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**GENERAL DISTRIBUTION POLICY – 2025**

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## 1. General Rules for Declaring Phonograms/Videograms for Distribution Purposes

### 1.1. Preamble

The Union of Phonogram Producers in Romania – Association for Related Rights (UPFR) will hereinafter be referred to as **UPFR**.

Declaring a producer's repertoire and registering it in the UPFR database enables the correct identification of phonograms owned by that producer both in playlists received by UPFR from users and through monitoring reports received from the monitoring company.

The calculation of related rights for producers is based on the processing of playlists declared and submitted by users to UPFR and/or reports obtained from station monitoring performed by a specialized company, taking into account the repertoire declared and registered by each producer with UPFR.

The procedure for declaring and registering the repertoire with UPFR is available on the UPFR website and applies to UPFR members and non-members, as well as to similar CMOs (collective management organizations) in Romania and abroad.

Declaring a producer's repertoire with UPFR, whether the producer is a member or non-member, is mandatory in order to benefit from the distribution of related rights collected by UPFR.

Fingerprinting (audio identification) of phonograms by a phonogram producer, whether member or non-member, is mandatory in order to benefit from the distribution of related rights collected by UPFR.

A producer may request distribution of the related rights due only based on the declared repertoire and the conclusion of a related rights management contract (for non-members), in accordance with applicable legislation, except where the producer is an associate member of a similar organization in Romania or abroad with which UPFR has concluded a cooperation protocol for collective management activities, in which case the repertoire is transmitted by that organization.

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### 1.2. Method of Declaring the Repertoire to UPFR

The full procedure for declaring the repertoire and the necessary documents are communicated to all producers, members or non-members, in the format accepted by UPFR, via the UPFR website under the **Repertoire** section.

The general format for declaring a phonogram/videogram repertoire complies with the standards established by **ORDA Decision No. 52/2014**, correlated with international standards recommended by **IFPI**. If legislative changes occur, the format will be updated accordingly.

The producer is required to submit the repertoire for which they hold a mandate, with all mandatory fields completed, in order to be registered in the UPFR repertoire database, called **BDR-UPFR**.

Repertoire declaration may be made:

- on optical media, directly at UPFR headquarters; or
- electronically through the UPFR website: **Producers > Declare repertoire**; or



- by email, as an alternative to physical submission at UPFR headquarters.

If, following verification, mandatory fields are missing/inconsistent, the UPFR representative will notify the producer in writing. If the producer does not reply in writing and does not correct the declaration, the declared phonograms/videograms cannot be considered in the distribution process.

For registering the repertoire, the producer must submit, along with the repertoire registration, a sworn statement confirming that the declared repertoire includes phonograms/videograms belonging to the producer and, where applicable, proof documents and the period for which the producer requests distribution.

The producer must fingerprint the phonograms in the repertoire for which they hold a mandate, respecting the fingerprinting procedures communicated by UPFR.

The full fingerprinting procedure is communicated to all producers via the UPFR website under the **Fingerprinting** section.

Fingerprinting may be performed either through an FTP service or direct upload service. The differences between these services are detailed in the fingerprinting procedure.

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### 1.3. Registration of the Repertoire in the UPFR Database

UPFR registers phonograms/videograms of phonogram/videogram producers that are carriers of related rights.

For phonograms/videograms declared to UPFR, the producer must be able at any time to prove, through documents, their capacity as producer, license holder or exclusively authorized representative in Romania for related rights over the declared phonograms/videograms and must sign a related rights management contract (in the case of non-members). UPFR will not register phonograms/videograms of producers who do not fall into one of these categories. UPFR reserves the right to request additional information from the producer confirming their status.

A producer registering advertising spots, station idents, bumpers, jingles, etc., must hold documents proving they have not assigned their related rights to the advertising agency/beneficiary/broadcaster (hereinafter beneficiaries). UPFR reserves the right to request any supporting documents depending on the case.

Declared phonograms/videograms and those provided under point 1.3.3 are included in the same database, with each fixation type classified differently.

Producers with repertoire registered at UPFR must update it quarterly, according to the UPFR Statute.

Updates must follow a similar procedure as in point 1.2, indicating phonograms/videograms removed or added, using the same Excel format, by the 15th of the month following the end of the quarter.

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### 1.4. General Rules for Resolving Divergences

The repertoire declaration procedure will be followed for comparing a newly submitted repertoire with the one already in the database.



Phonograms/videograms from the newly submitted repertoire that do not generate divergences will be uploaded according to the repertoire declaration procedure.

If divergences arise after uploading the repertoire, the UPFR representative informs (in writing, by email) the UPFR members / independent producers who submitted the repertoire about the identified divergences, requesting reconfirmation/correction within 15 working days.

If no written response is received within 15 working days from acknowledgment, UPFR informs the producer in writing about the inactivation of phonograms in divergence.

If the producer reconfirms ownership, UPFR simultaneously informs by email the producer who previously submitted identical phonograms/videograms, requesting reconfirmation.

If neither party withdraws the phonograms/videograms in divergence, UPFR requests additional documents from both producers proving rights ownership.

For local repertoire divergences, the producer must prove related rights ownership by submitting any documents requested by UPFR.

After receiving the documents, they are analyzed and endorsed by UPFR lawyers.

The maximum response deadline is 30 calendar days from the first notification; lack of response equals inactivation of the producer's divergent phonograms.

For international repertoire divergences, the rights-holder must provide notarized translations of representation contracts for Romania explicitly covering related rights. A copy of the original signed and stamped license must also be provided.

Failure to communicate supporting documents within the deadline equals withdrawal of the repertoire declaration.

Mandate contracts (members) or collective management contracts (non-members) are signed only if at least one declared phonogram/videogram is not in divergence.

If both producers submit requested evidence, UPFR can only express an opinion regarding documentation; if divergences are not resolved amicably, producers must address competent courts. UPFR will block amounts generated by unresolved divergences until a final decision or amicable settlement.

If a phonogram/videogram is registered by multiple producers and documentation cannot determine the exact version broadcast, the allocated amount per phonogram is distributed as follows:

- Original recording producer receives 2/3, and re-recording producer receives 1/3.
- If there are multiple re-recordings, original producer receives 1/2 and the remaining 1/2 is equally distributed among re-recording producers.

Co-productions are productions with multiple rights-holders within the same rights category, including an administrator who notifies UPFR of their status; the amounts for co-productions are distributed to the administrator, and UPFR is released from claims by other co-producers. The UPFR-co-producers relationship regarding distribution documentation is handled through the administrator unless the administrator agrees otherwise.



The co-production administrator is the entity exploiting the phonogram/videogram and provides UPFR all information needed to calculate remuneration.

Where technically possible, UPFR will distribute directly to co-producers in declared shares, based on administrator's sworn declaration and proof of agreed shares.

If co-producers are not in UPFR's database, the administrator must provide the payment details.

If UPFR cannot distribute to co-producers, point 1.4.15 applies: the amounts are distributed to the administrator, who becomes fully responsible for distributing to other co-producers, and UPFR is released from claims.

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## 2. Collection of Playlist-Type Documents Underlying Distributions

For distribution purposes, UPFR uses radio and TV monitoring reports from the **Vericast BMAT platform**, and where monitoring reports are unavailable, the playlists transmitted by radio and TV stations.

The monitoring reports and playlists form the basis for distributing remunerations collected by UPFR from all users.

The playlist format is established by applicable methodologies. Playlists must be electronic and accompanied by a forwarding letter bearing the legal representative's name, signature, and the user's stamp, confirming under own responsibility the accuracy of the information.

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## 3. Method of Calculating Distributions

### 3.1. General Considerations

Remuneration distribution is carried out by UPFR pursuant to UPFR Statute rules, and the calculation and determination of amounts to be distributed are approved by UPFR members through this document, following these general principles:

- Remunerations collected by UPFR are distributed to rights-holders proportionally with the actual use of phonograms/videograms, except where such proportional distribution is not possible.
- Distribution is generally performed separately by collection categories and types of use, except where otherwise specified.
- Remunerations are collected for the collective benefit of producers and other related rights holders managed by UPFR, who may not be UPFR members.
- A rights-holder is entitled to remunerations collected by UPFR in compliance with UPFR Statute and this general distribution policy.
- Distribution and payment are carried out periodically, quarterly, to all rights holders, whether members or non-members.
- AGA or the Board of Directors may set distribution deadlines in advance (with justified reasoning) or longer/shorter deadlines, without exceeding the maximum term set by Law 8/1996 (republished).



- Distribution proportional to duration considers information from user-submitted reports and/or monitoring reports, where stations were monitored.

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### 3.2. Analysis of Collected Remunerations

Remunerations collected during a financial year are recorded by collection sources grouped as follows:

- Equitable remuneration for public communication
- Remuneration for reproduction for broadcasting, public communication, and making available to the public
- Compensatory remuneration for private copying – phonograms
- Equitable remuneration for broadcasting – Radio
- Equitable remuneration for broadcasting – TV
- Remuneration for cable retransmission – phonograms
- Remuneration for public communication on the internet
- Compensatory remuneration for private copying – videograms
- Remuneration for cable retransmission – videograms
- Damages
- Bank interest

Remunerations collected from users are allocated to the relevant period according to internal procedures, non-exclusive license contracts, issued invoices, and any other documents involved in the relationship with the user.

Where a global remuneration is collected and the exact period cannot be determined, it is distributed according to the rules applicable during the period when the remuneration was collected.

Remunerations collected for previous periods (before payment/recovery), if not documented by the user as above, are distributed proportionally with amounts distributed for the same source in the period in which those remunerations were paid or recovered.

For broadcasting, amounts collected for past periods are distributed based on received documentation for the period, and if UPFR does not have playlists due to the user's fault, the amounts are distributed proportionally with amounts distributed for that source in the period of payment/recovery.

When remunerations are paid by a radio or TV organization without station breakdown, they are distributed among stations based on audience. Within playlists, phonograms/videograms are weighted with audience as established by a specialized audience monitoring company. For stations without measured audience, the minimum measured audience is used.



For radio remuneration where playlists are not distinctly provided based on paid remuneration, information from the declared repertoire is used.

For public communication, private copying (phonograms/videograms), and cable retransmission (phonograms/videograms), amounts are distributed based on available information at distribution date. Due to reporting/processing delays, collected amounts are allocated to uses from the previous collection period.

Late payment penalties are distributed proportionally to the remunerations allocated to rights holders for the category of users from whom penalties were collected.

Payment is made to the bank account specified in the mandate agreement, provided:

- the producer submitted a bank confirmation proving account data validity;
- the producer submitted a sworn statement for phonograms where the rights-holder could not be identified, if applicable;
- for claims from phonograms pending identification, the producer submitted both a sworn statement and a distribution request (as in point 3.3.6).
- for advertising spots / idents / jingles, the producer submitted proof of related rights ownership and obtained legal department approval.

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### 3.3. Analysis of Playlists

Only playlists transmitted in Excel format and in compliance with applicable methodologies (ORDA Decision No. 216/2011 for radio; ORDA Decision No. 133/2012 for TV) will be analyzed, and must contain at least: broadcast date, broadcast time, minutes broadcast, seconds broadcast, track title, artist. Non-compliant playlists will not be analyzed.

If the broadcaster's playlist is incomplete or non-compliant, UPFR may use monitoring reports where available.

If users provide the playlist and the amount subject to distribution is below 0.0005 RON/second (ratio between distributable amount and total broadcast seconds), the playlist cannot be analyzed; in such cases, remuneration is distributed within the same type of use, according to criteria set by AGA.

After analysis, phonograms/videograms for which rights holders could not be determined are published on the UPFR website and Facebook page, allowing rights holders to notify UPFR upon identification.

For producers claiming advertising spots / idents / jingles etc., in addition to the documents in point 3.2.9, they must also submit a distribution request.

Related rights resulting from adaptations of phonograms in audiovisual works will be remunerated according to contractual relations between the phonogram producer and the audiovisual producer.

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### 3.4. Monitoring of Radio and TV Stations

UPFR may use monitoring reports to verify incomplete playlists.



If playlists are non-compliant and cannot be processed and the user does not correct them, UPFR may use monitoring reports if available.

To improve accuracy, UPFR cooperates with phonogram producers by facilitating fingerprinting and updating information in the monitoring platform databases.

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### 3.5. Digital Environment Indicators

For remunerations collected from uses including public communication, internet public communication, reproduction, and private copying, UPFR also uses digital environment information in distribution.

Digital sources considered are limited exclusively to **YouTube**.

Digital indicators are represented by a score allocated based on net revenues and views for phonograms in the YouTube source. These indicators are calculated according to the algorithm in point 3.5.4 and support distribution for sources where listening influence applies.

The score is calculated as follows:

- Views per phonogram are divided by 1,000,000 and multiplied by 10 → views score
- Revenues per phonogram (RON) are divided by the RON equivalent of 1,500 EUR (using the average BNR exchange rate for the reporting period), then multiplied by 10 → revenue score
- A weighted average is calculated between the views score and revenue score, each weighted 50%
- To reduce rounding errors, the resulting score is multiplied by 100 and decimals removed

Each producer reports quarterly in tabular format the net revenues and views obtained from YouTube.

Reported revenues are net sums generated from Romania territory; advances and minimum guarantees are excluded.

YouTube reports must contain at least:

- Title
- Artist/Performer
- ISRC code
- Net Revenue (RON)
- Views

Reported phonograms must not exceed 90% of net revenues obtained by a producer from YouTube net amounts in Romania, and must contain max. 1000 positions.

If a producer holds a representation license in Romania from a major (Sony, Warner, Universal), the 90% condition applies separately for that catalog.



Reports must not include shorts, vlogs, interviews, podcasts, ads, contests, tour/concert recordings, or other content not related to phonograms.

Producers should remove non-alphanumeric characters (@, !, \$, #, ©, etc.) which could hinder identification.

Reports must be uploaded in the distribution system as playlists and compared with the repertoire database.

Deadline for communicating reports is 45 days after the end of the quarter. Reports must be accompanied by a sworn statement confirming accuracy. Reports are subject to audit.

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### 3.6. Unclaimed Amounts

Unclaimed amounts resulting from distribution are kept for up to 3 years from notification, in separate UPFR analytical accounts, and distributed upon claim, or after that period, pursuant to UPFR Statute.

Notification of undistributed/unclaimed amounts is made in writing and electronically, including on UPFR's website, within 9 months after the end of the financial year in which they were collected, and includes any information facilitating identification of the rights holder.

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### 3.7. Interest and Damages

Amounts collected as damages/compensation for infringement of producers' rights, as well as bank interest, are distributed proportionally with amounts allocated in each distribution period.

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## 4. Collection Sources and Distribution Rules for Phonogram/Videogram Producers

### 4.1. Amounts Resulting from Collection Sources for Phonograms

#### 4.1.1. Compensatory Remuneration for Private Copying

Amounts collected for private copying are distributed according to statutory provisions, based on information available at the distribution date, as follows:

- **20.04%** distributed proportionally to the duration of identified phonograms from radio playlists (point 5.2.2), weighted by measured audience
- **22.83%** distributed proportionally to the duration of identified phonograms from TV playlists (point 5.2.3), weighted by measured audience
- **57.13%** distributed according to listening influence from YouTube

In this sense, each producer submits YouTube revenue and views reports as described in point 3.5.

#### Common provisions:

If producers refuse to submit digital reports, they will not receive amounts distributed under this criterion, and UPFR bears no responsibility for distribution method based on this information.



YouTube reports must include artist, title, ISRC, revenues, views per point 3.5 to be considered.

Annual adjustment means allocation of all sums collected in the previous year according to private copying distribution criteria and penalties.

It is presumed that only phonograms made available to the public for sale or via wired/wireless means enabling access at a place/time chosen individually may become private copies and be considered for private copy distribution. These must be associated with an artistic act and/or performer and include performances or other sounds other than those created for station identification/self-promotion or for promotion of products/services (advertising).

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#### 4.1.2. Equitable Remuneration for Broadcasting – Radio

Radio remuneration is distributed according to UPFR Statute:

- proportionally to phonogram duration, weighted by measured audience, based on monitoring-generated playlists and/or user-submitted playlists, separately per radio station, for the period collected;
- proportionally to duration from radio playlists listed in point 5.2.2 weighted by audience for cases where:
  - stations do not transmit playlists
  - transmitted playlists are non-compliant
  - distributable sum is below 0.0005 RON/second

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#### 4.1.3. Equitable Remuneration for Broadcasting – TV

TV remuneration is distributed according to UPFR Statute:

- proportionally to phonogram duration, weighted by measured audience, based on monitoring playlists and/or user-submitted playlists, separately per TV station;
- proportionally to duration from radio and TV playlists listed in point 5.2.1 weighted by audience for cases where:
  - stations do not transmit playlists
  - playlists are non-compliant
  - distributable sum is below 0.0005 RON/second

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#### 4.1.4. Equitable Remuneration for Public Communication

Public communication remuneration is distributed according to statutory provisions based on information available at distribution date:



- **62.90%** distributed proportionally to duration of identified phonograms on radio stations in point 5.2.2 weighted by audience
- **17.38%** distributed proportionally to duration of identified phonograms on TV stations in point 5.2.3 weighted by audience
- **19.72%** distributed according to YouTube listening influence

Common provisions include direct proportional distribution only if the user submits playlists before distribution and the amount exceeds 0.0005 RON/second; distribution of direct playlists is performed in the first quarter after the financial year ends.

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#### **4.1.5. Remuneration Due for Public Communication on the Internet**

Distributed according to UPFR Statute, as per point 4.1.3.

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#### **4.1.6. Remuneration Due from Cable Retransmission**

Distributed based on information available at distribution date:

- per channel: proportional to total seconds broadcast per channel of retransmitted broadcasters as reported in cable operator program grids, stations must broadcast from Romania;
- collected amounts distributed proportionally to duration, weighted by average hourly audience, based on monitoring reports for all monitored radio/TV stations reported in program grids;
- radio playlists used proportionally to amounts collected as per radio methodologies, in the quarter distributed;
- TV playlists used as per TV methodologies.

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#### **4.1.7. Remuneration Due from Reproduction for Broadcasting/Public Communication/Making Available**

Distributed according to UPFR Statute, as per point 4.1.3.

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### **4.2. Amounts Resulting from Collection Sources for Videograms**

#### **4.2.1. Compensatory Remuneration for Private Copying – Videograms**

Distributed according to UPFR Statute, as per point 4.1.1.

#### **4.2.2. Remuneration Due from Cable Retransmission – Videograms**

Distributed proportionally to duration of videograms broadcast on TV stations listed in point 5.2.4, retransmitted by cable, as reported in program grids, weighted by measured audience.



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## 5. Method of Calculation and Use of Audience Data and Definition of Measured-Audience Stations

### 5.1. Audience Calculation Method

- For radio stations in point 5.2.2, audience is provided by **ARA**, using the average audience per quarter-hour during weekdays.
- For TV stations in point 5.2.3 and 5.2.4, audience is provided by **ARMADATA**, using the average audience per quarter-hour during weekdays.
- For radio/TV stations without measured audience, the minimum average audience is used.

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### 5.2. Stations with Measured Audience

Measured-audience radio and TV stations include:

SRR Actualitati, SRR Antena Satelor, SRR Craiova, SRR Cultural, SRR Iasi FM, SRR Muzical, SRR Radio Bucuresti, SRR Timisoara FM, Kiss FM, Europa FM, Pro FM, Radio ZU, Magic FM, Virgin Radio, National FM, Rock FM, Romantic FM, One World Radio, Digi FM, Dance FM, Radio Guerrila, Kiss TV, U TV, Music Channel, Mooz RO, ZU TV, Radio Transilvania LBM, Rock TV, Magic TV, Atomic TV, Impuls Bucuresti, Accent FM, H!T Music Channel, Favorit TV, Hora TV, Etno TV, Traditional TV, Favorit FM, Radio Seven, Radio Itsy Bitsy, Sport Total FM, RFI, Digi 24 FM, Disco Mix, Atomic Academy HD.

(Playlists from these stations are those used in distribution procedures where monitoring is possible.)

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## 6. BREACHES AND SANCTIONS

### 6.1. Disciplinary Breaches

Disciplinary breaches may be serious or very serious.

**Serious breaches include:**

- declaring a repertoire to UPFR that does not belong to the producer;
- declaring reports (e.g., digital reports) incorrectly with higher figures than those actually generated in Romania;
- making false statements regarding one or more phonograms/videograms to unjustly obtain remunerations (including from identification lists published by UPFR);
- declaring without prior written authorization from rights holders of musical works entitled to grant such authorization, where the right is within protection term;
- intentional reproduction/adaptation/transformation of an existing phonogram/videogram followed by unjust claims;



- failure to notify UPFR that related rights were assigned to a third party.

Repeated serious breaches, regardless of prior sanctions, constitute very serious breaches.

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## 6.2. Applicable Sanctions

For serious breaches, UPFR may apply any of the following:

- monetary disciplinary sanction: payment to UPFR of **500–1000 EUR**, RON equivalent at BNR exchange rate on the decision date;
- blocking of payment of distributed amounts until the breach is remedied and corrected.

For very serious breaches, UPFR may apply any of the following:

- blocking payments from licensing the repertoire until proof of remedy;
- disciplinary sanction payment of **1000–20000 EUR**, plus UPFR's audit costs, RON equivalent at BNR rate on the decision date;
- suspension of voting rights and eligibility in governance bodies.

Disciplinary investigations and sanctions are applied through a decision issued by the UPFR Board of Directors.

Sanctions do not exclude UPFR's or injured parties' right to seek full recovery of damages caused by disciplinary breaches.