
 - (a) licensing revenues less administrative expenses and provisions for reserved funds;
 - (b) royalties received from affiliated societies less administrative expenses;
 - (c) interest earned from investments after the deduction of administration fees received during relevant period;
 - (d) the application of credits allocated to the various distribution pools.
- (3) Distributable revenue may vary from one period to the next.

SPECIAL PROVISIONS FOR FUNDS

DEVELOPMENT AND PROMOTION OF OTHER INTERESTS

5. By-Law 4.12 of COSCAP's By-Laws makes special provisions as follows:
 - 4.12.1 Distribution of Receipts – Specific Purposes
The Council may, before making any distribution among members:
 - (a) Apply out of the receipts such sums as it thinks proper or has agreed to contribute:
 - (i) As gratuities, donations, pensions and emoluments to any member or ex-member of COSCAP or any person at any time in the employment or engagement of COSCAP or any wife, widow, family and or dependent of any such person;
 - (ii) To any charitable or benevolent or similar fund which may be established for the benefit of members, ex-members, employees or other persons engaged by COSCAP or the wife, widow, family or dependent of any such person;
 - (iii) For the relief of human suffering;
 - (iv) By way of loan or gift or on such terms as may be thought fit for any purpose conducive to the improvement or advancement of the composition, teaching or performance of music or for any other purpose calculated to benefit members or for the benefit of any society, association or company whose objects shall include any such purpose;
 - (v) To establish any fund, trust, association or institution to carry out any of the purposes referred to in (i) to (iv) inclusive hereof

provided that any payments under (ii), (iii) and (iv) hereof shall not in any one accounting year in aggregate exceed a sum which is equivalent to eighteen percent of the total of the amounts allocated to members and affiliated societies during the preceding year as shown in COSCAP's audited accounts for that year adopted by the members in general meeting.

- (b) Set aside out of the receipts such sums as it thinks proper as a reserve fund to meet contingencies, or for future distribution, or for repairing, improving and maintaining any property or premises of the Society, and for such other purposes as the Council shall in its absolute discretion think necessary or conducive to the interests of the Society, and may invest the several sums so set aside in such investments as it may think fit, and from time to time deal with or vary such investments and dispose of all or any part thereof for the benefit of the Society, and may divide the reserve fund into such special funds as it thinks fit, and employ the reserve fund or any part thereof for the general purposes of the Society, and that without being bound to keep the same separate from the other assets.

DETERMINATION OF ROYALTY ALLOCATIONS

- 6. (1) Royalty allocations and distributions duly authorised by the Council are final and shall be binding save and except when the Council determines that it is necessary to make adjustments as a result of:
 - (a) a claim by an interested party made within three years of the date of approval of the allocation or distribution concerned; or
 - (b) any other claim made within three years of the date of approval of the allocation or distribution concerned.
- (2) Any amount paid in error to any member may be recovered by COSCAP by recovering that amount from the member or by deducting that amount from any other royalty allocation or distribution distributable to the member.
- (3) Where a claim is disputed then the affected royalty share shall be withheld until the dispute is resolved.
- (4) No claim shall be allowed in respect of any membership of less than one year.
- (5) All sums allocated and unclaimed for three years after sending out of COSCAP's notice to the last known address of the member or person to whom he has directed payment thereof to be made, may be forfeited and credited to such revenue accounts as Council shall from time to time direct and shall thereupon form part of the overall sum available for distribution.
- (6) The AMALFI resolution shall apply in respect of all performances which take place from and after 1 January 1991. By virtue of the application of that resolution the author of an authorised local version shall be entitled to a share in the distribution of performance royalties only if:
 - (a) it is the local version which has been performed; or
 - (b) the performance was of an instrumental version;
 - (c) there is genuine doubt as to which version was performed.
- (7) Where COSCAP is unable to identify the person interested in the work for the purpose of paying that person the sum before the expiration of three years from the end of the relevant financial year,

the sum shall on the expiration of that period be deemed to be “non-distributable” provided that no sum shall be deemed non-distributable under this Rule where the identity of the person interested in the work has been ascertained or is ascertainable by COSCAP, but that, having verified its records and other readily available records relating to that person, COSCAP has been unable to locate the person interested for the purpose of effecting payment of the sum. Such sum shall be considered “unclaimed” for the purposes of these Distribution Rules and shall be dealt with as provided for by these Rules or alternatively as the Council may direct.

RETROSPECTIVE CLAIMS AND SELF REPORTING SYSTEMS

7. (1) The retrospective claim period for self-reporting systems for Live Performance Returns is limited to one year. That period may on application by the claimant be extended by the Council for a further period not exceeding 1 year in cases where extrinsic evidence deemed sufficient by the Council is provided in support of the claim and or application.
- (2) Where a retrospective claim is to be credited by COSCAP, unless otherwise approved by the Council, payment shall be made in the next distribution of the General pool and shall be credited at the rate applicable to the distribution in which it is paid.
- (3) No claim shall be allowed in respect of any membership of less than one year.

QUANTIFICATION OF MONETARY VALUE

8. (1) Licensees have an obligation to provide COSCAP with the details of musical works performed (“programme returns” or “logs”). COSCAP may use the information provided or any part thereof either by itself or in addition to information provided by members or affiliated societies to identify the copyright owner(s) of each work that was performed or transmitted and to calculate royalty entitlements.
- (2) The information provided as set out at 8(1) shall be compared against the works in COSCAP database and the reported performances converted into credit points which shall in turn be given a credit value depending on the quantum of the distributable revenue approved for the particular distribution.
- (3) The monetary value of each credit point shall be determined by dividing the distributable revenue for that pool by the aggregate number of credit points in each distribution pool.
- (4) The distribution value of each work is to be calculated by multiplying the number of credit points the work has accumulated in each distribution pool by the monetary value of a single credit point in the relevant pool.

NON-ALLOCATION OF MONETARY VALUE TO UNIDENTIFIED PERFORMANCES

9. (1) Un-matchables and carry forwards: COSCAP shall use its best efforts to identify all works appearing in its distribution analysis. The term ‘unmatchable usage’ is used to indicate where a licensee has reported use of music but COSCAP has been unable to match it to a work, whether registered or unregistered, or to identify the interested parties as members of a collecting society. The usage is therefore found to be unmatchable and is marked with a Combined Un-distributable Performances (CUP) code. Certain categories of CUP coded usages which might be identified by

members or other rights-holders are listed in the unidentified performance list on the COSCAP website: The following are included on the unidentified performance list:

- Usage with interested parties identified as non-members
- Un-payable arrangements of public domain works
- Insufficient information or unidentifiable usage
- Sound effects or speech
- Grand rights - performance not to be paid
- Public domain works or traditional works

- (2) Usages usually appear on the unidentified performances list one calendar month after each distribution. During that month, COSCAP reviews the unmatchable usages to find items that should have been matched, and ensures they are processed for the next distribution. Members and affiliated societies are able to claim these unmatched usages using the online facilities on the COSCAP website.
- (3) No money is reserved for any unmatchable usages. Any subsequent claims for unmatched usages are funded from the next year's revenue for the same revenue pool. Payment is at the rate attributable at the time the payment is made not at rate of the original performance period. No interest accrues or is paid to the interested parties in respect of such payments. In all cases COSCAP reserves the right to calculate a revised rate for previously missed performances especially where revenue for a particular source has been or will be exhausted. On those rare occasions when this is done it will usually be done by recalculating the rate as if the missed performances had been included in the original rate calculation.

HONOURING AGREEMENTS - REGARD FOR PRINCIPLES AND AWARDS

10. (1) In the formation or interpretation of the Distribution Rules from time to time COSCAP shall:

- (a) honour the terms of any agreement with:
- (i) its members; and/or
 - (ii) affiliated societies
- (b) have regard to the resolutions of the International Confederation of Societies of Authors and Composers (CISAC) concerning the principles for the fair and equitable distribution of royalties.

AWARDS

- (2) Awards may be made to members whose works are substantially performed in media not surveyed by COSCAP or whose works have a unique prestige value for which adequate compensation would not otherwise be received, as determined by an independent panel appointed for that purpose by the Council, in a total amount not to exceed one half of one percent (0.5%) of COSCAP's total annual distributable revenues.

DISTRIBUTION ACCOUNTS

11. Upon completion of each distribution, royalties allocated to a work or to certain interested parties of a work may be held in suspense in the following Special Accounts:

(a) Non-Member Special Account

If one of the interested parties of a COSCAP originated work is not a member, that non-member's share will be placed in the Non-Member Special Account. In the next distribution, the monies so placed in the Non-Member Special Account in respect of that non-member's share shall be used to cover distribution, other administration and capital expenses and distributed pro-rata to all parties receiving royalties during the preceding three-year period as determined by the Council.

(b) Dispute Special Account

Royalties or a share of royalties for a work in dispute, such as where there is a conflicting ownership claim shall be held in a Dispute Special Account. Royalties shall remain in suspense until COSCAP is duly notified of the resolution or other determination of that dispute.

(c) Un-distributed Royalties Special Account

Royalties allocated to a work later found to be in the public domain or which for any other reason are not distributed such as in cases where there is a lack of documentation, shall be placed in the Undistributed Royalties Special Account. Monies held in this account may be used to pay, after validation, performances which ought to but which were unpaid in previous distributions or other adjustments necessary for previous distributions. Where any sum of money in this account remains undistributed for a period of 3 years, the Council may in its discretion use any such sum or part thereof to cover distribution, other administration and capital expenses or distribute the same pro-rata to all parties receiving royalties during the preceding three-year period.

HARMONY OF DISTRIBUTION RULES OF CISAC MEMBER SOCIETIES

12. (1) For performance of a local version the shares distributed to the original lyricist and the local sub-lyricist respectively should be equal.

(2) For performance of an instrumental version, or where it is not known whether the original version or the local version was performed, the share distributed to the original lyricist should be double the share distributed to the local sub-lyricist.

PART II
COPYRIGHT

DIVISION A

PUBLIC PERFORMANCE RADIO AND TELEVISION BROADCASTS AND CABLE

RE-TRANSMISSIONS

The following provisions apply to composers, authors and publishers who are members of COSCAP or affiliated societies.

DISTRIBUTION METHODS

13. (1) COSCAP shall seek to ensure, as far as possible, that royalties are paid directly to the rights holders through such of the following methods deemed fit:
- (a) Direct Allocation – where licence fees are distributed on a 100 percent census, e.g. events with gross licence fees of BDS\$5,000.00 VAT exclusive or more;
 - (b) Sample Analysis – where licence fees from similar users are pooled and distributed using a sample analysis of programme returns;
 - (c) Sample/Direct Allocation – where licence fees paid by a single licensee are allocated to the musical works used by that licensee based on a sample analysis of the programme returns;
 - (d) Distribution by Analogy – where licence fees are added to an existing distribution pool which has similar music usage.

FREQUENCY AND TIMING OF DISTRIBUTIONS

14. (1) Performing right royalties for the Broadcasting, General and Cable re-transmission pools may be distributed twice yearly. There may be a period of 6 months between any 2 distributions.
- (2) Festivals and Major Live Events royalties may be distributed within ninety (90) days of the receipt of full payment for the Festival or Major Live Event as the case may be.
 - (3) Interim or supplementary distributions may also be made.
 - (4) Royalties payable to members and which do not exceed BDS\$49.00 may be withheld from payment in the usual manner and paid instead upon request by the member.
 - (5) Royalties payable to affiliates and which do not exceed BDS\$199.00 may be withheld from payment in the usual manner and distributed instead in the next distribution when the accumulated royalties' payable amounts to a sum exceeding BDS\$199.00.

NOTIFICATION OF SHARES AND RE-ALLOCATION OF COPYRIGHT SHARES

DISPUTES AND RESOLUTION REGARDING SHARES

15. (1) Each member must notify COSCAP of the allocation of shares and the full names of all interested parties and their composer/author/publisher designation, in sufficient detail, in relation to each musical work to be administered by COSCAP.
- (2) Each writer and publisher member must provide COSCAP with written notification of an allocation of shares, including composer/author/publisher designation of a given work if that allocation varies from the allocations stated in the Schedule of Division of Shares at Rule 20.
- (3) COSCAP's management may, at its discretion, request written notification, including copies of the relevant portion of contracts, even if the allocation of shares of a given work agrees with the allocations stated in the Schedule of Division of Shares at Rule 20.
- (4) "Written notification" shall consist of either the appropriate form supplied by COSCAP properly completed and signed by all the interested parties, a letter or other correspondence signed by all the interested parties, a contract or contracts between the interested parties that establishes the allocation of the shares, or advice from an affiliated society.
- (5) COSCAP shall rely upon this notification until further advised by the COSCAP member(s).
- (6) Members may reallocate the shares of a given work among themselves providing all the members affected by the reallocation agree, in writing, and provide COSCAP with a copy of the agreement.
- (7) If a dispute arises among members of which COSCAP has been advised in writing by one of the interested parties or if an affiliated society advises COSCAP of a dispute as to the allocation of the shares of a given work COSCAP may place any distributions payable on account of those shares that are in dispute, in suspense for a period of three years from the time COSCAP is advised that a dispute exists.
- (8) When COSCAP has been notified in writing that, within this three-year period, a legal action has been commenced, then any distributions payable on account of those shares that are in dispute shall be deposited in an interest-bearing account.
- (9) If a legal action has not been commenced within the three-year period, or if the dispute is not otherwise settled, COSCAP may at its option, remove the distributions payable from suspense and make a distribution according to the allocation of the shares prior to the date that the dispute arose.
- (10) If a legal action is commenced, within the three-year period, and COSCAP has been advised in writing by one of the interested parties of the existence of this action, then any distribution payable on account of those shares shall remain in suspense until the action is finally decided, discontinued or otherwise settled.
- (11) When COSCAP is notified that the dispute has been resolved the distribution payment shall be made according to the terms of settlement, providing those terms do not conflict with the distribution rules.

WORKS ORIGINATING FROM COSCAP AND OTHER SOCIETIES REPERTOIRE

COSCAP REPERTOIRE

16. (1) The distribution of performing right royalties to interested parties shall be based on the Schedule of Division of Shares in Rule 20. The divisions are in every case modifiable where it is so agreed in writing between the interested parties, with the limitation that in no instance may the share of the publisher, or the combined share of all publishers of a particular work, exceed one-half of the total distribution fees.
- (2) Where a publisher, composer or lyricist is not a member of COSCAP his share shall be placed in the Non-Member Special Account.
- (3) For performances of a work originally in the vocal form, the author will receive his or her normal share. In cases where a vocal version is made of a work originally in the instrumental form, the author will receive a share only when the vocal version is performed.

REPERTOIRE OF OTHER SOCIETIES

- (4) COSCAP shall use the share division provided and conditions mandated by the society from which the work originated in so far as those are consistent with CISAC recommendations.

SOURCES OF REVENUE – DISTRIBUTION POOLS

17. (1) A separate distribution pool applies to each of the major identifiable sources of distributable revenue for which programme returns (or similar documentation) are provided to COSCAP. The main distribution categories, some of which include a number of discrete pools are:

Local Revenue Sources:

- (a) Radio
- (b) Television
- (c) Cable & Satellite
- (d) General
- (e) (Major) Live Events
- (f) Carnival (Festivals)
- (g) On-Line

Foreign Revenue Sources:

- (h) Foreign Receipts
- (2) Distributable revenue received in respect of public performances, broadcasts or communication to the public for which no programme returns or similar documentation are available is apportioned to those pools which, in the Council's view, most accurately reflect the music performed.
- (3) Radio: All revenue from radio broadcast licence fees shall be pooled for the purposes of the Radio Distribution.

- (4) Television: All revenue from terrestrial, cable & satellite television broadcast licence fees shall be pooled for the purposes of the television distribution.
- (5) Live Events: All revenue from live events in respect of which the licence fee per event is \$5,000.00 VAT exclusive and more as agreed by the respective Boards.
- (6) Festival/Carnival/Crop-Over Events: All revenue from Festivals/Carnival band launches and other pre-Festival launches and all events and broadcasts during the period.
- (7) General: All revenue from performance licences other than broadcast, live events, in respect of which the licence fee amounts to under such amount as may from time to time be agreed by the respective Boards, shall be pooled for the purpose of the General Distribution.
- (8) Online: All revenue from online music services (including ring tones).
- (9) Foreign Receipts: Performance Royalties received from affiliated societies.

COSCAP ORIGINATING WORKS SUB-PUBLISHED ABROAD

- 18. (1) Where an agreement between the writer(s) and the original publisher of a work provides for a specific total publisher-share, that share alone is divisible in accordance with the provision of the sub-publishing contract.
- (2) Where the original publishing contract does not specify the share payable to the writer(s) and publisher(s) respectively, then the COSCAP rules will apply by default, and as such COSCAP shall allocate the publisher with a maximum of 50% of the total share and the remaining 50% shall be divided equally between the composers and authors of the work.

FOREIGN ORIGINATED WORKS

- 19. (1) Where an author or composer is not a member, his share shall be paid to the society of the original publisher.
- (2) If the work is unpublished, the non-member's writer share shall be paid to the society of the co-writer, if any.

SCHEDULE OF DIVISION OF SHARES

20. (1) UNPUBLISHED (MANUSCRIPT) WORKS

- | | |
|--|--|
| <ul style="list-style-type: none"> (a) Composer 100% <li style="padding-left: 20px;">Arranger | <ul style="list-style-type: none"> aa. Composer Public Domain
100% |
| <ul style="list-style-type: none"> (b) Composer 50% <li style="padding-left: 20px;">Author 50% | <ul style="list-style-type: none"> bb. Composer Public Domain
Author 100% |

(2) PUBLISHED WORKS

(a) Composition with lyrics

Composer	25%
Author	25%

(b) Composition without lyrics (or public domain lyrics)

Composer	50%
Publisher	50%

(c) Public Domain Composition with copyright lyrics

Author	50%
Publisher	50%

(d) Composition with lyrics, composer share only published

Composer	25%
Author	50%
Publisher	25%

(e) Composition with lyrics, author share only published

Composer	50%
Author	25%
Publisher	25%

- (3) Where a musical work is licensed for use in an advertisement and new or substantial lyrics are used in the advertisement, the parties may agree that the new lyricist's or sub-lyricist's share of performing right income be waived in favour of the original copyright owner(s).

(4) ARRANGEMENTS OF MUSICAL WORKS

- (a) Where an arrangement of a copyright musical work is made, no share shall be allocated to the arranger unless the share is established according to an agreement in writing, between the copyright owner and the arranger.

(b) Unpublished arrangement without lyrics (or with public domain lyrics)

Arranger	50%
Non-copyright proportion	50%

(c) Published arrangement without lyrics (or with public domain lyrics)

Arranger	25%
Publisher	25%
Non- copyright proportion	50%

(d) Unpublished arrangement with unpublished copyright lyrics

Arranger	25%
Author	50%
Non-copyright proportion	25%

(e) Unpublished arrangement with published copyright lyrics

Arranger	25%
Author	25%
Publisher	25%
Non-copyright proportion	25%

(f) Published arrangement with unpublished copyright lyrics

Arranger	12.5%
Author	50%
Publisher	12.5%
Non-copyright proportion	25%

(g) Published arrangement with published copyright lyrics

Arranger	12.5%
Author	25%
Publisher	37.5%
Non-copyright proportion	25%

(5) TRANSLATIONS OF LYRICS AND ADDITION OF AMENDED OR SUBSTITUTED LYRICS

(a) Where an authorised translation of copyright lyrics is made, or lyrics are changed or substituted with the authority of the copyright owner, shares are allocated in accordance with the following provisions:

(i) Published Works

Composer	25%
Original author	12.5%
Translator	12.5%
Publisher	50%

(ii) Unpublished Works

Composer	50%
Original author	25%
Translator	25%

(b) Where a translation of non-copyright lyrics is made, or non-copyright lyrics are changed or substituted, shares are allocated in accordance with the following provisions:

(i) Published Works

Arranger	12.5%
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Translator	12.5%
Publisher	25%
Non-copyright proportion	50%

(ii) Unpublished Works

Arranger	25%
Translator	25%
Non-copyright proportion	50%

DISTRIBUTION PERFORMANCE CREDITS

21. (1) RADIO

Those performances analysed for the radio broadcast distribution with the exception of jingles, advertisements, programme identifiers and public service announcements shall receive 1 credit point for each performance.

(2) THEMES:

When any work is performed as a Theme, it shall receive 60% of a Credit for the first 250 performances regardless of the number of actual performances and for all additional such performances in the relevant distribution period it shall receive an additional 6% of a credit per hour regardless of the number of actual such performances in the remainder of the program. For the avoidance of doubt, the 60% of a Credit weight shall include performances of the Theme as “bumpers” into and out of commercial or promotional announcements for the first 250 performances.

(3) ADVERTISING PROMOTIONAL AND PUBLIC SERVICE ANNOUNCEMENTS, LOGOS AND JINGLES:

Performance of any work in conjunction with an advertising or public service announcement (other than a Jingle) shall receive 12% of a credit regardless of the number of actual such performances during the relevant distribution period. Performances of any work in conjunction with a promotional announcement (other than a Jingle), sponsored by the network or station on which it appears, shall receive 12% regardless of the number of actual such performances in the relevant distribution period. Performances of any work as a logo shall be credited in the same manner as a Jingle. When any work is performed as a Jingle it shall receive 60% of a credit for the first 250 performances regardless of the number of actual such performances, and for all additional such performances during the relevant distribution period it shall receive an additional 6% of a credit regardless of the number of actual such performances during the relevant distribution period.

(4) TELEVISION CABLE AND SATELLITE

- (a) Licensing revenues from television, cable and satellite stations shall be distributed on the basis of cue sheets received. In the absence of reliable cue sheet information, distribution shall be on the basis of analogy with the radio broadcast returns;
- (b) The performances analyses for the television broadcast distribution with the exception of commercial jingles, advertisements, programme identifiers and public service announcements shall receive 1 credit point for each performance.

GENERAL PERFORMANCES

- 22. (1) All net distributable revenue from domestic sources other than for radio, television and live performances shall be pooled and distributions shall be based on representative samples of programme returns received in respect of radio broadcasts, licensed events and premises and festival events.
- (2) All performances analysed on the basis of analogy with radio broadcasts, live events and Festival events shall receive respectively one credit equal to a performance credit that is ordinarily attributed to a performance in radio distribution, live events distribution and Festivals distribution.

LIVE PERFORMANCES

- 23. (1) All licensed live performances, other than at Crop-Over Festival events, with licensing revenue of BDS\$5,000.00 VAT inclusive or more and for which programme returns have been received, shall receive 8 credit points.
- (2) All program returns received for those live events taking place in each bi-annual general distribution period shall be included in the general distribution of the corresponding period.
- (3) For live events for which there is no admission fee or for which the licence value is less than BDS\$5,000.00 VAT inclusive, the credit value shall be 4 credit points.
- (4) In the absence of complete and reliable programme returns in relation to particular events, all licence fees received from such events shall be pooled and distributions shall be on the basis of a representative sample of programme returns received from radio distributions.

NATIONAL FESTIVALS PERFORMANCES

- 24. (1) Net distributable revenue in respect of live performances at each National Festival and other live events during such Festival period shall be allocated directly to COSCAP members and affiliate societies on the basis of programme returns received by COSCAP for such events. Live performances during Festival period shall be credited with 12 credit points except where such events have not been licensed (see Rule 23).
- (2) All programme returns received for those Festival events taking place in each general distribution period for which licences have been granted under the applicable tariff shall be included in each general distribution.

- (3) For live events during Festivals not produced by the National Cultural Foundation for which there is no admission fee or for which the gross licence value is less than BDS\$5,000.00, the credit value shall be 4 credit points.

ROYALTIES RECEIVED FROM AFFILIATED SOCIETIES

25. (1) Royalties received from affiliated societies will be distributed to members in the general distribution following receipt, except where the distributable amount exceeds BDS \$1,000.00 in which case the amount concerned shall be distributed within 30 days of receipt and verification of the accompanying documentation.
- (2) A deduction of 5 percent of net royalties received from affiliated societies in respect of the costs associated with the analysis and processing of the royalty payments shall be made.

DIVISION B

COPYRIGHT AND REPRODUCTION RIGHTS

REPRODUCTION RIGHTS

26. (1) Licensees are obliged to report details of all works reproduced. In cases where a “blanket licence” is issued details of the music usage must be reported. The reports so made may be used to calculate fees to be distributed.
- (2) COSCAP distributions are based on the principle that the licence fees should, wherever possible and economically viable to do so, be paid directly to the musical works reproduced.

DISTRIBUTION METHODS

27. (1) Distributions in relation to reproduction rights may be based on:
- (a) A “pay-per-use/work-by-work” basis: in such cases, licence fees are calculated and collected for each work reproduced.
 - (b) Direct Allocation: in such cases, blanket license fees are paid by the licensees and are allocated directly to the musical works used by that licensee.
 - (c) Sample Direct Allocation: in such cases, license fees are paid in accordance with the sample reporting system in place.

NON-DISTRIBUTABLE ROYALTIES

28. Rule 6.7 shall apply.

DEDUCTIONS

29. COSCAP shall be entitled to deduct and retain the following commission from:

- (a) Members: a commission at the rate of 10% of all fees, royalties and other sums received in respect of the licensing of reproduction rights;
- (b) Affiliated Societies: a commission at the rate of 5% of net royalties received from an affiliated society in respect of costs, which costs may be associated with the analysis and processing of such royalty payments.
- (c) All commissions paid shall be allocated to administration expenses.

SOURCES OF REVENUE

30. (1) Distributable revenue means gross licence fees collected, less commission payable to COSCAP.

(2) The principal licence categories are:

- (a) Audio-Products – Local Manufacture
- (b) Audio-Products – Imported
- (c) Audio-Visual Products – Local Manufacture
- (d) Audio-Visual Products – Imported
- (e) Crop-Over Recordings
- (f) Broadcasters Clearance
- (g) Commercial Advertising
- (h) Synchronization
- (i) Online/Ringtones
- (j) Foreign Receipts

(3) There are two categories of distributable revenue:

- (a) Pay-per-use/work-by-work; and
- (b) Blanket pools.

DISTRIBUTION – AUDIO PRODUCTS AND AUDIO VISUAL PRODUCTS

31. License fees shall be calculated on a pay-per-use basis and such sum as may be collected per work less commission shall be paid to the copyright owner(s) at the time of distribution.

DISTRIBUTION - FESTIVALS RECORDINGS

32. Distributable revenue from licenses for Festivals recordings shall be distributed to musical works based on data from the Festival Performance Pool for the relevant license period.

DISTRIBUTION – BROADCASTERS

33. Distributable revenue from licenses for Broadcasters Reproduction Rights shall be distributed to musical works based on data from the Festival Performance Pool for the relevant license period.

DISTRIBUTION – ADVERTISING/SYNCHRONISATION

34. License fees shall be calculated on a pay-per-use basis and such sum as may be collected per work less commission.

DISTRIBUTION – ONLINE GENERAL

35. (1) Licensed on a pay-per-use basis or blanket basis.
- (2) If licensed on a pay-per-use basis each work shall receive 0.5 credit point per 30 seconds or part thereof. Where there is no information or insufficient information as to duration, fees are distributed equally on a song occurrence basis.
- (3) If licensed on the basis of a blanket license each work shall receive 0.5 credit point per 30 seconds or part thereof. If there is no information as to duration, fees are distributed equally on a song occurrence basis.

DISTRIBUTION – RINGTONES DOWNLOADS

36. These shall be licensed and distributed on a pay per use basis based on sales data.

FREQUENCY AND TIMING OF DISTRIBUTIONS

37. (1) Commencing November 2008 COSCAP shall distribute reproduction royalties for all license categories, except broadcast reproduction, on collection of licence fees in full. Broadcast reproduction royalties may be paid twice annually.
- (2) Where the distributable amount to a member exceeds BDS\$5,000.00 the amount concerned may be distributed 7 working days after receipt of the full license fee.
- (3) Royalties payable to members and which do not exceed BDS\$49.00 shall be paid upon request by the member. Where the royalties' payable to affiliates do not exceed BDS\$199.00 such royalties may be withheld and distributed in the next distribution when the accumulated amount of such royalties exceeds \$199.00.
- (4) Royalties received from affiliated societies shall be distributed to members within 90 days of the end of the calendar quarter in which it was received.

PART III
RELATED RIGHTS

DIVISION A

PUBLIC PERFORMANCE RADIO AND TELEVISION BROADCASTS AND CABLE

RE-TRANSMISSIONS

38. The following provisions apply to eligible performers and producers of phonograms who are members of COSCAP.
- (1) Subject to the provisions of COSCAP By-Law 4.12.2 COSCAP shall be entitled to allocate and make distribution directly to performers in such proportion as may be due to them from producers.
 - (2) In the absence of due notification of the proportional share as between producer and performer of any work COSCAP shall be entitled to apportion the royalty to be shared as between the producer(s) and performer(s) concerned as to 50% to such producer(s) and 50% to such performer(s) as appropriate.
 - (3) Where COSCAP is not provided with the division of royalty among performers then a default system will be applied whereby there will be a division equal to a total of 100% between all performer-members whose contribution has been duly confirmed. For Featured and Other Featured Performers the default allocation is 65% and for Non-Featured Performers 35%.

DISTRIBUTION METHODS

39. (1) COSCAP shall seek to ensure, as far as possible, that royalties are paid directly to the rights holders through such of the following methods deemed fit:
- (a) Sample Analysis – where licence fees from similar users are pooled and distributed using a sample analysis of programme returns;
 - (b) Sample/Direct Allocation – where licence fees paid by a single licensee are allocated to the musical works used by that licensee based on a sample analysis of the programme returns;
 - (c) Distribution by Analogy – where licence fees are added to an existing distribution pool which has similar music usage.

FREQUENCY AND TIMING OF DISTRIBUTIONS

40. (1) Performing right royalties shall be distributed twice yearly and such distribution may be 6 months apart for the Broadcasting and General pools. Interim distributions may also be made from time to time at the discretion of the Council.

- (2) Royalties' payable to local members which do not exceed BDS\$49.00 will be paid upon request by the member.

MAIN ROLE DESCRIPTION CODES OF PERFORMANCES:

41. The following are the main role description codes of performances:

- (a) Brass
- (b) Electronics
- (c) Guitar
- (d) Keyboards
- (e) Miscellaneous
- (f) Non payable Roles
- (g) Percussion
- (h) String Instruments
- (i) Studio Personnel (Performing)
- (j) Vocals
- (k) Wind Instruments

EVIDENCE SUPPORTING CLAIMS OF ELIGIBLE PERFORMANCES

42. To claim royalties as an eligible performer evidence must be provided in one of the following forms:

(1) NON-FEATURED PERFORMANCES

- (a) CD/DVD/record/tape sleeve inlay crediting performance;
- (b) Official correspondence from the commissioning Record Company;
- (c) Signed verification from the Contracted Performer;
- (d) Notification of works form signed by all contributing parties showing the division of fees by all contributors.

(2) CONTRACTED FEATURED PERFORMANCES

- (a) A copy of the exclusive recording agreement with the commissioning record label under which the claimed track was recorded;
- (b) Official correspondence from the record company confirming an exclusive contract with the commissioning record label at the time of the record label at the time of recording;
- (c) Notification of works form signed by all contributing parties showing the division of fees by all contributors.

(3) OTHER FEATURED PERFORMANCES

- (a) A copy of the product sleeve front cover or spine showing the performer's name;
- (b) Official correspondence from the Contracted Performer entitling the performer to receive royalties as a singer or musician and the level of entitlement;
- (c) Notification of works form signed by all contributing parties showing the division of fees by all contributors.

(4) PERFORMING PRODUCERS

- (a) Evidence of a contract entitling the Producer to royalties.
- (b) Notification of works form signed by all contributing parties showing the division of fees by all contributors.

SAMPLED RECORDINGS

DEFINITION OF A SAMPLED RECORDING

43. A sampled recording is part of a pre-existing sound recording incorporated into a new sound recording.

ELIGIBLE SAMPLED PERFORMANCES

44. (1) Only eligible performers on the sampled recording will qualify for payment on the new sound recording.
- (2) All eligible performers on the sampled sound recording will be added to the new sound recording as Non-Featured performances, by default. However, if any of the sampled performers are featured on the new sound recording, their contribution will be documented as Other Featured Performances.
- (3) Sampled performers are subject to the same rules regarding the provision of evidence of claims as other performers.

POOL DIVISION

45. Performing royalties collected in a fiscal year shall be allocated into the following pools:
- (a) Broadcasting
 - (b) Cable Re-transmission
 - (c) General

NOTIFICATION OF SHARES AND RE-ALLOCATION OF RELATED RIGHTS SHARES

46. (1) Each member must notify COSCAP of the allocation of shares (or, 'division of fees') and the full names of all interested parties, in sufficient detail, of each sound recording to be administered by COSCAP.
- (2) Where notification of shares is provided to COSCAP by a producer of phonograms, COSCAP verifies the allocation of shares by contacting the performer(s) concerned. In the case of notification of works, all interested parties must sign the notification forms.
- (3) Where the interested parties in a given title seek a re-allocation of shares for the title, all such sharers must sign consent to the re-allocation and as a statement confirming agreement between the interested parties.
- (4) Where COSCAP is not provided with the division of fees then a default system will be applied whereby there will be a division of fees equal to a total of 100% between all performer-members whose contribution has been duly confirmed. For Featured and Other Featured Performers the default allocation is 65% and for Non-Featured Performers 35%.
- (5) In all cases the producer(s) of phonogram will be entitled to a share of 100% of the royalties.

- (6) The total shares to be paid to the performers and producer(s) of phonogram will be 200%.

DISTRIBUTION PERFORMANCE CREDITS

47. (1) RADIO

Those performances analysed for the radio broadcast distribution with the exception of commercial jingles, advertisements, programme identifiers and public service announcements shall receive 4 credit points for each performance.

(2) JINGLES

Themes:

- (a) When any work is performed as a Theme, it shall receive 60% of a Credit for the first 250 performances regardless of the number of actual performances and for all additional such performances in the relevant distribution period it shall receive an additional 6% of a credit per hour regardless of the number of actual such performances in the remainder of the program. For the avoidance of doubt, the 60% of a Credit weight shall include performances of the Theme as “bumpers” into and out of commercial or promotional announcements for the first 250 performances.
- (b) Advertising Promotional and Public Service Announcements, Logos and Jingles: Performance of any work in conjunction with an advertising or public service announcement (other than a Jingle) shall receive 12% of a credit regardless of the number of actual such performances during the relevant distribution period. Performances of any work in conjunction with a promotional announcement (other than a Jingle), sponsored by the network or station on which it appears, shall receive 12% regardless of the number of actual such performances in the relevant distribution period. Performances of any work as a logo shall be credited in the same manner as a Jingle. When any work is performed as a Jingle it shall receive 60% of a credit for the first 250 performances regardless of the number of actual such performances, and for all additional such performances during the relevant distribution period it shall receive an additional 6% of a credit regardless of the number of actual such performances during the relevant distribution period.

48. (1) GENERAL PERFORMANCES

All net distributable revenue from domestic sources other than for radio and television shall be pooled and distributions shall be based on representative samples of programme returns received in respect of radio and television broadcasts and samples of recorded music used at licensed venues and events.

(2) TELEVISION CABLE AND SATELLITE

- (a) Licensing revenues from television, cable and satellite stations shall be distributed on the basis of cue sheets received. In the absence of reliable cue sheet information, distribution shall be on the basis of analogy with the radio broadcast returns;

- (b) the performances analyses for the television broadcast distribution with the exception of commercial jingles, advertisements, programme identifiers and public service announcements shall receive 4 credit points for each performance.

DIVISION B

DUBBING/DUPLICATION

- 49. (1) COSCAP administers the duplication/dubbing right of its members, the producers of phonograms and performers. The dubbing/duplication right is defined as the re-recording for subsequent broadcast or public performance of pre-existing recordings.
- (2) Licensees are contractually obliged to report details of all performances reproduced in order that licence fees are calculated and distributed.
- (3) Under the terms of COSCAP license agreements, licensees are contractually obliged to report details of performances reproduced in order for license fees to be calculated and distributed. Where a blanket license is issued details of the music usage should be supplied.
- (4) COSCAP distribution is based on the principle that the licence fees should be paid directly to the performances reproduced where possible and economically viable to do so.

DISTRIBUTION METHODS

- 50. (1) Distributions in relation to duplication may be on:
 - (a) A Pay-per-use/sound recording-by-sound recording basis. Licence fees are calculated and collected for each sound recording reproduced.
 - (b) Direct Allocation – blanket license fees are paid by the licensees and are allocated directly to the sound recordings used by that licensee.
 - (c) Sample/Direct allocation – license fees are paid in accordance with the sample reporting system in place.

UNIDENTIFIED WORKS

- 51. Rule 6.7 shall apply.

DEDUCTIONS

- 52. (1) COSCAP is entitled to deduct and retain the following commission from:
 - (a) Members: 10% of all fees, royalties and other sums received in respect of the licensing of duplication rights;

- (b) Affiliated societies in accordance with the terms of reciprocal agreements.
- (2) All commissions deducted under Rule 51.1 above shall be allocated towards administrative expenses.

SOURCES OF REVENUE

- 53. (1) Distributable revenue means gross license fees collected, less COSCAP commission.
- (2) The main license categories are:
 - (a) Broadcast Dubbing;
 - (b) Commercial dubbing.
- (3) There are two categories of distributable revenue:
 - (a) Work-by-work/Pay per use;
 - (b) Blanket pools.

DISTRIBUTION METHODS

- 54. (1) Broadcast Dubbing - royalties are distributed based on returns from broadcasters.
- (2) Commercial Dubbing – royalties are distributed on a pay-per-use basis based on licensing information provided.

DIVISION C

RECORDING RIGHTS

- 55. (1) COSCAP administers the recording rights of its performer-members such that where there is no exclusive agreement for the recording of the live performance, the recording of these performances are licensed by COSCAP.
- (2) Licensees are contractually obliged to report details of all performances recorded in order that licence fees are calculated and distributed.
- (3) Under the terms of COSCAP license agreements, licensees are contractually obliged to report details of performances recorded in order for license fees to be calculated and distributed. Where a blanket license is issued details of the music usage should be supplied.
- (4) COSCAP distribution is based on the principle that the licence fees should be paid directly to the performances reproduced where possible and economically viable to do so.

DISTRIBUTION METHODS

- 56. (1) Distributions in relation to recorded rights are based on a pay-per-use/performance-by performance basis. Licence fees are calculated and collected for each performance recorded.

- (2) Direct Allocation – blanket license fees are paid by the licensees and are allocated directly to the performances used by that licensee.
- (3) Sample/Direct allocation – license fees are paid in accordance with the sample reporting system is in place.

UNIDENTIFIED WORKS

57. Rule 6.7 shall apply.

DEDUCTIONS

58. (1) COSCAP is entitled to deduct and retain the following commission from:
- (a) Members: 10% of all fees, royalties and other sums received in respect of the licensing of duplication rights;
 - (b) Affiliated societies in accordance with the terms of reciprocal agreements.
- (2) All commissions deducted under Rule 57.1 above shall be allocated towards administrative expenses.

SOURCES OF REVENUE

59. Distributable revenue means gross license fees collected, less COSCAP commission.

PART IV

DIGITAL MASTER RIGHT RECORDING LICENSING

60. The following provisions apply to eligible producers of phonograms whose rights are administered by COSCAP.
- (1) An eligible producer owns or controls the copyright in Digital Master Recordings or is a member of COSCAP and has already exclusively licensed to COSCAP certain rights in the Master Recordings and who has engaged COSCAP to license certain aspects of the right of reproduction and the performing right in his Master Recordings in an Online environment on the terms set out in the COSCAP. Digital Master Rights Licensing Agreement.
 - (2) Licensees are contractually obliged to report details of all works reproduced in order that licence fees are calculated and distributed.

- (3) Under the terms of COSCAP license agreements, licensees are contractually obliged to report details of sound recordings performed and/or reproduced in order for license fees to be calculated and distributed. Where a blanket license is issued details of the music usage should be supplied.
- (4) COSCAP's distribution is based on the principle that the licence fees should be paid directly to the sound recordings reproduced where possible and economically viable to do so.

DISTRIBUTION METHODS

61. (1) COSCAP distribution methods in relation to master recordings are based on a pay-per-use/sound recording-by-sound recording basis. Licence fees are calculated and collected for each work reproduced.
 - (2) Direct Allocation – blanket license fees are paid by the licensees and are allocated directly to the sound recordings used by that licensee.
 - (3) Sample/Direct allocation – license fees are paid by a single licensee. There is a sample reporting system in place.

SOURCES OF REVENUE

62. The following are the principal sources of revenue:
 - (a) Streaming Transmissions (in all forms including webcasts and background music);
 - (b) Digital Downloads;
 - (c) Online Custom compilations;
 - (d) Ring tones, real tones etc;
 - (e) Online Videogram licences

DEDUCTIONS

63. (1) COSCAP is entitled to deduct and retain the following commission from:
 - (a) Members: 10% of all fees, royalties and other sums received in respect of the licensing of digital master rights;
 - (b) Affiliated societies in accordance with the terms of reciprocal agreements.
- (2) All commissions deducted under Rule 58.1 above shall be allocated towards administrative expenses.

DISTRIBUTION - ONLINE GENERAL

64. COSCAP's commission shall be 10% of the fees it actually receives and it shall deduct such commission together with any expenses for which it is liable, such as, but not limited to mechanical fees and royalties, from such fees before payment of any monies under this clause.

FREQUENCY AND TIMING OF DISTRIBUTIONS

65. (1) Distributions shall only be made for invoices which are paid in full and shall be distributed twice yearly and such distribution may be 6 months apart.
- (2) Royalties payable to members which do not exceed BDS\$49.00 will be paid upon request by the member. Where the royalties payable to affiliates do not exceed BDS\$199.00, the royalties shall be withheld and distributed in the next distribution when the minimum level of royalties has been accumulated.

PART V

PRODUCTION MUSIC LIBRARY LICENSING

66. The following provisions apply to affiliates who own or control the copyright in Production Music or is a member of COSCAP and has already assigned to COSCAP the reproduction right and performing right in Musical Works comprised in Production Music and, in either case, owns or controls the copyright and the physical property in a sound recording of such Production Music.
- (1) Under the terms of COSCAP license agreements, licensees are contractually obliged to report details of works reproduced in order for license fees to be calculated and distributed. Where a blanket license is issued details of the music usage should be supplied.
- (2) COSCAP distribution is based on the principle that the licence fees should be paid directly to the musical works and sound recordings reproduced where possible and economically viable to do so.

DISTRIBUTION METHODS

67. (1) COSCAP distribution methods in relation to production music are based on a pay-per-use basis of the work and sound recording. Licence fees are calculated and collected for each work and sound recording reproduced.
- (2) Direct Allocation – blanket license fees are paid by the licensees and are allocated directly to the musical works and sound recordings used by that licensee.
- (3) Sample/Direct allocation – license fees are paid in accordance with the sample reporting system is in place.

SOURCES OF REVENUE

68. The following are the principal sources of revenue:
- (a) Advertisements;
 - (b) Digital Delivery Platforms;
 - (c) Television and radio programmes;
 - (d) Cinema;
 - (e) Music on hold;
 - (f) Audio-visual productions (on disc, tape or other devices);
 - (g) Audio only productions

DEDUCTIONS

69. (1) COSCAP is entitled to deduct and retain the following commission from:
- (a) Members: 20% of all fees, royalties and other sums received in respect of the licensing of production music;
 - (b) Affiliated societies in accordance with the terms of reciprocal agreements.
- (2) All commissions deducted under Rule 68.1 above shall be allocated towards administrative expenses.

DISTRIBUTION – PRODUCTION MUSIC GENERAL

70. (1) Licensed on a pay-per-use basis or blanket basis.
- (2) If licensed on a pay-per-use basis each work receives 0.5 credit point per 30 seconds or part thereof. If there is no information as to duration, fees are distributed equally on a song occurrence basis.
- (3) If licensed on the basis of a blanket license each work receives 0.5 credit point per 30 seconds or part thereof. If there is no information as to duration, fees are distributed equally on a song occurrence basis.

FREQUENCY AND TIMING OF DISTRIBUTIONS

71. (1) Distributions will only be made for invoices which are paid in full and shall be distributed twice yearly and such distribution may be 6 months apart.
- (2) Royalties payable to members which do not exceed BDS\$49.00 will be paid upon request by the member. Where the royalties payable to affiliates do not exceed BDS\$199.00, the royalties will be withheld and distributed in the next distribution when the minimum level of royalties has been accumulated.

PART VI

MUSIC VIDEO LICENSING

72. (1) The following provisions apply to affiliates and members who own or control the copyright and the physical property in music videos and have entered into a licence agreement.
- (2) Under the terms of COSCAP license agreements, licensees are contractually obliged to report details of works reproduced in order for license fees to be calculated and distributed. Where a blanket license is issued details of the music usage should be supplied.
- (3) COSCAP distribution is based on the principle that the licence fees should be paid directly to the music video reproduced where possible and economically viable to do so.

DISTRIBUTION METHODS

73. (1) COSCAP distribution methods in relation to music videos are based on a pay-per-use/work-by work basis. Licence fees are calculated and collected for each music video reproduced.
- (2) Direct Allocation – blanket license fees are paid by the licensees and are allocated directly to the music video used by that licensee.
- (3) Sample/Direct allocation – license fees are paid in accordance with the sample reporting system is in place.

SOURCES OF REVENUE

74. (1) The following are the principal sources of revenue:
- (a) Broadcast & Duplication;
 - (b) Public Performance;
 - (c) Online;
 - (d) Mobile and New Media
- (2) Broadcast and duplication revenue will be treated as one set of revenue and distributed together.

DEDUCTIONS

75. (1) COSCAP is entitled to deduct and retain the following commission from:
- (a) Members: 20% of all fees, royalties and other sums received in respect of the licensing of music videos;
 - (b) Affiliated societies in accordance with the terms of reciprocal agreements.
- (2) All commissions deducted under Rule 74.1 above shall be allocated towards administrative expenses.

DISTRIBUTION – MUSIC VIDEOS GENERAL

76. COSCAP's commission shall be 20% of the fees it actually receives and it shall deduct such commission together with any expenses for which it is liable, such as, but not limited to mechanical fees and royalties, from such fees before payment of any monies under this rule.

FREQUENCY AND TIMING OF DISTRIBUTIONS

77. (1) Distributions will only be made for all invoices which are paid in full and shall be distributed twice yearly and such distribution may be 6 months apart.

- (2) Royalties payable to members which do not exceed BDS\$49.00 will be paid upon request by the member. Where the royalties payable to affiliates do not exceed BDS\$199.00, the royalties will be withheld and distributed in the next distribution when the minimum level of royalties has been accumulated.

ENACTED this 28th day of January, 2017



Anderson Armstrong
Chairman



Ivan A. Alert
Secretary