

### PUBLIC PERFORMANCE OF MUSIC DURING THE EXHIBITION OF FILMS

Music plays a pivotal role in film by enhancing narratives and establishing ambiance. It has the power to evoke emotions, establish themes, and influence the tempo of a story. Whether through background scores, source cues, or musical interludes, music can profoundly impact the audience's cinematic experience.

A COTT licence for music usage ensures legal access to our vast music catalogue, enhancing the cinematic experience for your patrons. By obtaining our COTT licence, you guarantee fair compensation for the creators behind the music used in cinematographic films.

Our licence encompasses the copyright [CR] in the musical works as well as the Neighbouring Rights [NR] in the sound recordings.

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### SCOPE AND APPLICABILITY OF TARIFF

This tariff is applicable to musical performances from COTT's repertoire presented during or in conjunction with the screening of motion pictures in cinemas or other venues where commercial film screenings regularly occur. This includes film trailers displayed in the auditorium before, during, or after a film screening, as well as film trailers shown in the cinema foyer.

It is important to note that this tariff does not extend to performances of copyrighted music from COTT's repertoire used as background or featured music in restaurant or bar areas within cinemas.

### HOW MUCH DOES IT COST ANNUALLY

The following rates apply to royalties falling due from **1<sup>st</sup> January 2023**

	CR	NR
The annual royalty as a percentage of admission receipts	1.00%	0.82%
Subject to an Annual minimum royalty of	5,149.38	4,220.00



### WHY DO I NEED A LICENCE IF PERMISSION TO USE THE MUSIC WAS ALREADY GRANTED?

In the realm of filmmaking, there are two primary approaches to acquiring music for projects: -

1. Commissioning an original score: This involves engaging a composer to create unique music specifically for the project.
2. Licensing pre-recorded music: This entails obtaining permission to use music that has already been recorded and released commercially.

In both cases, the copyright holder of the music, which can include various parties such as the composer, songwriter, music publisher, record label, or recording artist, typically retain the public performance and communication to the public rights. These rights are often entrusted to a collective management organisation like COTT, which handles the

administration and enforcement of these rights on behalf of the copyright holders. As a result, when cinemas show a movie that includes commercially released music from our extensive catalog, they must obtain a Public Performance Licence for the music used in the movie.

## DEFINITIONS

**“Admission Receipts”** - the total amount paid for admission, excluding any Value Added Tax and other payments levied as a matter of law on actual receipts.

**“COTT’s repertoire”** - 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 that are COTT 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/>

**“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.

**“Public Performance”**- 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.

## 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.
- ❖ 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 admission receipts in connection with any exhibition of films and/or rental of the Licensee's premises and where admission is by advertising or advertisers' tokens or vouchers in lieu of cash or otherwise paid for in money's worth, the amount which would have been paid had normal prices been charged.

### PAYMENT OF ROYALTIES

The royalties due under this tariff are payable upon receipt of COTT's invoice. The invoice is based on an estimate of the particulars required for calculating the royalty due for the licence year or event. Any charge made under such an invoice may be adjusted after the Licensee has furnished COTT with the details of the actual particulars.

If the Licensee fails to pay any sum due and payable within 30 days of COTT's invoice, COTT reserves the right to charge interest on the overdue amount 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, without prejudice to any other rights COTT may have.

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 annually adjust the royalties payable under this tariff by the percentage (to the nearest whole percentage point) that the Retail Prices Index published by the Central Statistical Office has changed compared with to 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.