



Uniunea  
Producătorilor de  
Fonograme din  
România

Adresa: Bd. Nicolae Titulescu Nr. 88b, Sector 1, București  
Telefon: 021 222 20 45/46/47/48 Fax: 021 222 20 43  
CIF: RO 9670110 / HJ: 136/1996  
IBAN: RO66 BRDE 445 SV 209 7120 4450  
BRD - Sucursala Dorobanți  
www.upfr.ro / office@upfr.ro

# DISTRIBUTION CRITERIA 2014



representing the  
recording industry  
worldwide

Înregistrată în registrul de evidență a prelucrărilor de date cu caracter personal administrat de  
Autoritatea Națională de Supraveghere a Prelucrării Datelor cu Caracter Personal sub nr. 28876



Nr. inreg.: 3883/21.02.2014

## SUMMARY

1. Definitions
2. Compensatory remuneration for private copy (AUDIO)
3. Equitable remuneration for broadcasting (RADIO)
4. Equitable remuneration for broadcasting (TV)
5. Remuneration due to cable retransmission (PHONOGRAMS)
6. Equitable remuneration for public performance (AMBIENTAL)
7. Remuneration due to reproduction for broadcasting, public performance and phonograms communication to public.
8. Remuneration due to phonograms communication to public through online and mobile services
9. Banking interests/Prejudices
10. Playlist Mix of Radio/TV stations for distribution of revenues. (DISTRIBUTION PLAYLIST MIX)

### 1. DEFINITII/1. DEFINITIONS

**Playlist** - list of phonograms broadcast transmitted by radio and television stations in the format prescribed by the laws in force. (Annex 1 to the Statute UPFR Article 1 lit. M)

**Monitoring system** - dedicated software for radio and tv analysis. The Monitoring System is a database formed by prior music fingerprinting with the attached relative informations to rights holders and real-time software identification of musical content submitted by a user Radio or TV. (Annex 1 to the Statute UPFR, art. 4, paragraph 1)

• **Monitoring system with playlist generation** - identify the artist, title and duration of the songs broadcast on radio or television broadcast (Annex 1 to the Statute UPFR, art. 4, paragraph 1)

• **Monitoring system without generating playlist** - identification of musical content and its length in a radio or television broadcast without identifying artist and song. (Annex 1 of the Statute UPFR, art. 4, paragraph 1)

• **Incomplete Playlist** - Music Playlist for the duration of its content, determined by monitoring with and without playlist generation, is greater than the total calculated from user submitted

playlist or playlist for music content's total duration is less than the percentage resulting from musical share declared by the user. (Annex 1 to the Statute UPFR, art. 4, paragraph 1)

• **The undocumented playlist** - difference of time in seconds for a determined period between monitoring with or without generating for a station and the total result (does not contain information on the artist or track title) from the user playlist. (Annex 1 to the Statute UPFR, from the playlist transmitted by the user or the time difference in seconds for a determined period between duration resulting from share music playlist declared by the user and the submitted playlis by the user, or the playlist that is incompletely documented. Art. 4, section 1)

**Musical TVs** - televisions with over 50% music videos and measured ratings.

**RADIO PLAYLIST MIX** = All of the documented phonograms from radio stations, who are given a score calculated according to the duration of the broadcast and hourly national rating of those uses (Annex 1 to the Statute UPFR, Article 10, lit.b)

• **MUSICAL Pop-Rock TV PLAYLIST MIX** = All of the documented phonograms from television stations with pop-rock music genre, disco and classical genre (except those dedicated to folk-party genre), who are given a score calculated according to the duration of the broadcast and rating to those uses (Annex 1 to the Statute UPFR, Article 10, lit.b)

• **GENERAL PLAYLIST MIX** = All of the documented phonograms from Radio and TV stations who are given a score calculated according to the duration of the broadcast rating and those uses. (Annex 1 to the Statute UPFR, Article 10, lit. b)

• **PARTY-FOLKLOR PLAYLIST MIX** = All of the documented phonograms on all radio and TV stations with a party-folklore genre, who are given a score calculated according to the duration of broadcasting and rating of those uses. (Annex 1 to the Statute UPFR, Article 10, lit. b)

## 2. COMPENSATORY REMUNERATION FOR PRIVATE COPY (AUDIO)

The distribution of revenues is done as follows (Annex 1 to the Statute UPFR, art. 10 lit. a):

- 90,7% of the amount is distributed based on general playlist mix (19 radio stations with ratings + Musical TVs);
- 9,3% of the amount is ditributed as follows :
  - 20% based on party-folklore playlist mix;
  - 80% by number of tracks for party-folklore genre.

### 3. EQUITABLE REMUNERATION FOR BROADCASTING (RADIO)

- **Distribution is done taking into account the actual use of phonograms resulted from playlists from radio stations that can be verified and completed with monitoring reports issued by specialized companies, separately for each station for the period for which remuneration was collected. Phonograms used are weighted with the rating determined by an rating monitoring company specializing in determining rating (Annex 1 to the Statute UPFR, art. 2. Paragraph 1).**
- **RADIO PLAYLIST MIX is used for the following situations (Annex 1 at the Statute UPFR, art.10, lit.b):**
  - **stations not sending playlist**
  - **stations sending unusable (not respecting the standards of the active methodology) playlists;**
  - **stations whose playlist is incomplete only for the undocumented parts.**

### 4.. EQUITABLE REMUNERATION FOR BROADCASTING (TV)

- **The distribution is made directly proportional to the actual duration of use of musical works, separately for every channel for the period for which remuneration is received. (Annex 1 to the Statute UPFR, art. 2. Paragraph 1).**
- **Distribution is done taking into account the actual use of phonograms resulting from playlists received from the TV stations that can be verified and completed with monitoring reports issued by specialized companies, separately for each TV station for the period for which it was collected remuneration. Phonograms used is weighted with the rating determined by an rating monitoring company specializing in determining rating (Annex 1 to the Statute UPFR, art. 2. Paragraph 1).**
- **Distribution of revenues is done by general playlist mix for the following i (Annex 1 at the Statute UPFR, art.10, lit.b):**
  - **stations not sending playlist**
  - **stations sending unusable (not respecting the standards of the active methodology) playlists;**

- stations whose playlist is incomplete only for the undocumented parts.

For Party & Folklore Genre, a separate share is allocated from next incoming sources:

- PRO TV – 2,6%;
- Antena 1 – 3,9%;
- Prima TV – 2,8%;
- SRTV – 4,53%;
- For the other TV incomes - average of the above 4 ratings is to be used – 3,46% is allocated based on Party-Folklore Playlist Mix.

#### 5.REMUNERATION DUE TO CABLE RETRANSMISSION (PHONOGRAMS)

Distribution of revenues is done as follows (Annex 1 at the Statute UPFR, art. 10, lit.e):

- 96.54% based on general playlist mix;
- For party-folklore genre a share of 3,46% is allocated which is distributed based on party-folklore playlist mix.

#### 6.. EQUITABLE REMUNERATION FOR PUBLIC PERFORMANCE (AMBIENTAL)

Distribution of revenues is done as follows:

1) 56,92 distributed as follows (Annex 1 at the Statute UPFR, art. 10, lit.c):

- a) 49,34% based on radio playlist mix;
- b) 7,58% is allocated for party-folklore genre, where:
  - 70% by number of holograms
  - 30% by party-folklore playlist mix;

2) 11,21% distributed as follows:

- a) 8,98% by Musical TVs playlist mix
- b) 2,23% is allocated for party-folklore genre, where:
  - 70% by number of holograms;
  - 30% by party-folklore playlist mix;

3) 31,87% by radio playlist mix.

## 7. REMUNERATION DUE TO REPRODUCTION FOR BROADCASTING, PUBLIC PERFORMANCE AND PHONOGRAMS COMMUNICATION TO PUBLIC

Distribution of revenues is done as follows:

1) 56,92% is distributed as follows (Annex 1 at the Statute UPFR, art. 10, lit.c):

- a) 49,34% by radio playlist mix;
- b) 7,58% % is allocated for party-folklore genre, where:
  - 70% by number of holograms;
  - 30% by party-folklore playlist mix.;

2) 11,21% is distributed as follows:

- a) 8,98% by Musical TVs playlist mix;
- b) 2,23% % is allocated for party-folklore genre, where:
  - 70% by number of holograms;
  - 30% by party-folklore playlist mix;

3) 31,87% by radio playlist mix.

## 8. REMUNERATION DUE TO PHONOGRAMS COMMUNICATION TO PUBLIC THROUGH ONLINE AND MOBILE SERVICES

- Distribution is done taking into account the actual use of phonograms resulting from playlists received from radio and television stations that can be verified and completed by monitoring reports issued by specialized companies, separately for each station, for the period the remuneration is received. Phonograms used are weighted with the rating determined by a rating monitoring company specialized in determining rating (Annex 1 to the Statute UPFR, art. 2. Paragraph 1).
- Radio playlist mix is used for the following situations (Annex 1 at the Statute UPFR, art.10, lit.b):
  - ✓ Radio stations not sending playlist;

- ✓ Radio stations sending unusable (not respecting the standards of the active methodology) playlists;
  - ✓ Radio stations whose playlist is incomplete only for the undocumented parts.
- General playlist mix is used for the following situations(Annex 1 at the Statute UPFR, art.10, lit.b):
    - TV stations not sending playlist
    - TV stations sending unusable (not respecting the standards of the active methodology) playlists
    - posturile tv al caror playlist nu contine minimul informatiilor necesare pentru prelucrare;
    - TV stations whose playlist is incomplete only for the undocumented parts.
  - For the Party Folklore genre, a share of 3.46% is allocated separately from revenues collected from users and is distributed based on party-folklore playlist mix.
  - Remuneration collected from users for communication of phonograms of trade to the public based on media available on the website addresses of users (URLs) (sites with background music) are distributed based on general playlist mix.

## 9. BANKING INTERESTS/PREJUDICES

- 1) BANKING INTERESTS – in direct proportion to the amount distributed to each record company on the respective year;
- 2) PREJUDICES – in direct proportion to the amount distributed to each record company on the respective year. (Annex 1 at the Statut UPFR, art. 1, lit.j).

## 10.DISTRIBUTION PLAYLIST MIX

### GENERAL PLAYLIST MIX

Contains the following stations :

1. SRR
2. KISS FM
3. EUROPA FM
4. PRO FM
5. RADIO ZU
6. MAGIC FM
7. RADIO XXI

8. NATIONAL FM
9. ROCK FM
10. ROMANTIC FM
11. VIBE FM
12. SMART FM;
13. KISS TV;
14. U TV;
15. M TV;
16. MUSIC CHANEL;
17. HIT MUSIC CHANNEL
18. Mooz Hits
19. Mooz RO

- It is used for TV broadcasting, cable phonograms, private copy, online and reproduction (Annex 1 at the Statute UPFR, art. 10):
- For Radio stations, the rating is supplied by ARA, and average rating per quarter of hour measured during the week is the standard/ indicator;
- For Regional Radio Stations of SRR, ARA rating Study for ROMANIA REGIONAL is used, divided by number of regional radio stations as follows:
  - a1 – if ARA Study offers audience data for all and each Regional Radio Stations, ARA measured audiences will be used;
  - a2 – if ARA Study offers partial audience data (only for some Regional Radio Stations), measured audiences will be used for monitored stations and left audience will be divided by number of regional radio stations in order to distribute audience numbers to each;
  - a3 – if ARA Study offers gross audience for Regional Radio Stations, each station will be weighted with the result of next formula [gross audience/ number of Regional Radio Stations];

Not-Regional SRR Radio Stations not included in ARA audience rating study will be counted with the minimum national audience rating;

- SRR enters into Distribution Playlist Mix with the summed audience ratings for all its Radio Stations;
- On SRR's playlist, the tracks related to each Radio Station will be weighted with the audience rating of the corresponding Station;
- For Stations presenting measured audience rating only for Bucharest, the highest value of the audience rating for Bucharest and minimum national audience rating will be selected and used;

- If during the year, other stations are measured, others than those enumerated list, they will be added also.
- For TV Stations will use the average monthly audience rating provided by ARMA.
- For TV Stations without measured ratings, the minimum audience rating will be used.

#### RADIO PLAYLIST MIX

- radio stations weighted with audience ratings provided by ARA;
  - 1) SRR
  - 2) KISS FM
  - 3) EUROPA FM
  - 4) PRO FM
  - 5) RADIO ZU
  - 6) MAGIC FM
  - 7) RADIO XXI
  - 8) NATIONAL FM
  - 9) ROCK FM
  - 10) ROMANTIC FM
  - 11) VIBE FM
  - 12) SMART FM;

- It is used for public performance and radio.

#### MUSICAL TVs PLAYLIST MIX

- tv stations weighted with audience ratings provided by ARMADATA;
  - 1) KISS TV;
  - 2) U TV;
  - 3) M TV;
  - 4) MUSIC CHANEL;
  - 5) HIT MUSIC CHANNEL
  - 6) Mooz RO
  - 7) Mooz Hits

- IT is used for public performance, video cable retransmission, video private copy.

#### PARTY-FOLKLORE PLAYLIST MIX

- Contains the following stations :
  1. Antena Satelor;
  2. FAVORIT TV;
  3. TARAF TV;
  4. ETNO TV
  5. Mynele TV



- **It is used for public performance, radio, tv, cable retransmission phonograms, private copy phonograms, online and reproduction.**

**The General Playlist Mix, the Radio Playlist Mix, the Musical TVs Playlist Mix and the Party-Folklore Playlist Mix are formed by weighting the duration of use of musical works documented with the audience indicators established / determined as explained above, resulting in scores underlying the calculation of remuneration arising from the real use of phonograms.**

**If for a radio or TV rating is unavailable or playlist is not workable, the Board may decide to drop the station in question or set other stations that will form the Distribution Playlist Mix. (Annex 1 of the Statute UPFR, art. 15).**

Approved by the Board of UPFR under Decision no. 3729/20.02.2014, by Protocol 6045/26.03.2014