

SHOPS & STORES / RETAIL & SERVICE PROVIDERS

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

PUBLIC PERFORMANCE OF MUSIC IN SHOPS & STORES

In-store music can be a powerful tool for influencing customer behavior. Studies have shown that slower, more leisurely music can encourage shoppers to spend more time browsing and contemplating their purchases, ultimately leading to increased sales.

A COTT licence ensures that you can legally use our extensive repertoire of local, regional, and international music. 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)
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SCOPE AND APPLICABILITY OF TARIFF

This tariff is applicable for the public performances of copyright music within COTT's repertoire used in premises selling goods or services to the public. This includes clothing stores, groceries, pharmacies, shopping complexes, kiosks, showrooms, and other similar premises.

HOW MUCH WILL IT COST ANNUALLY

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

	CR	NR
Annual royalties will be calculated by reference to shop space as follows:		
1. BACKGROUND MUSIC IN SHOP SPACE		
Up to 1,000 sq ²	459.25	376.00
1001 to 2000 sq ²	919.88	750.00
2001 to 3000 sq ²	1,379.13	1,130.00
3001 to 4000 sq ²	1,839.75	1,500.00
4001 to 5000 sq ²	2,297.63	1,880.00
5001 to 6000 sq ²	2,575.38	2,110.00
6001 to 7000 sq ²	2,758.25	2,260.00
7001 to 8000 sq ²	3,034.63	2,488.00
8001 to 9000 sq ²	3,218.88	2,630.00
9001 to 10,000 sq ²	3,401.75	2,785.00
For each additional 1,000 square feet or part thereof (after 10,000 sq ²) add	119.63	98.00
2. BACKGROUND MUSIC ON PAVEMENT OR FORECOURT		
For each loud-speaker or other apparatus controlled from within the premises the annual royalty is	368.50	300.00

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3. SPECIAL OCCASIONS/ IN STORE PROMOTIONS

For performances at ad hoc events such as Christmas shows, Easter parades, promotions of products or services and similar attractions taking place within the premises and involving **Limited Featured Performances** - the daily royalty is calculated on the Floor area as follows:

Up to 1,000 sq ²	184.25	150.00
1,001 to 1,500 sq ²	276.38	226.00
1501 to 2000 sq ²	368.50	300.00
Over 2000 sq ²	441.38	360.00

Subject to the following Minimum Royalties per Annum and/or per event

Pavement, Forecourt, Shopping Centres or Complexes	459.25	376.00
Special Occasions / Promotions	184.25	150.00

BACKGROUND MUSIC IN PLAZAS, MALLS, OR SHOPPING CENTRES

For the provision of background music in the passageways, squares, concourses, and any other open spaces forming part of a shopping complex or mall, the rate will be calculated at a flat rate per unit of 1,000 square feet per annum.

The fee will be calculated separately for every floor or level in which the music is audible.

459.25	376.00
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CR

NR

TOTAL

WORKED EXAMPLE:

This & That, a small retail shop of 800 sq² in size, located in Maraval has applied for a licence. The only music played is from a small radio except for when they host their annual sales promotions. The promotion lasts for three (3) days and includes featured performances by artistes in-person and a DJ.

Background music	459.25	376.00	835.25
Featured performances [184.25 x 3 days] + [150.00 x 3 days]	552.75	750.00	1,302.75
Annual Licence Fee	\$2,138.00		

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DEFINITIONS

“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/>

“Estimated Particulars” means the particulars available to COTT at the date of estimation, 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 a part of an event or entertainment.

“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.

“Pavement or Forecourt music” means music performed by means of a loudspeaker or other apparatus installed outside the individual shop but controlled from within.

“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.

“Shop Space” means the floor area measured from wall to wall of the whole or part of the premises to which the public are admitted and in which the music is audible.

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 the square footage of the shop space. The fee is calculated annually and is to be paid in advance.

PAYMENT OF ROYALTIES

The Royalties due under this Tariff are payable on account immediately upon receipt of COTT's invoice.

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.