

## CLASSICAL CONCERTS

Licensing Enquires [licensing@cott.org.tt](mailto:licensing@cott.org.tt) | [www.cott.org.tt](http://www.cott.org.tt)

### FEATURED MUSIC USE IN CLASSICAL CONCERTS

Some performances incorporate commercially released music to tell a story. These are songs [e.g., classical, folk, or traditional parang music] that were not specifically created for a show. However, they are used to convey a storyline with one or more characters or narrators.

A COTT Licence for the use of music ensures that you can legally use our vast repertoire of live or recorded music in conjunction with a live presentation on stage. 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)

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### SCOPE AND APPLICABILITY OF TARIFF

This tariff applies to **Featured Performances** of music [where applicable] within COTT's repertoire whether live or recorded at symphony concerts, performances of choral groups or soloists and non-dramatic performances.

### HOW MUCH DOES IT COST PER EVENT

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

EVENTS WITH ADMISSION CHARGE		CR	*NR	*NR APPLICABLE ONLY IF RECORDINGS ARE USED
Percentage of copyright musical content		% Admission receipts		
	Equal to or greater than 50%	3.80%	3.00%	
	Less than 50% but greater than 25%	3.00%	2.40%	
	Below 25%	2.00%	1.60%	
Subject to the following Minimum Royalties per concert/show:				
	With copyright musical content greater than 25%	808.00	660.00	
	With copyright musical content 25% or less	662.75	540.00	

EVENTS WITHOUT ADMISSION CHARGE		CR	*NR	*NR APPLICABLE ONLY IF RECORDINGS ARE USED
Where there is no admission charge; the charge per event irrespective of the of Copyright Content.				
	200 persons or less	809.88	660.00	
	201 to 500	1,295.25	1,606.00	
	501 to 1,000	2,206.88	1,800.00	
	1,000 to 5,000	3,825.25	3,125.00	
	5,001 and over	6,620.63	5,400.00	

	CR	NR	TOTAL
<b>WORKED EXAMPLE:</b>			
On The Boardwalk theatre group is staging a production written by a local playwright and is seeking to incorporate music in the performance. The total production length is 90 minutes (about 1 and a half hours), and it is expected that the music will be used for 35 minutes. Tickets cost \$250.00 each; 175 tickets have been sold.			
Admission Receipts = [250.00 x 175] = \$43,750.00	1,312.50	1050.00	2,362.50
<b>Licence Fee</b>	<b>\$2,362.50</b>		

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### DEFINITIONS

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

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

**“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/>.

**“Copyright Musical Content”** means the total duration of performance of all musical works in the show which are eligible for copyright protection in terms of the Copyright Act, 1997 (Act No. 8 of 1997), expressed as a percentage of the duration of performance of the concert as a whole. (For example, if, in a concert which lasts for two hours, the duration of performance of musical works which are eligible for copyright protection amounts for a total of one hour, the copyright musical content of the show would be fifty per cent.).

**“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 a part of an event or entertainment.

**“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.

## 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. Should the Licensee fail to provide actual particulars in accordance with COTT’s General Terms and Conditions, COTT reserves the right to make a reasonable estimate of the particulars and to invoice the Licensee 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.

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### PERFORMANCE PARTICULARS

Licensees under this tariff shall provide COTT with the admission receipts, persons capacity of the event and the percentage of Copyright Content.

Licensees are required to provide COTT with the exact percentage of Copyright Content of all the musical works performed within 15 days after the last performance, failure to do so will result in the fees being calculated at the maximum rate and the licensee being billed accordingly.

### 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.

Primary Schools, Secondary Schools and Registered Charitable Organisations are eligible to receive a 10% discount, provided that a licence is obtained at least 10 days before the start of the event. The discount does not apply to any minimum royalties.

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.