

PUBLIC PERFORMANCE OF MUSIC DURING CARNIVAL

As the biggest cultural festival, Carnival provides an opportunity for creatives to showcase their musical prowess. Trinidad and Tobago's Carnival is well known for its infectious music and vibrant costumes. Our members musical works are utilised extensively by way of fetes, band launches, concerts and even comedy shows leading up to the biggest street parade on Carnival Monday and Tuesday. Competitions such as the National Calypso Monarch, Carnival King and Queen, Chutney Soca, and the Road March all feature music created by COTT's members.

A COTT licence ensures that you can legally use our extensive repertoire during your Carnival Event for the enjoyment of revellers and party goers. By obtaining our licence you are ensuring that the creators behind the music you use are compensated.

Our licence covers the Copyright [CR] in the musical works and the Neighbouring Rights [NR] in the sound recordings.

REGISTERED OFFICE:
BRANCHES:

139 - 141 Abercromby Street, Port of Spain
15B Carib Street, San Fernando
19 Dutch Fort, Lal's Building, Scarborough, Tobago

PHONE: 624 - COTT (2688)
PHONE: 657 - COTT (2688)
PHONE: 635 - COTT (2688)

SCOPE AND APPLICABILITY OF TARIFF

This tariff applies to **Featured Performances** of music within COTT's repertoire whether live or recorded at concerts, calypso tents, fetes, "all-inclusives", band launches, and other similar events taking place during the *Carnival Season*.

HOW MUCH DOES IT COST PER EVENT

The following rates apply to all royalties falling due from **1st January 2023**

EVENTS WITH AN ENTRY FEE		CR	NR
The royalty as a percentage of Admission Receipts		4.00%	3.20%
➤ For All Inclusive Events the royalty rates shall be calculated at 50% of Admission Receipts.			
➤ For Semi Inclusive Events the royalty rates shall be calculated at 70% of Admission Receipts.			
Subject to a minimum royalty per event based on Person Capacity:-			
100 persons or less		1,324.13	1,085.00
101 - 500 persons		2,206.88	1,800.00
Each additional unit of 500 persons or part thereof		1,324.13	1,085.00

- ❖ Where there is predominately live music and **limited** recorded music the royalties per event shall be calculated as follows as it relates to Neighbouring Rights [NR]

Ticket Prices						
Rate per person	Less than \$200	\$201 - \$350	\$351 - \$500	\$501 - \$750	\$751 - \$1,200	over \$1,200
	2.10	3.80	5.40	7.70	9.45	11.80

EVENTS WITHOUT AN ENTRY FEE		CR	NR
For events without an Entry Fee the following permit royalties based on Person Capacity shall apply:			
500 persons and less		1,104.13	900.00
501 - 1,000		1,471.25	1,200.00
Each additional unit of 1,000 persons or part thereof		986.88	600.00

CR	NR	TOTAL
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WORKED EXAMPLE:

Fete Nation Promotions is having a “Cooler fete” at the QPS on Friday 13th January. The promoter of the event is expecting to sell 800 tickets at \$125.00 each.

Admission receipts = \$125.00 x 800 tickets = \$100,000.00

Royalties - CR [\$100,000.00 x 4.00%]		NR [\$100,000.00 x 3.20%]	4,000.00	3,200.00	7,200.00
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Licence Fee	\$7,200.00
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CR	NR	TOTAL
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WORKED EXAMPLE:

Savannah Inc. is having their yearly “All-Inclusive Carnival fete”. Tickets cost \$1,275.00 per person and includes food and drinks. This event is a staple in the Carnival calendar and 800 tickets have been sold to date. Savannah Inc expects to sell 1,200 tickets this year. The performances at this year’s event will be strictly live with recorded music during intermission only.

Admission receipts = \$1,275.00 x 1,200 tickets = \$1,530,000.00 x 50% = \$765,000.00

Royalties - CR [\$765,000 x 4.00%]		NR [9.45 x 1,200 persons]	30,600.00	11,340.00	41,940.00
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Licence Fee	\$41,940.00
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CR	NR	TOTAL
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WORKED EXAMPLE:

FREESTLYES Festivals is having a “Free concert”. The event will take place at the QPS, and they are expecting 2,200 persons to attend.

501 - 1,000	1,471.25	1,200.00	2,675.25
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For each additional 1,000 persons [2,200.00 - 1,000.00] 1,200 = 3 units of 1,000

CR [986.88 x 2 units of 1,000 persons]		NR [600.00 x 2 units of 1,000 persons]	1,973.76	1,200.00	3,173.76
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Licence Fees	\$5,849.01
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DEFINITIONS

“Admission Receipts” - the total amount received for admission to the event such as ticket price, membership, or cover charge, excluding any Value Added Tax and other payments levied as a matter of law on actual receipts.

“All Inclusive Events” means events at which the admission fee includes beverage and food.

“Carnival Season” means the period beginning on the 26th day of December in any calendar year and ending midnight on the Saturday immediately preceding Ash Wednesday of the following year.

“COTT’s Repertoire” means all and any musical works (including words associated therewith) and sound recordings, in which the right of public performance, communication to the public and broadcast is controlled by COTT or by any of the societies in other countries with which COTT is affiliated.

“Copyright” is a property right which subsists in literary and artistic works that are original intellectual creations. <http://ipo.gov.tt/types-of-ip/copyright/>.

“Estimated Particulars” means the particulars available to COTT at a date prior to the event, including ticket price, ticket sales and person capacity of the venue where the Event is to be performed.

“Featured Music” means COTT’s repertoire whether it is performed live by performers in person or recorded through mechanical or electrical devices, as a prominent feature as part of an event or entertainment.

“Live Music” means music performed in person without any accompaniment of recorded music.

“Limited Recorded Music” means recorded music performed by DJs before, after, or between acts with no live performance on stage.

“Neighbouring Rights” are similar to copyright. These rights exist in the public performance of a sound recording. Neighbouring rights are collected on behalf of performers and producers of sound recordings.

“Person Capacity” means the maximum number of persons who may be admitted to the area of entertainment at any one time (as assessed by fire, health and or similar regulations where available).

“Public Performance” means music played outside the normal circle of friends and family that occurs in any public place. A public performance also occurs when music is transmitted to the public, via radio, TV broadcasts, digital service providers, and any other means.

“Semi-Inclusive Events” means events at which the admission fee includes beverage or food.

GENERAL TERMS AND CONDITIONS

- ❖ COTT reserves the right to make such variations to this tariff it considers appropriate where performance particulars have changed; including but not limited to the way in which the music is made accessible to the public.
- ❖ COTT is not bound to adhere to the rates quoted in this tariff in respect of any performances for which an application was not made in advance.
- Licensees under this tariff shall provide COTT with the actual particulars to enable us to calculate the royalty due. If the actual particulars are not known an estimated figure would be used to calculate the fees payable. accordingly.
- ❖ Upon completion of the event, we may, require you to complete a re-assessment form or statement declaring the actual particulars of your event. This information must be completed and returned to COTT within 7 days after the Event.
- ❖ Complimentary tickets shall be declared based on the price of the equivalent paid ticket.
- ❖ All information provided must be certified by an Auditor or in a manner acceptable to COTT.

PERFORMANCE PARTICULARS

Licensees are required to provide COTT with the total Admission Receipts where there is a charge for admission and the maximum Person Capacity of the venue where there is no direct or indirect charge for admission.

PAYMENT OF ROYALTIES

The royalties due under this tariff are payable on account immediately upon receipt of COTT's invoice. The sum invoiced is based on the particulars available to COTT at the time of issuing the invoice. Any charge made under such invoice may be adjusted after the Licensee has furnished COTT with details of the actual performance particulars.

Should the Licensee fail to pay any sum due and payable within 30 days of COTT's invoice, without prejudice to any other rights it may have, COTT reserves the right to charge the Licensee interest on the amount overdue calculated daily at the rate of 1.5 percent per annum above the base lending rate as per the Central Bank of Trinidad and Tobago.

All royalties payable under this Tariff are exclusive of Value Added Tax or other governmental taxes or levies of any kind.

ROYALTY ADJUSTMENT

COTT reserves the right to adjust the royalties payable under this tariff every year by the percentage (to the nearest whole percentage point) by which the Retail Prices Index published by the Central Statistical Office changed when compared with the figure for the previous year. provided that: -

1. We provide you with reasonable notice (at least 1 month) of any such amendments; and
2. The changes so notified will only take effect at the commencement of the year following the year in which the amendment notice was received.