

FITNESS CENTRES & GYMS

Licensing Enquires licensing@cott.org.tt | www.cott.org.tt



PUBLIC PERFORMANCE OF MUSIC AT FITNESS CENTRES AND GYMS

For many people, exercise is an essential part of their daily routine. Research has shown that music motivates and increases endurance levels during exercise and provides a more invigorating experience.

A COTT licence ensures that you can legally use our extensive repertoire at your gym. By obtaining our licence you are ensuring that the creators behind the music you use to support your business activities are compensated.

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

REGISTERED OFFICE: 139 - 141 Abercromby Street, Port of Spain
BRANCHES: 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 music from within COTT's repertoire publicly performed through mechanical devices at fitness centres, gymnasia, health studios and similar establishments where music is used as an accompaniment to fitness workouts or classes.

HOW MUCH DOES IT COST ANNUALLY

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

	CR	NR
The Annual rate per ft ²		
Not exceeding 500 ft ²	1,471.25	1,200.00
501 ft ² - 1,000 ft ²	2,206.88	1,800.00
1,001 ft ² – 2,000 ft ²	4,413.75	3,600.00
2,001 ft ² - 3,000 ft ²	6,179.25	5,000.00
3,001 ft ² - 4,000 ft ²	8,091.88	6,600.00
4,001 ft ² – 5,000 ft ²	9,196.00	7,500.00
Thereafter, for each additional 1,000 ft ² (or part hereof)	459.25	376.00

		CR	NR	TOTAL
WORKED EXAMPLE:				
The Olympian centre is a 24-hour fitness facility, operating multiple branches across the country. The branch at Arima has a square footage of 4,800 sq ² while the two locations in Port of Spain are measured at 2,500 ft ² each. The branch located in Scarborough has been measured at 800 ft ² .				
Tobago	501 ft ² - 1,000 ft ²	2,206.88	1,800.00	4,006.88
Port of Spain	2,001 ft ² - 3,000 ft ²	9,196.00	7,500.00	16,696.00
Arima	1,001 ft ² – 2,000 ft ²	4,413.75	3,600.00	8,013.75
Licence Fee per Annum		\$28,716.63		

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DEFINITIONS

“Area” The total size in square feet where Music is audible by customers and staff. It does not include storerooms.

“Background music” the public performance of recorded music from radios, CD players, televisions, mobile phones, tablets and other devices where the music is used to create an atmosphere or ambience that is not a special feature of, or essential to, the main event or is not essential to the operation of a premises.

“Class” refers to a group of students receiving instructions in movement, dance or similar discipline given by a teacher.

“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/>

“Mechanical / Electronic device” includes radio, television compact disc players, tape players, record players, video/DVD players; satellite-, disk-, or internet-delivered background music services; satellite/cable streamed music services and jukeboxes.

“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.
- ❖ 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.
- ❖ All information provided must be certified by an Auditor or in a manner acceptable to COTT.

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PERFORMANCE PARTICULARS

This tariff requires the licensee to report on its operations for the ensuing year. This tariff calculates a fee per annum which is paid in advance based on estimated data; Licensees under this tariff shall provide COTT with the required particulars to enable us to calculate the royalty due. The royalties payable under this tariff are calculated by reference to the size of the establishment used for performing the activity.

The estimated particulars will generally form the particulars for calculating the fees due. However, should the Licensee fail to provide actual particulars in accordance with COTT's General Terms and Conditions and/or Definitions. COTT reserves the right to make a reasonable estimate of the particulars and to invoice the Licensee 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 an estimate of the particulars required for calculating the royalty due in respect of the licence-year for which the invoice is issued, and any charge made under such invoice may be adjusted after the Licensee has furnished COTT with details of the actual the 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 as at the commencement of the Year following the Year in which the Amendment Notice was received.