

RESTAURANTS & BARS

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

PUBLIC PERFORMANCE OF BACKGROUND MUSIC AT RESTAURANTS & BARS

All our senses are intrinsically linked, each one influencing the other in multiple ways. When creating the perfect atmosphere for your space they should all be indulged. Music in particular plays an immense role in the overall customer experience. Research shows that restaurant music directly impacts one's flavor perception. Background music can impact the speed at which customers consume food and drinks, as well as the quality and quantity they buy and consume.

A COTT licence ensures that you can legally use our extensive repertoire of local, regional, and international music to entertain your dinners and Friday afternoon limers. By obtaining our licence you are ensuring that the creators behind the music you use are compensated.

Our licence covers both 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 performances of background music from within COTT's repertoire at restaurants, bars, fast food outlets, lounges, and similar establishments.

HOW MUCH DOES IT COST ANNUALLY

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

1	BACKGROUND PERFORMANCES OF MUSIC	CR	NR
ANNUAL ROYALTY PER ROOM:			
▪ Radio, Record and/or compact disc and/or tape player and/or Music centre or radio cassette player			
	First 30 customer capacity	735.63	600.00
	Each additional 20 customer capacity (or part thereof)	228.25	180.00
▪ Terrestrial television and/or satellite/cable television, video player			
	Where there is one device	344.96	281.25
	Each additional device	128.56	102.00
<i>The above is subject to the following minimum annual royalty</i>			
	Less than 30 customer capacity [Radio or Television] ONLY	514.94	420.00
	Less than 30 customer capacity [Radio and Television]	643.68	525.00
TAKEAWAY SERVICES ONLY			
	Annual Royalty	404.60	330.00
2	FEATURED PERFORMANCES OF MUSIC	CR	NR
ROYALTY PER EVENT			
Events without an Admission Fee			
	- for first 50 persons Customer Capacity	74.24	60.00
	- for each additional 25 persons per Customer Capacity	35.75	29.00
	Events with an Admission Fee – as Percentage of Gross Revenue	3.50%	2.80%

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CR

NR

TOTAL

WORKED EXAMPLE:

Savoury Bites is a family-owned restaurant that serves local cuisine. The main dining area can accommodate 80 dinners. Background music is piped throughout the main dining area and there are two televisions located by the bar.

Every third Saturday the family features a local artiste in a larger space adjacent to the main dining area. This space can accommodate up to 100 persons. There is no cover charge upon entry.

BACKGROUND MUSIC USE

First 30 capacity	735.63	600.00	3,415.15
Each additional 20 $[(80-50)/20] = 2.5$	684.75	540.0	
First Television	344.96	281.25	
Each additional Television	128.56	102.00	

FEATURED PERFORMANCE

First 50 customer capacity [\$74.24 x 12 Saturdays] and [\$60.00 x 12 Saturdays]	890.88	720.00	3,164.88
Each additional 25 customer capacity [(100-50)/25] = 2 sets [(\$35.75 x 2 sets) x 12 Saturdays] and [(\$29.00 x 2 sets) x 12 Saturdays]	858.00	696.00	
Licence Fee Total	\$6,580.03		

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DEFINITIONS

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

“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.

“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/>

“Featured performances” means COTT’s repertoire performed live by performers in person or recorded through mechanical or electrical devices, as a prominent feature integral to an event or entertainment.

“Gross Revenue” all monies paid or payable in respect of admission charges irrespective of whether such monies are received or receivable by the licensee.

“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.

“Person Capacity” is the maximum number of persons who may be admitted to the venue at any one time calculated as follows: where the accommodation of a room is limited to seating, the capacity will be calculated by the total number of seats; if there is no formal means of calculating the accommodation of a venue, that capacity will be assessed by the maximum number of people who can reasonably be accommodated at the venue, or which is permitted under any regulation by Fire, OSHA or similar regulations.

“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

Licensees are required to provide COTT with the seating capacity and number of televisions per room. For featured performances of music where there is an admission fee – the ticket price and attendance will be required per event.

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.