



**Royalties Distribution Regulation of EDEM**  
**EDITION B**

as implemented by the General Assembly on  
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## 1. INTRODUCTION

**“MUSICAL WORKS RIGHTHOLDERS’ COLLECTIVE MANAGEMENT ORGANISATION- LIMITED LIABILITY COOPERATIVE”** warrants and represents that is an Organisation for the Collective Management and Protection of Intellectual Property Rights on Musical Works, operates in accordance with the its Statute, which has been approved according to law by Athens District Court with the No. 17/2019 act of the Judge of Athens District Court, with the copyright and collective management laws (2121/1993 and 4481/2017), as in force each time, the International Conventions, the European Directives, the contracts with the members and its rightholders regarding both Greek and foreign repertoire, the contracts which will sign with foreign Collective Management Organisations, with the Professional Rules of CISAC and its Regulation, which governs the financial and non-financial relations, between the Organisation and its members, both Greek and foreign.

EDEM has its registered office in Athens Municipality and operates on a nationwide basis. Its duration is unlimited and the purpose of the Organisation is the collective management and protection in Greece or/and abroad of intellectual property rights of its members, on musical works, with or without text, according to the meaning of article 6, par. 1 of its statutes, as well as of the rightholders, according to the meaning of article 6, par. 5 of its statute, who will assign on a non-profit basis the management or/and the protection of their rights. Also, amongst the purposes of the Organization, is the development and operation of scheme of solidarity between its members and the organization of cultural, social and educational activities.

## 2. DOCUMENTATION

### 2.1 General Remarks on Documentation

Documentation is the process of collecting, assembling, storing, managing, processing and exchanging of oral information and documents (electronic or otherwise), that are required for the management of copyright issues (paternity of works, licensing, collection and distribution) related to:

- Authors.
- Works.
- Publishers and other rightholders.
- Agreements

ultimately aiming that authors, publishers and other rightholders receive the royalties they are actually entitled to.

2.1.2. For the documentation of all the intellectual works, a full registration of identifiers constituting the identity of each work is required, such as (exact title, author's name, co-author's name, publisher's name or other rightholders', duration of work, creation / release date, share of each author / rightholder etc.).

To record these elements the following are used:

- ❖ EDEM's records (electronic and otherwise).
- ❖ Registrations of authors / rightholders, publishers, sub-publishers.
- ❖ International archives that are part of the Common Information System (CIS) used by CISAC:
  - IPI (Interested Parties Information – Information on interested parties of the formerly CAE (International list of authors – publishers).
  - WID (Works Information Database – World Work List (WWL)).
  - AVI (Audio-visual Index (AVI) and other information systems.
- ❖ Cue sheets.
- ❖ Label copies from record companies.
- ❖ Fiches Internationales.

The process of documentation, registration and creation of the (documentation) archive / EDEM's repertoire is a constant process, so that EDEM be able, at any time, to meet the requirements for licensing and collection / distribution of royalties.

The total of the works of each author / rightholder constitutes his repertoire. The repertoire of EDEM, consists of the total of the works of all authors / rightholders, Greek and foreign, which are represented and protected by EDEM.

➤ In particular, the following shall apply:

## **2.2 GREEK AUTHORS / RIGHTHOLDERS OR FOREIGNERS RESIDING PERMANENTLY IN GREECE**

❖ As a general principle it is to be noted that according to art. 16 of Law 4481/2017 rightholders who have assigned to a collective management organization the whole management of their work are required upon their exclusive responsibility to declare in writing about the works they have in any way published, as well as for any new work that is published after the management assigning to the organisation. In this context, EDEM annually reminds the rightholders this obligation and simultaneously provides them the possibility to inform EDEM by electronic means as email/intranet/ user space.

❖ Greeks or foreigners, permanently residing in Greece, copyright authors and rightholders are required upon their exclusive responsibility, over both EDEM and any co- authors and co-rightholders and other third parties, to declare in writing to EDEM within ten (10) days following the signing of the agreement, their full and detailed repertoire, giving specific titles and categories of their works, their capacity in the work, the duration thereof, the year of their production, the year of first release or first performance, the names of other composers, lyricists or co-rightholders, the shares of participation of each, the characterization, original or adaptation or translation (giving full details of the original), elements that characterize or distinguish the work, the text, the score, as well as any other relevant information for the work and the identification, processing and distribution of royalties.

❖ This same obligation also applies in relation to all other works they may compose or co-write in the future.

❖ The author / rightholder may, upon his registration with EDEM, make use, outside his official name, one or more artistic nicknames, which must be declared and accepted by EDEM. Aliases must have not already been used by third parties, nor risk any confusion with other beneficiaries.

❖ The registration of an alias in EDEM, at a later date than the time of (member) registration, is valid from the date of notification to EDEM. In case an author registers his/her alias in EDEM at a later date than his/her registration, alias is valid from the date of its registration.

❖ The declaration of works by a band must be made by each author-member of the band-, separately.

❖ Failing to abide by the prescribed conditions for registration of works / repertoire and other aforementioned factors, the author / rightholder will not be able to raise any such claim or demand against EDEM. In case the author /rightholder does not follow the prescribed

conditions for registration of works / repertoire and other aforementioned factors, he/she shall not be able to raise any such claim or demand against EDEM.

❖ EDEM bears no responsibility for non-collection or non-distribution of royalties of any category and right, for works that the author/rightholder either did not declare, as above, or he/she declared incorrectly.

❖ If an author / rightholder, at the time of the submission, made false or inaccurate statements, EDEM will have the right to take action against him, taking, on its discretion, all the appropriate measures.

❖ EDEM is not liable in case it is proven that an author / rightholder has received unduly royalties due to false or inaccurate declaration. In this case EDEM is entitled to immediately and without any prior warning, proceed to accounting settlement by debiting the account of the rightholder and crediting the account of the legitimate rightholder.

❖ In case it is proven that EDEM proceeded to an incorrect accounting settlement in favour of a rightholder and to the detriment of other, EDEM is obliged to restore the damage by paying the amounts due to the beneficiary.

### **2.3 GREEK AUTHORS / RIGHTHOLDERS**

The documentation for works of Greek authors / rightholders is produced:

#### **❖ By means of an agreement**

➤ The authors agree among themselves on the participating shares on the product of exploitation of their work, to which each one is entitled.

➤ They also agree among themselves and with the publisher on the participation portion of the latter, which, on the basis of international practice, may not exceed 50% of the distributable Mechanical and Performance royalties.

➤ Even in the event that the authors are not members of EDEM, but only the publisher, his participation share in the work cannot exceed 50% for the Mechanical and / or Performance rights based on the international regulation of Collective Management Organisations within the framework of CISAC (International Confederation of Societies of Authors and Composers).

➤ The authors and / or publishers are obliged to immediately declare these agreements to EDEM, so as to form the distribution key of the royalties between them.

➤ In case the declared agreements contain contradictory or incomplete data, EDEM shall obtain clarification or additional information.

➤ If contradictory or incomplete information relate to the distribution key, EDEM sets the works with the respective royalties as pending, after informing the interested parties, until the issue is settled in any way.



❖ **In case of lack of an Agreement**

➤ In case either there is no any agreement between authors/rightholders regarding the participation shares of each one in the musical work, or the agreement is not declared to EDEM, EDEM is entitled to place the rights in suspense, until the issue is settled.

➤ EDEM will request the details of the agreement from the interested authors / rightholders, and additionally, from any related third party e.g. producer, publisher, who is involved or can reasonably and in good faith provide evidence. If a settlement or even a temporary agreement between the authors / rightholders cannot be brought about, then EDEM is entitled to distribute royalties in accordance with its own distribution key as referred to in paragraph 4.

❖ **Royalties of Greek Authors / Rightholders from abroad**

➤ The rights of members, authors / rightholders of EDEM, resulting from exploitation of their works abroad, are collected by the respective, in each country, Collective Management Organization with which EDEM is affiliated, unless there is a possibility of direct collection.

➤ The collection and distribution rules are defined in each country by the respective foreign local CMO based on:

- Its Regulations.
- According to the agreements signed with EDEM.
- National Laws.
- Publishing Agreements 10.
- EDEM's distribution keys.
- Documents communicated by EDEM to foreign CMO's
- WID and international declarations (fiches internationals) as well as the adjustments derived from the declarations of EDEM's members and its distribution keys.

➤ If, during the processing of the distribution statements received from foreign societies, contradictory or incomplete documentation of works is found, then the one with the corresponding rights, is put in suspense, until the situation is settled.

❖ Subsequently EDEM effects the following procedure: ➤ Calls for clarifying data from the foreign CMO

➤ Informs the author / rightholder and requests further additional information, if necessary

**2.4 FOREIGN AUTHORS / Rightholders FOREIGN RESIDENTS, MEMBERS OF FOREIGN ORGANIZATIONS**

➤ The documentation for foreign authors/ rightholders is drawn by foreign organizations (with whom EDEM has signed reciprocal representation agreements) and in which each author / right holder is a member.

➤ All information concerning the works and their documentation, is registered in EDEM's database, and this existing notified data for Greece, which is the country of use and exploitation of the works, is taken into account. For documentation of the works, use is made of the following:

- ❖ Fiches Internationales
- ❖ Cue sheets
- ❖ Circulars for general and specific agreements
- ❖ International data that are part of the CIS (Common Information System) of CISAC
- IPI (Interested Parties Information) formerly CAE (International listing of Authors / Publishers)
- WID (Works Information Database)
- AVI (Audio-visual Index) and information systems

On the process of documentation, when complete data is not available, the documentation remains incomplete, to the extent that the recognition of authors / rightholders is not sufficient, without prejudice to the provisions under the title NON-DISTRIBUTABLE.

- ❖ Request for written documentation:

When foreign works, which come from any form of exploitation e.g. concerts, broadcasts, performances, films, television productions, recording / reproduction physical or digital audio and visual carriers, or web use, are documented and there is lack of the necessary information for the documentation, a written documentation request is made to foreign organizations of the corresponding works of the authors / rightholders.

## **2.5 FOREIGN AUTHORS / RIGHTHOLDERS**

### **Collection and Distribution**

The royalties of: a) members of the foreign organisations contracted with EDEM, b) foreign authors whose permanent residence/or registered office is abroad and are direct members of EDEM, are collected with the same terms and conditions, as those of the Greek rightholders.

The distribution of royalties of works of foreign right holders, members of foreign CMO's, is made simultaneously with the royalty distribution of works of Greek rightholders.

- ❖ The conditions and the distribution key for foreign rightholders are subject to:
  - The agreements signed by each foreign CMO with EDEM.
  - The notified elements and the distribution keys of the corresponding foreign CMO, of which the rightholder is a member.
  - The present regulation.
- ❖ The terms and keys of distribution for foreign rightholders whose permanent residence/ or registered office is abroad and are direct members of EDEM are laid down in this regulation as in force at the respective time.

### **2.5.1 DISTRIBUTION BASED ON EXISTING OR CONFLICTING DATA**

The applicable distribution key for foreign rightholders are the keys of the foreign CMOs of which they are members, provided that:

- None of the rightholders is a member of EDEM, and
- Distribution key documents of foreign CMO's exist.
  - ❖ If the documents of foreign CMO's have a contradictory key, and none of the rightholders is a member of EDEM, then additional clarifying information is requested from these organizations.
  - ❖ The distribution of these works remains pending, until the situation is clarified.
  - ❖ If the situation regarding the contradictory key has not been clarified in a time period of one year, then the distribution is made by applying the EDEM distribution keys, as indicated in article 4.

### **2.5.2 DISTRIBUTION WITHOUT WRITTEN DOCUMENTATION**

If the foreign CMOs have not provided EDEM all the details needed for documenting a work, then EDEM, after having exhausted all the available means for documentation, may apply what has been internationally resolved.

- ❖ For mechanical royalties, the Rome Convention adopted by BIEM (issued in 1976 and updated in 1993), states that:
  - «If for a work recorded on sound or sound and image carrier, there is no documentation, at the time of distribution, but, one of the original rightholders can be identified as a member or rightholder of a foreign CMO, all copyright royalties shall be settled to this organisation of the author or publisher, which shall carry out the distribution based on the documentation available»
- ❖ For public performance rights, the Warsaw Convention adopted by CISAC (issued in 1934 and updated in 1993) states that:

➤ «If at the time of any distribution of performing rights, the distributing society has no documentation on a certain work that was performed or broadcasted, but the identification of one of the original rightholders, in his position as a member or rightholder of a foreign CMO is possible, then the total royalties relating to such work shall be paid to this organisation which shall in turn carry out the relevant distribution based on the documentation available in its records. » If the author or rightholder cannot be identified, but only the publisher, as a member / agent of the foreign organisation, then all copyright royalties deriving from the said work should be paid to that CMO.

Where the Warsaw Convention applies, the organisation to which the distribution is remitted should:

➤ provide EDEM, as soon as possible, documentation data, for the works that it is not entitled to receive the total of royalties, and

➤ notify EDEM whether, for some reason, it is not in a position to distribute the royalties in question.

In cases where neither the Rome nor the Warsaw Conventions can be applied, then EDEM shall circulate a so-called “Inquiry List” (application for information) for documentation to the foreign CMO’s.

### **2.5.3 DOCUMENTATION APPLICATION “Inquiry List”**

❖ EDEM sends annual statements of “Inquiry Lists” to all CMO’s and to all local publishers, including all works that cannot be documented-recognized. After collecting the written documentation information, EDEM updates its files with the proper documentation and proceeds to accounting settlement of the amounts (Title 7 CREDIT ADJUSTMENTS/ Rectification Accounts).

❖ The works, which cannot, despite all efforts, be recognized (non-identified), even if the conventions of Rome and Warsaw are applied, and the dispatch of documentation requests (Inquiry Lists) remain pending for a period of three years, during which it is possible that they are claimed a posteriori, or potential right holders raise delayed claims by. After the period of three years expires and no legitimate rightholders have been found, the procedures provided in the Title “NON-DISTRIBUTABLE &Redistributions” are followed.

### **3. EDEM DISTRIBUTION KEY**

❖ If

➤ There is no agreement between Author / Rightholder,

➤ Or a conflicting agreement exists

➤ Or no agreement between the Authors/Rightholders has been registered with EDEM, regarding the participation shares of each one in the work

❖ If despite all efforts to resolve the situation, three years have elapsed without reaching an agreement or arrangement, EDEM will apply its own distribution key, called EDEM's key, which is configured as follows:

**WORKS WITH A PUBLISHER WORKS**

3/12 A (Author)

3/12 C (Composer)

6/12 E (Publisher)

**WITHOUT A PUBLISHER**

6/12 A (Author)

6/12 C (Composer)

**DOMAINE PUBLIC ADAPTATION OF TEXT WITHOUT MUSIC**

6/12 AD (Adaptor)

6/12 E (Publisher)

12/12 AD (Adaptor)

**ARRANGEMENT OF MUSIC WITHOUT TEXT**

6/12 AR (Arranger)

6/12 E (Publisher)

12/12 AR (Arranger)

**NEW TEXT WITH PUBLIC DOMAIN ARRANGED MUSIC**

3/12 A (Author)

3/12 AD (Adaptor)

6/12 E (Publisher)

6/12 A (Author)

6/12 AD (Adaptor)

**NEW TEXT WITH PUBLIC DOMAINE NON-ARRANGED MUSIC**

6/12 (Author)

6/12 (Publisher)

12/12 (Author)

**PUBLIC DOMAINE TEXT WITH NEW MUSIC**

6/12 A (Composer)

6/12 E (Publisher)

12/12 A (Composer)

In this case EDEM shall bear no responsibility towards the authors or publishers for any possible objections on their behalf, concerning the participation shares. In relation to adaptations of protected works of Greek or foreign authors, EDEM cannot apply the distribution key, because, a vital condition for participation of the adapted work in the distribution, is the prior consent of the original authors, publishers, sub-publishers, where required, who at the same time set the participation share of the adaptor.

#### 4. COUNTERCLAIMS/ CLAIMS IN QUESTION

- ❖ This Article applies to cases in which, either the ownership or the control of a protected work, or the claim for the economic rights of the from the work, is disputed by one or more parties, who raise a claim on the work, or they disagree as to whether and to what extent a work reproduces in whole, or a significant part of another work, or whether it constitutes an unauthorised adaptation of another work.
- ❖ In these cases, EDEM will contact the parties concerned, in order to resolve the dispute.
- ❖ In the event, that conflicting demands of more members-rightholders are raised, EDEM is obliged to keep the distribution pending, until a joint statement of the disputing parties is submitted, or a binding decision for the parties is taken.
- ❖ If the view /or any contribution of EDEM, in a dispute or counterclaim between its members is requested, EDEM's intervention will be limited only to the provision of all available records and data in its possession and which relate to the dispute.
- ❖ EDEM is not obliged to take a position or to intervene in court in favour of any party if both parties are members of EDEM.
- ❖ In case where disputes are reported to EDEM, these disputes should contain specific information to facilitate their audit.
- ❖ The necessary information are the following:
  - Full details of the work in dispute, including indicatively any Letter of Directions etc.
  - Full details of the parties having the conflict.
  - The level or / the percentage of the participation share of the royalties or other monetary amounts in dispute.
  - Full details of any known use and exploitation of the work.
  - The nature and basis of the alleged claim or dispute.
  - The conflicting parties' (authors/rightholders) consent that EDEM should continue to grant licenses of the disputed work, in all categories of uses and to collect the attributable royalties, which EDEM will remit to the one decided by Courts or to the that one the parties consent that he/ she is entitled to receive them.
- ❖ In any case, when a dispute arises, the guidelines of the implementation of CISAC "Harmonization procedures for the handling of counterclaims", as stated in this regulation, will predominate.

## **5. DISTRIBUTION**

### **5.1 GENERAL REMARKS ON DISTRIBUTION**

#### **5.1.1 INTRODUCTION**

The distribution of royalties is the processing of data, the documentation and the specific procedure followed, so that the royalties collected from the music users are distributed to the members of EDEM (composers, authors, publishers, sub-publishers, foreign collecting societies and in general, to copyright holders). In order for the royalties to be distributed the following conditions shall be fulfilled: the exploitation of the works shall have taken place in the respective periods, the relative amounts of royalties shall have been collected and the specific documentation and data shall be available and processed.

#### **5.1.2 GENERAL PRINCIPLES FOR THE METHODOLOGY OF DISTRIBUTION**

EDEM shall proceed to the distributions of royalties , after having issued the relevant invoices and have collected the corresponding amounts in accordance with the current published tariffs that are valid for each different use of musical works. (<https://www.opi.gr/en/cmoss-imes/cmoss-tariff-tables> ) or according to the agreements entered with representative unions of users, which meet the conditions of publicity stipulated in article 23 par. 3 of l. 4481/2017.

Amounts that have been invoiced and collected by each user as interest shall be distributed.

EDEM shall distribute royalties based on procedures and methods for the distribution of the copyrights, ensuring at the same time on its part, that it has exhausted all the resources and information at its disposal in order to implement a fully transparent fair, accurate, objective, comprehensive distribution for the benefit of its members.

The invoicing and collection of royalties of works of foreign rightholders, members of foreign Collective Management Organizations, is performed under the same licensing conditions as those of EDEM's members and their distribution is carried out simultaneously with the distribution of works of EDEM's members. (Greek and foreign).

The distribution of royalties by EDEM in cases of “blanket licenses”, for previous periods of use, is based on the current documentation of works.

Documentary records and data are used for the distribution, in order to identify the musical works and thus their authors / rightholders, to whom the royalties will be distributed. EDEM shall be responsible to have as many documentary records as possible.

In cases when music users do not provide the necessary specific documentary data, as required under art.24 of Law. 4481/2017, or when they provide incomplete or inaccurate documentary records, EDEM uses for distribution:

- a) a series of methods for on-spot registration of data, including recognition music and electronic fingerprint services.
- b) a number of methods for the benefit of its members for the better use of already existing data and their analysis, in order to provide, based on these data, a statistically representative information on the use of music and the distribution of royalties.

### **5.1.3 CONTROL AND INTERSECTION OF DATA**

The music users are obliged under art.24 of Law. 4481/2017 to deliver to EDEM information and documentary records (lists of the exploited musical works, sales / recordings production lists of physical carriers etc.) based on the formats published on the website of Hellenic Copyright Organisation- HCO (<https://www.opi.gr/en/cmoss-imes/uniform-formats> ).

EDEM is in no way responsible for the completeness and accuracy of the data delivered by the users of music, and it is also not liable in the event that this data is not delivered by the users of music.

Nevertheless, EDEM carries out on spot checks to register data, (in venues where works are performed publicly, in warehouses of record labels and pressing plants etc.), in order to cross check the correctness, completeness and accuracy of the data delivered by music users. Should it prove that the information is inaccurate or incorrect, EDEM is entitled not to include these information in the distribution of royalties.

### **5.1.4 DOCUMENTARY RECORDS AND DATA**

All programs, playlists, record sales statements etc.,- documents that include the titles of works, repeatability, the number of physical carrier copies sold and other data, all form the basis of the distribution of royalties.

In cases where a) the music users do not deliver to EDEM programs, b) the volume of the received data is large c) the costs for collecting on-spot registration of data is high d) the data cannot be processed, EDEM can only use the data on programs received or part of them.

In the event that, for any reason, the credibility of a program is questioned, because it is illegible, inaccurate or incomplete, EDEM is entitled not to include it in the distribution and it can replace it with another cross-checked and documented program, by the same artist and the same period, after he/she is informed and he/she does not raise objections within 3 days.



Late documented and reliable programs and information EDEM receives after the distribution, will be used and will be included in the next distribution. In cases where titles of musical works appear in programs that refer to more than one work with the same title, the most recognizable and popular will be chosen. The number of performances, recordings and adaptations of each work, as well as the number of carriers in which it has been included, will be taken into account as criteria. In case that this cannot be clearly and securely defined, the questioned works will be deleted and they will not take part in the distribution.

**5.1.5 DISTRIBUTION PERIODS**

The distribution of rights to authors/rightholders according to art. 19 of Law 4481/2017 has to be made no later than nine months from the end of the fiscal year during which the copyright royalties were collected, unless there are objective reasons, related especially to the submission of reports on behalf of the users, the definition of copyrights, the identification of the rightholders or the correlation of information for works and other protected objects, which do not allow EDEM to withhold this deadline.

The distribution of rights to authors/rightholders is made twice a year, namely in June and December of each year, provided that the royalty amounts have been collected and the necessary documents and data for the distribution are available and processed. The deduction rates and distribution schemes are listed in appendix B of the present Regulation.

<b>DISTRIBUTION CATEGORIES</b>	<b>PERIOD OF DISTRIBUTION</b>
<p>GENERAL PERFORMING RIGHT</p> <p>PUBLIC PERFORMANCE RIGHT FOR RADIO BROADCASTED WORKS</p> <p>PUBLIC PERFORMANCE RIGHT FOR TELEVISION BROADCASTED WORKS</p> <p>MOTION PICTURE PROJECTION RIGHT</p> <p>PUBLIC PERFORMANCE RIGHT FOR MECHANICALLY REPRODUCED WORKS</p> <p>PUBLIC PERFORMANCE OF AUDIO &amp; VISUAL CARRIERS</p>	<p>Invoices issued: from 1/3 until 31/8 each year &amp; from 1/9 until 28/2 forthcoming year</p>
<p>MECHANICAL REPRODUCTION &amp; DISTRIBUTION RIGHT (covered by the Cannes Agreement)</p> <p>MECHANICAL REPRODUCTION &amp; DISTRIBUTION RIGHT (NOT covered by the Cannes Agreement)</p> <p>MECHANICAL REPRODUCTION &amp; DISTRIBUTION RIGHT (covered by the Centralized license)</p>	<p>The preceding calendar half-year</p>

RADIO BROADCAST RIGHT	Yearly and no later than nine months after the payment
TELEVISION BROADCAST RIGHT	
MOTION PICTURE PRODUCTION RIGHT PRODUCTION, REPRODUCTION & DISTRIBUTION OF VISUAL CARRIERS RIGHT	Within 30 days from the collection the latest
COMMERCIAL ADVERTISING RIGHT	Within 30 days from the collection the latest
USES VIA NETWORKS (Internet, Mobile etc.)	The preceding calendar half-year
RIGHTS FROM ABROAD	After receiving the wire transfer of 21 the preceding calendar half-year
RIGHTS PROVIDED BY ARTICLE 18 LAW 2121/93	The preceding calendar half-year

### 5.1.6 METHODOLOGY BASIS FOR DISTRIBUTION

The distribution of royalties is based on the following methods:

- a) Actual data/Census: Method used for the distribution of royalties based on actual documentary records and data, which the users of music are required to provide (under art. 24 of Law 4481/2017) for specific music uses (e.g. record sales statements, playlists of radio and tv broadcasters, programs from entertainment venues, internet and mobile use playlists etc.).
- b) Sample: Method used for the distribution of royalties based on representative sampling collections of programs from users of licensed premises, on-spot checks, statements from members and foreign Collecting Management Organisations.

The criteria EDEM uses for sampling are:

- ❖ Representative sample programs from users who have paid royalties.
  - ❖ Representative sample programs from Athens and Thessaloniki.
  - ❖ Sample programs from representative urban cities throughout Greece (except Athens and Thessaloniki).
  - ❖ Sample programs from representative categories of users (clubs, bars, venues with live music, hotels, cafeterias, taverns, restaurants, music scenes, malls, airports, gyms, hairdressing saloons etc.).
- c) Analogy:** Method used for the distribution of rights based on on-spot noting down of data, radio station programs, special repertoires, all-time repertoires, historical record, sales of physical carriers.

“All time repertoire” is defined as the set of works which have appeared over the ten previous (and consecutive) years in at least one distribution per year, which pertained to either: (a) radio, (b) mechanical rights, (c) on-line rights, (d) concerts and (e) live performances.

Distribution data which are taken into account include either distribution data which EDEM has had in its disposition or to which it has acquired legal access, or which have been provided to EDEM by concerned beneficiaries.

“Historical record” is defined as the set of works which have appeared over the last six (6) distributions of Public Performance, excluding the “historical record” parameter for each distribution. Distribution data which are taken into account include either distribution data which EDEM has had in its disposition or to which it has acquired legal access, or which have been provided to EDEM by concerned beneficiaries.

### **5.1.7 WEIGHTINGS**

For the distribution of royalties on certain uses of musical works, an emphasis is given on specific elements, such as the duration of each musical work and time - "zones" of broadcast with respect to the use of works by TV broadcasters.

### **5.1.8 POINTS AND POINT VALUE**

The unit “value” varies according to the distribution’s usage and it depends on whether the licenses have been granted either as “blanket licenses” or “work by work”. The unit value varies from distribution to distribution, because it is related on the level of and collection of royalties, as well as the number and repeatability of the works participating in each distribution.

### **5.1.9 PARAMETERS USED FOR THE DISTRIBUTION OF ROYALTIES**

- ❖ Current tariffs in force for each type of music usage
- ❖ Unit values per distribution category
- ❖ Documentary records and data, as described in detail, in each of the following distribution category sections
- ❖ Weightings (in whichever categories it applies, as described in detail in the following respective distribution category sections)
- ❖ Documentation tools of works (as described in Title Documentation)

### **5.1.10 PROCEDURE FOLLOWED FOR THE PROCESSING AND THE FINAL STAGE OF DISTRIBUTION**

- ❖ After EDEM receives the provided data and documentary records, it proceeds to their detailed examination.

- ❖ Additional informative-explanatory data is requested and received.
- ❖ The relevant EDEM department processes the documentation of the works that will take part in the distribution.
- ❖ Entry of all data (numerical, documentation) to the EDEM database 23.
- ❖ Electronic processing all of the above data in combination with the parameters and methodology described in each distribution category.
- ❖ Distribution results.

#### **5.1.11 DECLARATIONS BY AUTHORS / RIGHTHOLDERS FOR APPEARANCES AND PERFORMANCES**

Statements that have been received by EDEM in time EDEM (full and accurate programs in which the performed works, their authors, the place and date of the performance, are noted), either by EDEM's members, (as per art.8.c of the membership agreement with EDEM,) or by foreign collecting management organisations, are taken into account for the distribution of royalties, on certain categories of distributions (as further described below, per distribution category).

Should it prove that these statements are inaccurate, false, or incomplete, then EDEM is entitled not to take them into account in the distribution of royalties.

EDEM is not liable, in case it is proven that a member has been unduly paid royalties as a result of providing EDEM with an inaccurate, false or incomplete declaration for appearances or performances of his works. In this case, EDEM is entitled, immediately and without any prior warning, to proceed to an accounting settlement by debiting the member's account and crediting the account of the legitimate rightholders.

#### **5.1.12. DISTRIBUTION CATEGORIES**

- ❖ Mechanical Rights.
- ❖ Radio Broadcasting Rights.
- ❖ Television Broadcasting Rights.
- ❖ Public Performance Rights.
- ❖ Online Rights.
- ❖ Royalties from Abroad.
- ❖ Rights provided in Article 18 Law 2121/93.

❖ Redistributions Credit adjustment (as described in detail in the following sections).

### **5.1.13. OBLIGATION TO INFORM**

EDEM posts in its website at least the following information which concern particularly:

1. The distribution method of the amounts owed to the rightholders and the royalties' distribution regulation per each rightholders' category, in which the exact method of distribution is described.
2. The management fees and their method of calculation.
3. The deductions from the royalties' revenues and the revenues resulting from the investment of these revenues, excluding the management fees.
4. The list of the representation agreements, which it has concluded, and the names of the collective management organisations contractors.
5. The use of NON-DISTRIBUTABLE amounts, including the amounts given for social, cultural and educational activities.

Likewise, EDEM based on art.30 of Law 4481/2017 draws up and publishes annual transparency report which is obligatory to include:

- a) Financial information relevant to the revenue of these royalties, per category of right managed by EDEM and per category of use, in which the information regarding the revenues resulting from their investment is included, from the copyrights and the use of these revenues (either they are distributed in rightholders or other collective management organizations or they are used in another way).
- b) The total amount corresponding to the rightholders and has not yet been distributed to them, and the distribution per right category managed by EDEM and the specific use in compliance with the fiscal year in which these amounts were collected.
- c) The reasons for the delay in case EDEM has not fulfilled the distribution and payments within the deadline provided in this regulation and by law deadlines.
- d) The total of the NON-DISTRIBUTABLE amounts accompanied by an explanation of their use.
- e) Information on the relations with other collective management organisations including information at least on the following points:
  - aa) The amounts received from other collective management organisations and the amounts paid to other collective management organisations, allocated per authorities category and per category of use and per collective management organization.
  - bb) The management fees and other deductions from royalties owed to other collective management organisations, per category of authorities and per category of use and per collective management organisation.

cc) The management fees and other deductions from the amounts paid by other collective management organisations, allocated per authorities category and per collective management organisation

dd) The amounts distributed directly to rightholders which come from other collective management organisations allocated per authorities category and per collective management organisation according to art. 37, par. 3 of Law 4481/2017.

Finally, EDEM annually submits a special report concerning the use of the amounts that may be spent for the purposes of the social, cultural and educational activities as provided by art. 29, par.2 of Law 4481/2017.

## **5.2 MECHANICAL ROYALTIES**

The distribution of mechanical royalties resulting from the use of musical works that have been recorded on physical carriers and means, their mechanical reproduction thereof, as well as the integration of musical works in commercials, films etc.

### **5.2.1 MECHANICAL REPRODUCTION ROYALTIES (audio, audio & visual carriers)**

**INTRODUCTION:** It refers to the distribution of royalties collected from the use of musical works in audio/audio & visual physical carriers, and where the music is an essential element (CDs, CD Singles, music DVDs, etc.) –right g- 26.

**ROYALTY SOURCES:** Record companies, independent producers, newspaper and magazine publishers, etc., to whom EDEM has granted the relevant license.

#### **DOCUMENTARY RECORDS AND DATA:**

- ❖ Label copies (lists of the musical works that appear in each physical carrier).
- ❖ Physical Carrier Sales Reports that each user is obliged to deliver to EDEM.
- ❖ Number of manufactured copies that each pressing plant is obliged to deliver to EDEM.
- ❖ Documentation and recognition of musical works.

**DISTRIBUTION METHODOLOGY:** The distribution of royalties is made with actual data in proportion to the real use of works (art.19 of Law 4481/2017)for as long as this is plausible. For the distribution of royalties from such use, beside the above mentioned factors, the unit value per carrier and the number of copies sold or manufactured, are taken into account.

**WEIGHTINGS:** In this case the following are used to distribute the royalties: the duration of each musical work contained in a physical carrier with respect to the overall duration of the physical carrier.

**PERIODS OF DISTRIBUTION:** The distribution of royalties due to the specific use of musical works, takes place twice a year, namely in June and December each year, and corresponds to the use of the immediately preceding calendar semester, **provided that the royalty amounts have been collected and the necessary documentary records and distribution data are available and processed.**

### **5.2.2 MECHANICAL REPRODUCTION ROYALTIES (audio & visual carriers)**

**INTRODUCTION:** It refers to the distribution of the royalties from the use of musical works contained in audio and visual physical carriers and where the music is useful (CD Rom, DVDs etc.) –right j-

**ROYALTY SOURCES:** Producers of audio-visual works (films, documentaries), newspaper and magazine publishers, etc., to whom EDEM has granted the relevant license.

#### **DOCUMENTARY RECORDS AND DATA:**

- ❖ Cue sheets (lists of musical works that are included in films, documentaries etc.).
- ❖ Physical Carrier Sales Clearances that each user is obliged to deliver to EDEM.
- ❖ Number of manufactured copies that each pressing plant is obliged to deliver to EDEM.
- ❖ Documentation and recognition of musical works.

**DISTRIBUTION METHODOLOGY:** The distribution of royalties is made with actual data. For the distribution of royalties from such use, in addition to the above mentioned factors, the unit value per carrier and the number of copies sold or manufactured, are taken into account.

**WEIGHTINGS:** In this case, the duration of each musical work contained in a physical carrier with respect to the overall duration of the physical carrier, is used to distribute the royalties.

**REPRODUCTION RIGHT:** It is distributed where the consent of the author / rightholder is required to synchronize a musical work in an audio-visual work.

**PERIODS OF DISTRIBUTION:** The distribution of royalties from the specific use of musical works takes place twice a year, namely in June and December each year, and relates to the use of the immediately preceding calendar semester, provided that the royalty amounts have been collected and the necessary documentary records and distribution data are available and processed.

### 5.2.3 ROYALTY FEES FROM SYNCRONAZATION OF MUSIC IN COMMERCIALS

**INTRODUCTION:** It refers to the distribution of the royalty fees from the use of musical works synchronized in commercial advertising spots, intended for broadcast on television, on radio, in cinemas, on the Internet, in public areas etc. – sync right g-

**ROYALTY SOURCES:** Advertising agencies and companies, individuals and any others that operate as producers of such use of musical works, in Greece or abroad, and to which EDEM has granted the relevant license.

#### **DOCUMENTARY RECORDS AND DATA:**

- ❖ Work title and its authors / rightholders participating in the advertising spot.
- ❖ Documentation and recognition of the musical work.
- ❖ Prior consent of the authors / rightholders of the work.

**DISTRIBUTION METHODOLOGY:** The distribution of royalties is made **with actual data**. For the distribution of the royalties from such use, beside the above mentioned factors, the negotiated lump sum is taken into account, separately for each case.

**PERIODS OF DISTRIBUTION:** The distribution of royalties from the specific use of musical works, takes place on a case by case basis, **provided that the royalty amounts have been collected and the necessary documentary documents and distribution data are available and processed**.

### 5.2.4 ROYALTY FEES FROM MUSIC SYNCHORNIZATION WITH AUDIOVISUAL WORKS

**INTRODUCTION:** It refers to the distribution of the royalty fees deriving from the use of musical works synchronized in audio visual works (films, documentaries, TV series etc.) –right i

❖ It is noted that, for the synchronization of music work in an audio-visual production, a written authorization of the author /rightholder is required, in any case before the publication/ circulation of the audio-visual work. Any remuneration of the author/rightholder for the synchronization license constitutes a separate right and is not offset against any mechanical reproduction rights and public performance or Television Broadcasting Rights or On Line Rights or any other audio-visual broadcasting that may arise.

**ROYALTY SOURCES:** Producers of audio-visual works, producers of TV telecasts, individuals and any others that operate as producers of such use of musical works, in Greece or abroad, and to whom EDEM has granted the relevant license.

#### **DOCUMENTARY DOCUMENTS AND DATA:**



- ❖ Title of the Work and its authors/rightholders participating in these audio visual works, TV telecasts.
- ❖ Documentation and recognition of the musical work.
- ❖ Prior consent of the authors/rightholders of the work.

**DISTRIBUTION METHODOLOGY:** The distribution of royalties is made with **actual data**. For the distribution of the royalties from such use, the negotiated lump sum is taken into account, separately for each case besides the above mentioned factors.

**PERIODS OF DISTRIBUTION:** The distribution of royalties takes place with actual data. The distribution of royalties from the specific use of musical works, takes place on a case by case basis, provided that the royalty amounts have been collected and the necessary documentary documents and distribution data are available and processed.

### 5.3 RADIO BROADCASTING ROYALTIES

The distribution of the royalties from the use of musical works broadcasted, rebroadcasted via terrestrial / satellite signal. –right b

70% of the amount is distributed as performance right and 30% as mechanical right, as established under international practice.

#### 5.3.1 PUBLIC AND PRIVATE RADIO STATIONS (NATIONWIDE RANGE)

**INTRODUCTION:** It refers to the distribution of the royalties from the use of musical works broadcasted, rebroadcasted by radio stations, public and private, of nationwide range. The distribution is made separately for each station.

**ROYALTY SOURCES:** Radio stations, both public and private of nationwide range, to which EDEM has granted the relevant license.

#### **DOCUMENTARY RECORDS AND DATA:**

- ❖ Playlists with titles of the works and their authors/right holders, that each user is obliged to deliver to EDEM.
- ❖ Members' declarations made in time regarding indents (upon timely request, as provided for in sections 2.2 of this Regulation).
- ❖ Documentation and recognition of musical works.

**DISTRIBUTION METHODOLOGY:** The distribution of royalties is made **with actual data**. For the distribution of the royalties from such use, beside the above mentioned factors, the unit value per work title, which is of the same value for each distribution separately, and the repetitiousness of the works, are taken into account.

Annual royalties from radio stations exceeding €5,000 are distributed nominally per station and the name of the station is shown in the aggregated and detailed distribution statements received by the members.

**WEIGHTINGS:** The signal repeatability, of each radio station, may not exceed 5% of the total station repeatability and the corresponding royalty is 20% of the unit value.

**PERIOD OF USE:** The invoicing of royalties for each radio station is based on the financial data of the published balance sheet of the previous year. Therefore, as the periods of publication of the radio stations balance sheets vary, the period of use is very different compared to the time of distribution.

**PERIODS OF DISTRIBUTION:** The distribution of royalties from the specific use of musical works, takes place twice a year, namely in June and December each year, and corresponds to an annual use. Distribution takes place **provided that the royalty amounts have been collected and the necessary documentary documents and distribution data are available and processed.**

### **5.3.2 PRIVATE-REGIONAL RADIO STATIONS (LOCAL RANGE)**

**INTRODUCTION:** It refers to the distribution of the royalties from the use of musical works broadcasted by private and regional radio stations of local range, who pay EDEM the minimum amount of royalties, due to lack or minimal advertising revenue.

**ROYALTY SOURCES:** Radio stations of nationwide range, to which EDEM has granted the relevant license.

#### **DOCUMENTARY RECORDS AND DATA:**

- ❖ Playlists with work titles and their authors/rightholders, that each user is obliged to deliver to EDEM.
- ❖ Declarations from members regarding musical signal (upon timely request, as provided for in sections 2.2 of this Regulation).
- ❖ Timely declarations from members of EDEM and foreign CMO's.
- ❖ Data usage from musical works recognition and electronic fingerprint service.
- ❖ Documentation and recognition of musical works.

**DISTRIBUTION METHODOLOGY:** The distribution of royalties from radio stations under €5.000 is made on the totality of the regional radio stations, namely, the amounts collected from all local stations are added, and then the distribution is made on the total amount:

a) sampling: The station programs are used, that each user is obliged to deliver to EDEM, the declarations of both its members and foreign collecting societies and information received from the music recognition and electronic fingerprint service.

b) analogy: A representative sample of musical works resulting from the programs that have been delivered from similar radio stations, as well as recognition of music and electronic fingerprint data, are used.

In addition, to the above mentioned data, the unit value per musical work title, which is of equal value for each distribution separately, and the repeatability of the works, is taken into consideration.

The names of the radio stations that have been used in sampling and analogy are listed on EDEM's website, each distribution semester.

**WEIGHTINGS:** The signal repeatability, of each radio station, may not exceed 5% of the total station repeatability and the corresponding royalty is 20% of the unit value.

**PERIOD OF USE:** The invoicing of the royalties for each radio station, is based on the financial data of the published balance sheet of the previous year. Therefore because the periods of publication of the radio stations balance sheets vary, the period of use is very different compared to the time of distribution.

**PERIODS OF DISTRIBUTION:** The distribution of royalties from this specific use of musical works takes place twice a year, namely in June and December each year, and relates to an annual use. Distribution takes place provided that the royalty amounts have been collected and the necessary documentary documents and distribution data are available and processed.

## **5.4 TELEVISION BROADCASTING ROYALTIES**

The distribution of the royalties resulting from the use of musical works broadcasted, on Television via terrestrial / satellite signal. –right d

70% of the amount is distributed as performance right and 30% as mechanical right, as established under international practice.

### **5.4.1 PUBLIC AND PRIVATE TV (NATIONWIDE RANGE)**

**INTRODUCTION:** It refers to the distribution of the royalties from the use of musical works broadcasted, by public and private TV broadcasters, of nationwide range. The distribution is made separately for each station.

**ROYALTY SOURCES:** TV broadcasters, both public and private of nationwide range, to which EDEM has granted the relevant license.

#### **DOCUMENTARY RECORDS AND DATA:**

❖ Playlists with work titles and their authors / rightholders, that each user is obliged to deliver to EDEM.

- ❖ Cue sheets (lists of musical works contained in feature films, television series, documentaries, etc.).
- ❖ Members' declarations made on time, regarding usage of their works in television commercials, trailers, tv broadcasters, music signals, films and TV series.
- ❖ Usage of data from services that record the flow of TV commercials.
- ❖ Documentation and recognition of musical works.

**DISTRIBUTION METHODOLOGY:** The distribution of the royalties is made **with actual data**. For the distribution of the royalties from such use, beside the above mentioned factors, the unit value per which corresponds to 1' (minute) of music and which varies per year and per televisions station. Annual royalties from TV broadcasters exceeding €25,000 are distributed nominally per station and the name of the station is shown in the aggregated and detailed distribution statements received by the members.

**WEIGHTINGS:** In the distribution relevant to TV broadcasters, the unit value changes depending on the time (televised zone) of the transmission of musical works. The categorization of the time zones is as follows:

- a) 20:00 – 23:59 (100%)
- b) 9:00 – 12:59 (80%) c) 13:00-19:59 and 00:00 – 1:59 (60%)
- d) 2:00 – 8:59 (40%)

For musical works used in advertising spots, trailers and music indents, the corresponding royalty is 20% of the unit value.

**PERIOD OF USE:** The invoicing of royalties for each radio station is based on the financial data of the published balance sheet of the previous year. Therefore, the period of use is very different compared to the time of distribution.

**PERIODS OF DISTRIBUTION:** The distribution of royalties from the specific use of musical works takes place twice a year, namely in June and December each year, and concerns an annual use. Distribution takes place provided that the royalty amounts have been collected and the necessary documentary documents and distribution data are available and processed.

#### **5.4.2 PRIVATE-REGIONAL TV BROADCASTERS (LOCAL RANGE)**

**INTRODUCTION:** It refers to the distribution of the royalties from the use of musical works broadcasted, by public and private TV broadcasters, of local range, which pay EDEM the minimum amount of royalties, due to lack or minimal revenue.

**ROYALTY SOURCES:** TV broadcasters, of local range, to which EDEM has granted the relevant license.

## **DOCUMENTARY DOCUMENTS AND DATA:**

- ❖ Playlists with work titles and their authors/rightholders, that each user is obliged to deliver to EDEM, (based on law 4481/2017 ar. 24 ).
- ❖ Declarations from members and foreign CMO's.
- ❖ Members' declarations made in time, regarding usage of their works in television commercials, trailers, TV broadcasters indents, films and TV series.
- ❖ Documentation and recognition of the musical works.

**DISTRIBUTION METHODOLOGY:** The distribution of royalties from TV broadcasters less than €25.000 is made on the total number of the regional radio stations, i.e. the amounts collected from all local stations are accumulated, and then the distribution is made on the aggregated amount:

- ❖ a) sampling: The station programs that each user is obliged to deliver to EDEM (only a small percentage of exact programs is delivered to EDEM), the declarations from members and foreign CMO's.
- ❖ b) analogy: A representative sample of musical works resulting from the programs that have been delivered from similar TV broadcasters.

In addition to the above referenced data, the unit value per musical work title, which is of equal value for each distribution separately, and the repeatability of the works, is taken into consideration.

The names of the TV broadcasters that have been used in sampling and analogy are listed on EDEM's website, each semester distribution.

**PERIOD OF USE:** The invoicing of royalties for each TV broadcaster is based on its financial data of the published balance sheet of the previous year. Therefore, the period of use is very different compared to the time of distribution.

**PERIODS OF DISTRIBUTION:** The distribution of the royalties from the specific use of musical works, takes place twice a year, namely in June and December each year, and corresponds to an annual use. Distribution takes place **provided that the royalty amounts have been collected and the necessary documentary documents and distribution data are available and processed.**

## **5.5. PUBLIC PERFORMANCE ROYALTIES**

**INTRODUCTION:** The distribution of the royalties from the use of musical works in various dining and entertainment enterprises, to which EDEM grants a "blanket license", i.e. not work by work, but for the entire repertoire EDEM represents. The invoicing of royalties varies according to the space, surface, geographical area, period of operation, and mode of transmission of musical works, etc. (EDEM tariffs <https://www.opi.gr/index.php/osd/amoivologia-osd>)

**VENUES OF PUBLIC PERFORMANCE OF MUSIC WORKS:** Recreation centres, clubs, bars, cafeterias, taverns, restaurants, venues of health interest, concerts, exhibition halls, music halls, festivals, cinemas, shops, entertainment halls, bakeries, gyms, salons, boats, airplanes, airports, underground, casinos, hotels, super markets etc.

### 5.5.1 ROYALTIES FROM PERFORMANCES WITH LIVE MUSIC

**INTRODUCTION:** The distribution of the royalties resulting from live performances of musical works which are included in the program of a musical event, such as concerts, festivals, cultural events, etc., and which are held both indoors and outdoors and for which music constitutes an essential element, as a musical product - right a.

**ROYALTY SOURCES:** Concert organizers, Municipalities, Cultural clubs, festivals, individuals, Ministries, Organizations and generally anyone organizing musical events, to which EDEM has granted the relevant license.

#### **DOCUMENTARY RECORDS AND DATA:**

- ❖ Playlists with work titles and their authors/rightholders, that each user is obliged to deliver to EDEM.
- ❖ Declarations from members of EDEM and foreign CMO's.
- ❖ Members' declarations made on time (complete and accurate programs of their appearances) and foreign CMO's.
- ❖ On spot recording of data.
- ❖ Documentation and recognition of musical works.

**DISTRIBUTION METHODOLOGY:** The distribution of royalties is made **with actual data**. In addition to the above mentioned factors, the following are taken into account for the distribution of the royalties from such use: the invoiced and collected amount separately, for each concert or musical event, which is distributed equally to the musical works that have been performed in the relevant concert or musical event.

**WEIGHTINGS:** In case EDEM has in its possession more than one of the aforementioned documentation and data for a musical event (and these do not match), the musical works that have emerged from the on spot recording of data take place in the distribution.

**PERIODS OF DISTRIBUTION:** The distribution of royalties from the specific use of musical works takes place twice a year, namely in June and December each year. The June distribution relates to royalties **invoiced** between September previous year, until February each year, and the December distribution corresponds to royalties **invoiced** between March and August of each year, **provided that the royalty amounts have been collected and the necessary documentary documents and distribution data are available and processed**.

### 5.5.2 ROYALTIES FROM MUSIC HALLS WITH LIVE MUSIC

**INTRODUCTION:** The distribution of the royalties from the use of musical works which are included in the live program of a musical stage, where the music is an essential element, -right a

**ROYALTY SOURCES:** Night Clubs, clubs, music halls enterprises etc., to which EDEM has granted the relevant license.

#### **DOCUMENTARY RECORDS AND DATA:**

- ❖ Playlists with work titles and their authors/rightholders that each user is obliged to deliver to EDEM.
- ❖ Timely declarations from members of EDEM and foreign CMO's.
- ❖ On spot recording of data.
- ❖ Documentation and recognition of musical works.

**DISTRIBUTION METHODOLOGY:** The distribution of royalties is made **with actual data** for each one of the venues, separately. In addition to the above mentioned factors for the distribution of the royalties from such use, the invoiced and separately the collected amount, for each venue are taken into account as distributed equally to the musical works that have been performed in the said venue.

**WEIGHTINGS:** In case EDEM has in its possession more than one of the aforementioned documentation and data (and these do not match), the musical works that have emerged from the on spot recording of data, take place in the distribution.

**PERIODS OF DISTRIBUTION:** The distribution of royalties from the specific use of musical works takes place twice a year, namely in June and December each year. The distribution of June relates to royalties invoiced between September previous year, until February of each year, and the distribution of December relates to royalties invoiced between March and August of each year, **provided that the royalty amounts have been collected and the necessary documentary documents and distribution data are available and processed.**

### 5.5.3 ROYALTIES FROM HALLS WITH NECESSARY USE OF MUSIC

**INTRODUCTION:** The distribution of the royalties from the use of musical works which are performed in various entertainment halls, either live or with mechanical means, where the music is an essential element, as a musical product. –rights a, c, e, h, k.

**ROYALTY SOURCES:** Bars, clubs, discos, music stages, taverns enterprises etc., to which EDEM has granted the relevant license.

## **DOCUMENTARY DOCUMENTS AND DATA:**

- ❖ Playlists with work titles and their authors/rightholders that each user is obliged to deliver to EDEM (art. 56 § 4 of Law 2121 / 93).
- ❖ Timely declarations from members and foreign CMO's.
- ❖ On spot recording of data.
- ❖ Radio stations programs.
- ❖ Special repertoire.
- ❖ All time classic repertoire (evergreen).
- ❖ Historical archive.
- ❖ Physical carrier's sales.
- ❖ Documentation and recognition of musical works.
- ❖ Digital programs.
- ❖ Concert programs.
- ❖ Live programs (still under consideration).
- ❖ Reports of usages by Digital Providers.

**DISTRIBUTION METHODOLOGY:** The distribution of royalties is based on the total number of these venues, the respective amounts collected are accumulated and then the total amount is distributed, according to the following methods:

a) **sampling:** The programs that users are obliged to deliver to EDEM, the on spot recording of data, as well as the declarations from members of EDEM and foreign collecting societies, are used.

b) **analogy:** The parameters used for the distribution are as follows:

- A representative sample of musical works from the programs that have been delivered to EDEM by music users of licensed venues.
- A representative sample of on-spot recorded data.
- A representative sample from radio stations programs (the names of the radio broadcasters that have been used in the analogy parameter, are listed on EDEM's website each distribution semester).
- Special repertoires (e.g. Cretan, Pontian, orchestral, jazz, children's music etc. according to the region or the venues where the musical works are performed).
- all time repertoire



- historical record
- Statistics from physical carrier sales.
- A representative sample of digital service providers.
- A representative sample from concert programs.
- A representative sample from live programs (under study).

Besides all the above, the unit value per work title, which is of equal value for each distribution separately and the repeatability of the works, are taken into account.

**PERIODS OF DISTRIBUTION:** The distribution of royalties for the specific use of musical works takes place twice a year, namely in June and December each year. The June distribution relates to royalties **invoiced** between September previous year, until February each year, and the December distribution relates to royalties invoiced between March and August of each year, **provided that the royalty amounts have been collected and the necessary documentary documents and distribution data are available and processed.**

#### **5.5.4 ROYALTIES FROM ESTABLISHMENTS WITH OPTIONAL USE OF MUSIC.**

**INTRODUCTION:** The distribution of the royalties from the use of musical works which are performed in various restaurants/eating establishments, either live or with mechanical means, where the music is a useful element for the entertainment of the public. -rights a, c, e, h, k-.

**ROYALTY SOURCES:** Hotels, shipping companies, airline companies, merchandise shops, supermarkets, salons, casinos etc. to which EDEM has granted the relevant license.

#### **DOCUMENTARY DOCUMENTS AND DATA:**

- ❖ Playlists with work titles and their authors/rightholders that each user is obliged to deliver to EDEM).
- ❖ Timely declarations from members and foreign CMO's.
- ❖ On spot recording of data.
- ❖ Radio stations programs.
- ❖ Special repertoire.
- ❖ All time repertoire
- ❖ Historical record

- ❖ Statistics from physical carrier sales.
- ❖ Digital Programs.
- ❖ Background music services.

**DISTRIBUTION METHODOLOGY:** The distribution of royalties is based on the totality of these venues, i.e. the respective amounts collected from these venues, are accumulated and then the total amount is distributed, according to the following methods:

a) sampling: The programs that users are obliged to deliver to EDEM, the on spot recording of data, as well as the declarations from members of EDEM and foreign CMO's, are used.

b) analogy: The parameters used for the distribution of the royalties, are as follows:

- A representative sample of musical works from the programs that have been delivered to EDEM from music users of licensed venues.
- A representative sample of on-spot recorded data that EDEM has recorded.
- A representative sample from radio stations programs (the names of the stations that have been used in the analogy parameter, are listed on EDEM's website each distribution semester).
- Special repertoires (e.g. Cretan, Pontian, orchestral, jazz, children's music etc. according to the region or the venues where the musical works are performed.
- All time classic repertoire (evergreen) (works which have been released, at least 10 years ago, but continue to participate in distributions within the last 10 years).
- Historical archive (works that have participated in the last six distributions).
- Statistics from physical carrier sales.
- A representative sample from programs of digital service providers.
- A representative sample from programs of background music servicers.

Besides all the above, the unit value per work title, which is of equal value for each distribution separately and the repeatability of the works, are taken into account.

**PERIODS OF DISTRIBUTION:** The distribution of royalties from the specific use of musical works takes place twice a year, namely in June and December each year. The June distribution relates to royalties **invoiced** between September previous year, until February each year, and the December distribution relates to royalties invoiced between March and August of

each year, **provided that the royalty amounts have been collected and the necessary documentary documents and distribution data are available and processed.**

### 5.5.5 ROYALTIES FROM CINEMAS

**INTRODUCTION:** The distribution of the royalties resulting from the use of musical works included in cinematographic films, documentaries and which are projected/shown in cinemas, or special events – Annex B, article 2.1. f (Contract of Assignment under study).

**ROYALTY SOURCES:** Cinemas, organizers of special events, to which EDEM has granted the relevant license.

#### **DOCUMENTARY RECORDS AND DATA:**

- ❖ Lists with the films titles, that each user is obliged to deliver to EDEM.
- ❖ Timely declarations from members of EDEM and foreign CMO's.
- ❖ Cue sheets (lists containing the musical works that appear in a film).
- ❖ Number of tickets sold per movie, per cinema.
- ❖ Documentation and recognition of the musical works.

**DISTRIBUTION METHODOLOGY:** The distribution of royalties is made with **actual data**. For the distribution of the royalties from this type of use, beside the above mentioned factors, the unit value per title of musical work that appears in each film is taken into account.

**PERIODS OF DISTRIBUTION:** The distribution of royalties from the specific use of musical works takes place twice a year, namely in June and December each year. The June distribution relates to royalties **invoiced** between September previous year, until February each year, and the December distribution relates to royalties invoiced between March and August of each year, **provided that the royalty amounts have been collected and the necessary documentary documents and distribution data are available and processed.**

**5.6. ONLINE ROYALTIES INTRODUCTION:** The distribution of the royalties from the use of musical works via networks (internet, mobile etc.) for the total of the represented repertoire. – rights m, n.

In cases of downloading, 75% of the amount is distributed as mechanical rights and 25% as performing rights as established by international practice. In cases of streaming, 25% of the amount is distributed as mechanical right and 75% as performing right as established by international practice.

#### **5.6.1 INTERNET ROYALTIES - DSPs**

**INTRODUCTION:** The distribution of the royalties from the use of musical works on the internet, for the totality of the represented repertoire. The use may be interactive or/and non-interactive.

**ROYALTY SOURCES: DIGITAL SERVICE PROVIDERS:** Online digital record stores, simulcasting, web radios, web TV, sites, Internet Protocol television (IPTV), Video on demand, background music services, etc.

#### **5.6.1.1 ROYALTIES FROM ONLINE DIGITAL SERVICE PROVIDERS (DSPs)**

**INTRODUCTION:** The distribution of the royalties from the digital disposal of musical works on the internet, for the totality of the represented repertoire.

**ROYALTY SOURCES:** Digital Service Providers i.e. You Tube, i-tunes, Spotify, Deezer, Napster etc.) to whom EDEM has granted the relevant license.

#### **DOCUMENTARY RECORDS AND DATA:**

- ❖ DDEX (Digital Data Exchange) and CCID (Claim Confirmation and Invoice Details ) applications (taking into consideration the exclusions of repertoire)

**DISTRIBUTION METHODOLOGY:** The distribution of the royalties is made **with actual data**. For the distribution of the royalties from such use, beside the above mentioned factors, the unit value per work title, which is of the same value for each distribution separately, and the repetitiousness of the works, are taken into account.

**PERIODS OF DISTRIBUTION:** The distribution of the royalties from such use is made twice a year, each June and December, for the preceding calendar half-year, **provided that the royalty amounts have been collected and the necessary documentary documents and distribution data are available and processed.**

#### **5.6.1.2 ONLINE ROYALTIES - SIMULCASTING**

**INTRODUCTION:** The distribution of the royalties from the use of musical works on the internet – simulcasting, for the total of the represented repertoire.

**ROYALTY SOURCES:** Radio and TV broadcasters, to whom EDEM has granted the relevant license.

#### **DOCUMENTARY RECORDS AND DATA:**

- ❖ Playlists with the titles of musical works and their authors that each user is obliged to deliver to EDEM. (The playlists are the same with those delivered to for radio stations that broadcast via terrestrial signal).
- ❖ Timely declarations from members.
- ❖ Documentation and recognition of the musical works.

**DISTRIBUTION METHODOLOGY:** The distribution of the royalties is made on the totality of the radios and televisions i.e. the amounts collected from all the radios and televisions are accumulated, and then the distribution is made on the aggregated amount:

- a) **sampling:** The station programs that are delivered to EDEM (only a small percentage of exact programs is delivered to EDEM, the declarations from members of EDEM. b) **analogy:** A representative sample of musical works from the programs that have been delivered from similar radio and tv broadcasters. In addition to the above referenced data, the unit value per musical work title, which is of equal value for each distribution separately, and the repeatability of the works, is taken into consideration.
- b) **analogy:** A representative sample of musical works from the programs that have been delivered from similar radio and TV broadcasters.

In addition to the above referenced data, the unit value per musical work title, which is of equal value for each distribution separately, and the repeatability of the works, is taken into consideration.

**PERIODS OF DISTRIBUTION:** The distribution of the royalties from such use is made twice a year, each June and December, for the preceding calendar half-year, **provided that the royalty amounts have been collected and the necessary documentary documents and distribution data are available and processed.**

### 5.6.1.3 ONLINE ROYALTIES - WEBSITES

**INTRODUCTION:** The distribution of the royalties from the use of musical works on the internet and their synchronisation in websites, for the total of the represented repertoire.

**ROYALTY SOURCES:** Website owners, to which EDEM has granted the relevant license.

#### **DOCUMENTARY RECORDS AND DATA:**

- ❖ Playlists with the titles of musical works and their authors that each user is obliged to deliver to EDEM.
- ❖ Timely declarations from members.
- ❖ Documentation and recognition of the musical works.

**DISTRIBUTION METHODOLOGY:** The distribution of the royalties from this type of use is made with:

- a) **actual data:** For the distribution of the royalties from such use, beside the above mentioned factors, the unit value per work title, which is of the same value for each distribution separately, and the repetitiousness of the works, are taken into account.
- b) **sampling:** For websites that users have not provided the relevant Playlists, the distribution is made on the total of royalties collected from users who have not provided such Playlists. The sampling is based on whichever Playlists have been delivered from these type of uses relating to the corresponding time period of usage.

**PERIODS OF DISTRIBUTION:** The distribution of royalties from the specific use of musical works takes place twice a year, namely in June and December each year, and relates to the preceding calendar half-year, **provided that the royalty amounts have been collected and the necessary documentary documents and distribution data are available and processed.**

#### **5.6.1.4 ONLINE ROYALTIES - WEB RADIO / WEB TV**

**INTRODUCTION:** The distribution of the royalties from the use of musical works on the internet and are broadcasted via web radios and web TV.

**ROYALTY SOURCES:** Owners / enterprises of web radios, web TV, to whom EDEM has granted the relevant license.

#### **DOCUMENTARY RECORDS AND DATA:**

- ❖ Playlists with the titles of the musical works and their authors that each user is obliged to deliver to EDEM.
- ❖ Timely declarations from members.
- ❖ Documentation and recognition of musical works.

**DISTRIBUTION METHODOLOGY:** The distribution of the royalties is made on the total of the web radios and web TV, i.e. the amounts collected from all the web radios and web TV are added, and then the distribution is made on the aggregated amount:

- a) **sampling:** The station programs that are delivered to EDEM (only a small percentage of exact programs is delivered to EDEM) and the declarations from members.
- b) **analogy:** A representative sample of musical works from the programs that have been delivered from similar radio stations, as well as recognition of music and electronic fingerprint data.

In addition to the above referenced data, the unit value per musical work title, which is of equal value for each distribution separately, and the repeatability of the works, is taken into consideration.

**PERIODS OF DISTRIBUTION:** The distribution of royalties from the specific use of musical works takes place twice a year, namely in June and December each year, and relates to the preceding calendar half-year, **provided that the royalty amounts have been collected and the necessary documentary documents and distribution data are available and processed.**

#### **5.6.2 ROYALTIES FROM MUSIC SERVICE PROVIDERS IN PUBLIC PERFORMANCE VENUES - BACKGROUND MUSIC SERVICES**

**INTRODUCTION:** The distribution of the royalties from the use of musical works via the internet and are made available to the public, in public performance venues.

**ROYALTY SOURCES:** Enterprises which provide these type of services (background music services) to their clients, to which EDEM has granted the relevant license.

**DOCUMENTARY RECORDS AND DATA:**

- ❖ Playlists with the titles of musical works and their authors that each user is obliged to deliver to EDEM, and / or the person providing this music service.
- ❖ Documentation and recognition of musical works.

**DISTRIBUTION METHODOLOGY:** The distribution of royalties is made **with actual data**. For the distribution of the royalties from such use, beside the above mentioned factors, the unit value per work title, which is of the same value for each distribution separately, and the repetitiousness of the works, are taken into account.

**PERIODS OF DISTRIBUTION:** The distribution of the royalties from such use is made twice a year, each June and December, for the preceding calendar half-year, provided that the royalty amounts have been collected and the necessary documentary documents and distribution data are available and processed.

**5.6.3 ROYALTIES FROM MOBILE COMPANIES**

**INTRODUCTION:** The distribution of the royalties from the exploitation/distribution (downloading/streaming) of musical works via mobile networks.

**ROYALTY SOURCES:** Mobile companies, to which EDEM has granted the relevant license.

**DOCUMENTARY RECORDS AND DATA:**

- ❖ Playlists with the titles of musical works and their authors that each user is obliged to deliver to EDEM.
- ❖ Documentation and recognition of musical works.

**DISTRIBUTION METHODOLOGY:** The distribution of royalties is made **with actual data**. For the distribution of royalties from such use, beside the above mentioned factors, the unit value per work title, which is of the same value for each distribution separately, and the repeatability of the works, are taken into account.

**PERIODS OF DISTRIBUTION:** The distribution of the royalties from such use is made twice a year, each June and December, for the preceding calendar half-year, **provided that the royalty amounts have been collected and the necessary documentary documents and distribution data are available and processed.**

**5.6.4 ROYALTIES FROM INTERNET PROTOCOL TV (IPTV) – VIDEO ON DEMAND**

**INTRODUCTION:** The distribution of the royalties from the use of musical works via broadband connection (internet protocol).

**ROYALTY SOURCES:** Enterprises providing internet protocol TV (IPTV) and Video on Demand, to which EDEM has granted the relevant license.

**DOCUMENTARY RECORDS AND DATA:**

❖ Playlists with the titles of the audio-visual works and musical works and their authors that each user is obliged to deliver to EDEM.

❖ Documentation and recognition of musical works.

**DISTRIBUTION METHODOLOGY:** The distribution of royalties is made **with actual data**. For the distribution of the royalties from such use, beside the above mentioned factors, the unit value per work title, which is of the same value for each distribution separately, and the repetitiousness of the works, are taken into account.

**PERIODS OF DISTRIBUTION:** The distribution of the royalties from such use is made twice a year, each June and December, for the preceding calendar half-year, **provided that the royalty amounts have been collected and the necessary documentary documents and distribution data are available and processed**.

## 5.7. ROYALTIES FROM ABROAD

**INTRODUCTION:** The distribution of the royalties for musical works of EDEM's members, from exploitation outside the Greek territory. – it covers all rights –

**ROYALTY SOURCES:** Foreign Collective Management Organizations, with which EDEM has entered into reciprocal agreements of representation.

**DOCUMENTARY RECORDS AND DATA:**

❖ Lists, delivered to EDEM by each foreign CMO, containing the titles of the musical works exploited abroad, by distribution category, and the respective amounts per work.

❖ Documentation and recognition of musical works

**DISTRIBUTION METHODOLOGY:** The distribution of the royalties is made **with actual data**, based on the above referenced lists. Respective royalties concerning transmission of Greek state television abroad (Cable / Satellite Television) are delivered to EDEM by foreign CMOs without specific documentation. The amounts of these royalties, are added per year of use, and are distributed once a year, with the playlist of the said state channel of the corresponding year.

**PERIODS OF DISTRIBUTION:** The distribution of the royalties from such use is made twice a year, each June and December. The June distribution relates to royalties invoiced between July until December of the previous year, and the December distribution relates to royalties invoiced from January until June of each year, **provided that the royalty amounts**



**have been collected and the necessary documentary documents and distribution data are available and processed.**

## **5.8 REMUNERATION FROM THE REPRODUCTION OF WORKS FOR PRIVATE USE – PRIVATE COPYING LEVIES (ACCORDING TO ART. 18 OF LAW 2121/93, AS IN FORCE)**

**INTRODUCTION:** The distribution of remuneration for the free reproduction of audio works for private use, for which technical means are used, such as audio or video or audio and video recorders, magnetic tapes or other physical carriers suitable for the reproduction of sound or video or audio and video, which includes physical carriers of digital copying, in particular CD-RW, CD-R, DVD and other storage media with a capacity of more than 4GB, electronic computers, portable devices -tablets, smartphones, devices or accessories irrespective of whether or not they operate in connection with electronic computers and are used for digital copying, transcription or reproduction in any other way, is carried out as contextually provided in legislation and currently by article 18 of Law 2121/1993.

**ROYALTY SOURCES:** Producers or importers or intra-community acquirers of technical media, such as audio or video or audio and video recorders, magnetic tapes or other physical carriers suitable for the reproduction of sound or video or audio and video, including physical carriers for digital copying, in particular CD -RW, CD-R, DVD and other storage media with a capacity of more than 4GB, electronic computers, portable devices – tablets, smartphones, devices or accessories irrespective of whether or not they operate in conjunction with electronic computers and are used for digital copying, transcription or reproduction in any other way, in accordance with article 18 of Law 2121/1993, as currently in force.

**DOCUMENTARY DOCUMENTS AND DATA:** Specific documentation and information are not available since private use is concerned.

**DISTRIBUTION METHODOLOGY:** For the distribution of such remuneration, two categories of distribution are carried out, as follows:

a) Distribution of the sums concerning remuneration from private reproduction by means of electronic computers, portable electronic devices – tablets, and smartphones, and which are set at 2% of their value.

b) Distribution of the sums concerning remuneration from private reproduction by means of audio or video or audiovisual recording devices, magnetic tapes, or other physical carriers suitable for the reproduction of audio or video or audio and video, physical carriers of digital copying and other storage media with a capacity of more than 4GB, as well as remuneration for devices or accessories regardless of whether or not they operate in conjunction with electronic computers and are used for digital copying, transcription or reproduction in any other way, and which are set at 6% of their value.

In both cases, the basis of calculation, i.e. the distribution parameters include: distributions of radio, television, mechanical, digital media, and all time repertoire for each specific period of use.

In both cases, the rights are distributed pro rata and based on the principles of equal and fair treatment, both to members of **EDEM** and to foreign creators/beneficiaries (who participated in the above-mentioned distributions).

The calculation is made based on the mechanical reproduction distributions of audio-visual works (DVD) and TV broadcasters distributions (mechanical rights) of the respective periods.

In both cases, the remuneration is distributed both to EDEM members and foreign authors/rights holders (who participated in the above mentioned distributions) pro rata based on of the principles of equal and fair treatment.

**PERIODS OF DISTRIBUTION:** The distribution of the royalties from such use is made twice a year, each June and December, and corresponds to the remuneration that was invoiced during the preceding half-year, provided that the royalty amounts have been collected and the necessary documentary documents and distribution data are available and processed.

## **5.9 NON-DISTRIBUTABLE- REDISTRIBUTIONS**

5.9.1 EDEM takes all the necessary measures for the identification and location of the rightholders and verifies that the archives referred to in art.13 par. 4 of Law 4481/2017, as well as other archives directly available. The collective management organization provides information about the works and other objects of protection for which one or more rightholders have not been identified or detected no later than 3 months after the expiration of the deadline stated in art. 19 par.2 of Law 4481/2017 as in force:

a) To the rightholders it represents or, in case EDEM has as members entities that represent the rightholders (i.e. Publishers), to these entities and

b) To all CMO's, with which EDEM has signed representation agreements. In the information of the second subparagraph the following, if available, are included:

aa) the title of the work or another object of protection,

bb) the name of the rightholder,

cc) the name of the publisher or the producer,

dd) Any other relevant information which may help to identify the rightholder. If the above-mentioned measures do not bring any results.

EDEM makes these information available to the public 1 year the latest following the expiration of the 3- month's deadline.

If it is not possible to distribute the amounts owed to the rightholders after the end of the 3 month period from the end of the fiscal year within which the incomes from the copyrights were collected and as long as EDEM or eventual successor CMO has taken all the necessary measures for the identification and detection of the rightholders, as mentioned in art. 9 par. 4 of Law 4481/2017, these amounts are considered to be non distributed.

This provision also applies to non-distributable sums from the recovery of reasonable remuneration.

B) The General Assembly of the members of the CMO's or the Authors' Supervisory Body, under mandate, decides about the use of the NON-DISTRIBUTABLE amounts, with prejudice to the rightholders' right to claim these amounts from the collective management organisation or the independent management entity of art. 51 of Law 4481/2017 as in force, if they have been cancelled.

c) Only half of the NON-DISTRIBUTABLE amounts can be used from EDEM for investments, while the other half can be used in a separate and independent way, to fund social, cultural and educational activities for the benefit of the rightholders. By a decision of the General Assembly of Members or the Supervisory Board, if it has a relevant mandate, the amount of the non-distributable investments can be increased. Also, the General Assembly of members of collective management organisation or respectively the Supervisory Board, accordingly, can decide that part of the non-distributable amounts will be distributed to rightholders, if this decision does not clash with the ability of the rightholders to claim and receive the amounts corresponding to claims that are not time-barred.

### **5.9.3. REDISTRIBUTION**

By a decision of the General Assembly of Members or the Board of Directors, in a case as described in the paragraph above, the amount of the percentage of the NON DISTRIBUTABLE amounts that can be distributed to the rightholders is decided according to the following rules:

- a) For each work that the amount of royalties exceeds 10 €, EDEM proceeds to its re-documentation, based on information and documentation received, in the meantime, 53 from foreign collective management organizations, declarations from publishers statements, inquiry lists etc.
- b) For the remaining works, for which, despite the actions taken, data has not been collected, and the amount of royalties is less than 10 €, as well as for works, for which, despite all the efforts of EDEM, including the application of the Rome and Warsaw conventions, documentation has not been achieved, the rights are redistributed both to EDEM members and to foreign authors/rightholders (who participated in the original yearly distribution) based on pro rata and the principles of equal and fair treatment.
- c) Return of royalties from foreign CMO's (Fees in error): After sending royalties to foreign CMOs and after their corresponding processing carried out, it may be proven that some royalties correspond to rights relating to foreign repertoire which are not represented by them. These non-represented royalties are returned to EDEM without analysis of musical works. The sums from these royalties are included in the redistributions and they are distributed on pro rata based on the principles of equal and fair treatment.

## **6. LIMITATION PERIOD**

According to art. 19 par. 8 of Law 4481/2017, as in force, rightholders' claims for rights revenue against collective management organisations shall be time-barred ten (10) years from the end of the financial year in which they were collected. If the rightholders are not identified or located, the abovementioned ten (10) years period is calculated from the date of the completion of the procedure referred to section 5.9.1.

## **7. CREDIT ADJUSTMENTS**

In order to rectify accounts, the specific minimum amounts specified under the BIEM/CISAC regulations i.e., currently the amount of 10 € per work, are taken into account.

If the request is well-founded and justified, then EDEM proceeds with the corresponding accounting settlement as a "credit adjustment" no later than six (6) months from the date of the request.

### **7.1 EDEM Members**

A request by EDEM members to proceed to credit adjustment is examined if this is submitted within six (6) months following the issuance of the royalty statements that members receive for each distribution. The member of EDEM wishing to apply for credit adjustment, must submit an application to EDEM's competent department in writing, together with all the available data substantiating his claim.

EDEM shall then examine the data and will contact the other interested parties, asking for their acceptance and approval, in order to proceed with the corresponding credit adjustment of all stakeholders.

In case of dispute or doubt from the contracting parties the Board of Directors will decide on the matter, after examination of all the existing documents that are deemed necessary.

### **7.2 Foreign Collective Management Organisations**

Foreign Collective Management Organizations may submit a written request to EDEM for credit adjustment, accompanied by the proper documentation of the works in question, represented by them.

Cases where, adjusting entries related to works belonging to members of foreign collective management organizations, may arise are:

- a) where EDEM has distributed and paid royalties to a foreign CMO for works which are not, wholly or partly owned, included in its repertoire, but belong to another foreign CMO or even to a right holder - member of EDEM.
- b) where EDEM has distributed and paid royalties to a CMO, for a share of a musical work, but which is wholly represented by that CMO.
- c) where EDEM has distributed and paid royalties to a foreign CMO for works, based on Rome and Warsaw conventions.
- d) where EDEM gathers information about works that have been included in inquiry lists. Retroactivity: Corrective entries made for the previous three years, as defined by what is applicable under the BIEM / CISAC Regulations.

## 8. ROYALTIES PAYMENT

After completing the processing of all kinds of royalty distributions (mechanical, public performance, radio, television, etc.), the Distribution Calendar is issued. Subsequently, the individual card of each royalty holder, for whom royalties from Distributions have emerged, is updated. At the end of each month during which distribution took place, EDEM issues statements which illustrate:

- The gross royalty amounts attributable to each rightholder, with a breakdown of all categories of distributed royalties.
  - The amounts of the rightholder, after deducting EDEM's commission.
  - The amount of withholding taxes, the amount of social security, where applicable, with the rightholder's participation in this amount, and any other lawful charge, expressly provided by law, or required by any court or other authority.
  - The net payable amount.
- ❖ The royalty statements are delivered or dispatched to the members - authors and remaining rightholders.
  - ❖ The rightholder, depending on his professional capacity and if he is liable to issue a tax document, issues and delivers to EDEM the projected lawful document, otherwise, EDEM issues, to the right holder, whatever it is each time required by the applicable tax legislation.
  - ❖ The ROYALTIES PAYMENT is made either by cash or by issuing a check or by deposit in a bank account of the beneficiary's choice, which has been notified in writing to EDEM.
  - ❖ In particular, for the heirs of intellectual property rightholders, the respective anticipated tax documents are issued and the specific procedure of inheritance tax is followed.
  - ❖ In particular for a member that is both a user of musical works (with the same VAT) and owes EDEM attributable royalties, then EDEM offsets that debt with the royalties he is entitled to receive, as an author / rightholder, from the next distributions.
  - ❖ For amounts to be disbursed to foreign tax residents (natural and legal persons), EDEM is obliged by under tax legislation, to follow an additional procedure described below:
    - During the year, foreign tax residents provide EDEM with double taxation exemption certificates, if the country in which they are tax residents, has entered into a Transnational Agreement with Greece, to be taxed by the current (per contract) tax rate.
    - EDEM submits these certificates to the relevant Ministry of Finance.
    - EDEM issues Tax statements for each tax resident individually, with the amount of royalties that have emerged from each distribution, the tax rate and the amount of tax calculated in accordance with the applicable tax provisions.

- The tax statements are sent to the competent Service of the Ministry of Finance and, after examination, and debt identities are issued, they are returned to EDEM so that the corresponding taxes are paid.
- Once the tax is paid, the process of payments moves on.
- Amounts to be disbursed in bank accounts abroad, should be larger than any costs which may arise during the specific transaction. Bank charges from the specific transactions, burden the beneficiary.

Due to managerial costs, a minimum payment limit applies. The payment of the amount corresponding to each beneficiary will be made when the total amount due (i.e. the amount resulting from the current liquidation or cumulatively from unpaid liquidations of previous distributions) exceeds: a) for domestic payments the amount of twenty (20.00) euros, b) for payments/remittances to beneficiary accounts abroad, the amount of one hundred (100.00) euros and c) for payments/remittances to the accounts of unilateral mutual representation organizations abroad, the amount of two hundred (200.00) euros.

## **9. MEMBERS' BOARD OF DIRECTORS – MEMBER'S SUPERVISORY BOARD**

EDEM operates under a Board of Directors consisted of 9 members and a Supervisory Board in accordance with the provisions of art. 10 of Law 4481/2017.

The representation of the members is fair and balanced, as provided in the related regulating texts of CISAC professional rules and GESAC.

## **10. INTERNATIONAL GUIDES (BIEM-CISAC)**

The International Documentation and Distribution Guides of BIEM and CISAC (Professional Rules, Binding Resolutions and Best Practices) will consist an integral part and supplement hereby the Distribution Rules of EDEM.

## **11. PROVISIONS – AMMENDMENTS**

The provisions of this Regulation may be amended by EDEM, when and if circumstances so require.

The amount of royalties, for each category of music usage, may be adjusted each time, depending on the conditions of the music market.

Amendments on the Distribution Rules will apply, when circumstances require, both by decision of the General Assembly of EDEM, as well as of the Board of Directors of EDEM, based on a lawful mandate, in order to ensure an equitable distribution of royalties collected by EDEM.

EDEM makes available on its website information about the way of distribution of the amounts owed to the rightholders and the royalties distribution rules per rightholders' category, in which the exact method of distribution, as required by art. 28 par.1 of Law 4481/2017, is provided.

The present Distribution Regulation has been translated in English, as required by the statutes of CISAC -CISAC Professional Rules for musical societies, as in force.

## APPENDIX A

## DEDUCTION RATES

REGULATION PARAGRAPH	COPYRIGHTS' DESCRIPTION	DEDUCTION RATE
<b>5.2</b>	<b>MECHANICAL RIGHTS</b>	
5.2	MECHANICAL REPRODUCTION AND RELEASE RIGHTS (PHYSICAL AUDIO/ AUDIOVISUAL CARRIERS) WHETHER SUBJECTED TO THE CANNES CONVENTION OR NOT	15%
5.2	MECHANICAL REPRODUCTION AND RELEASE RIGHTS (PHYSICAL AUDIO/ AUDIOVISUAL CARRIERS) WHETHER SUBJECT TO THE CANNES CONVENTION OR NOT	15%
5.2	MECHANICAL REPRODUCTION AND RELEASE RIGHTS (FROM ABROAD)	5%
5.2	MECHANICAL REPRODUCTION AND RELEASE RIGHTS (SUBJECT TO THE CENTRALISED LICENSE CONVENTION)	8.25%
5.2	SYNCHRONIZATION RIGHTS IN COMMERCIALS	10%
5.2	SYNCHRONIZATION RIGHTS IN AUDIOVISUAL WORKS	15%
<b>5.3</b>	<b>RADIO BROADCASTING PERFORMANCE RIGHT</b>	
5.3	PUBLIC AND PRIVATE RADIO STATIONS (NATIONWIDE RANGE)	18%
5.3	PRIVATE-LOCAL RADIO STATIONS (LOCAL RANGE)	18%
<b>5.4</b>	<b>TELEVISION BROADCAST PERFORMANCE RIGHTS</b>	
5.4	PUBLIC AND PRIVATE TV BROADCASTERS (NATIONWIDE RANGE)	18%



5.4	PRIVATE-LOCAL TV BROADCASTERS (LOCAL RANGE)	18%
<b>5.5</b>	<b>PUBLIC PERFORMANCE RIGHTS (RADIO/TELEVISION BROADCASTED AND MECHANICALLY REPRODUCED WORKS)</b>	
5.5	ROYALTIES FROM PERFORMANCES WITH LIVE MUSIC	21%
5.5	ROYALTIES FROM MUSIC HALLS WITH LIVE MUSIC	21%
5.5	ROYALTIES FROM ENTERTAINMENT HALLS	21%
5.5	ROYALTIES FROM RESTAURANTS/EATING ESTABLISHMENTS AND 21%MERCHANDISE SHOPS	
5.5	ROYALTIES FROM CINEMAS	21%
<b>5.6</b>	<b>ONLINE (VIA NETWORKS) INTERACTIVE AND NONINTERACTIVE USE OF MUSIC ROYALTIES</b>	
5.6	ONLINE ROYALTIES	15%
5.6	ONLINE ROYALTIES-DIGITAL DOWNLOAD STORES	15%
5.6	ONLINE ROYALTIES-SIMULCASTING	15%
5.6	ONLINE ROYALTIES-WEBSITES	15%
5.6	ONLINE ROYALTIES-WEB RADIO/WEB TV	15%
5.6	ONLINE ROYALTIES FROM BACKGROUND MUSIC SERVICE (renting – streaming background music service)	15%
5.6	ONLINE ROYALTIES FROM MOBILE COMPANIES	15%
5.6	ONLINE ROYALTIES FROM IPTVVIDEO ON DEMAND	15%
<b>5.7</b>	<b>ROYALTIES FROM ABROAD</b>	10%
<b>5.8</b>	<b>PRIVATE COPYING LEVIES PROVIDED IN ART. 18 OF LAW 2121/1993. AS IN FORCE</b>	8%