

FILMS and MUSIC VIDEOS

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

SCOPE OF THE TARIFF

This tariff encompasses the reproduction/recording of works within COTT's Repertoire for the purposes of synchronising with any form of visual media. This tariff is suitable for television programs, news, documentaries, motion pictures, music videos, performance videos, animations, and video games, etc.).

DEFINITIONS

"Adaptation" shall mean the modification of a pre-existing copyrighted work to create another work

"Carnival period" shall mean the musical events and music related activities which traditionally take place during the period beginning on 26 December in any calendar year and ending at midnight on the Tuesday immediately preceding Ash Wednesday in the following year.

"COTT's Repertoire" shall mean all musical works, (including associated literary works) and sound recordings in which the rights to reproduce and to synchronise such works are 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/>

"Featured music" shall mean music which is used in the production and is given prominence in the production.

"Musical work" refers to the lyrics and melody, this is the original creation and is considered copyrighted the moment it is created and fixed in a tangible form [e.g., written]. Musical Works are protected by Copyright.

"Neighbouring rights" are like 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.

"Non-Featured Music" music that is incidental to the overall content of the Production.

"Non-Resident" refers to individuals living outside the territory.

"Production" shall mean any game, video, documentary, film or television programme embodying a work within COTT's Repertoire in time relation with visual images.

"Producer" shall be the person or entity responsible for making of the production.

"Resident" refers to individuals living within the territory.

"Sound Recording" is any aural fixation of the sounds of a performance or of other sounds, regardless of the method by which the sounds are fixed or the medium in which the sounds are embodied but does not include a fixation of sounds and images. Sound Recordings are protected under Neighbouring Rights.

GENERAL TERMS and CONDITIONS

- Licences under this tariff shall be granted by COTT on a non-exclusive basis only.
- Application and payment for a licence must be made in advance of the production and / or before any copies are distributed.
- This tariff only covers works in COTT's Repertoire. The rights in all other musical works and sound recordings are specifically excluded and, if required, the authorisation from such owners must be obtained by the Licensee themselves.
- This tariff and any licence granted under it shall be subject to the terms and conditions of COTT's **SYNCHRONISATION LICENSING AGREEMENT**.

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ROYALTY RATES

01 REPRODUCTION				
(a) AUDIO -VISUAL PRODUCTIONS Applicable for the reproduction of COTT's Repertoire for use in audio-visual productions	FEATURED		NON-FEATURED	
	COPYRIGHT	NEIGHBOURING RIGHTS	COPYRIGHT	NEIGHBOURING RIGHTS
For each 30 seconds or part thereof in each Production				
RESIDENT	TT\$528.00	TT\$422.40	TT\$264.00	TT\$211.20
NON-RESIDENT	US\$396.00	US\$316.80	US\$198.00	US\$158.40

(b) CARNIVAL FOOTAGE Applicable for the recoding of COTT's Repertoire performed during the Carnival period.	FEATURED		NON-FEATURED	
	COPYRIGHT	NEIGHBOURING RIGHTS	COPYRIGHT	NEIGHBOURING RIGHTS
PRODUCTION COMPANIES	TT\$4,600.00	TT\$3,700.00	TT\$2,760.00	TT\$2,220.00
PRIVATE – NON-COMMERCIAL USE			TT\$700.00	TT\$520.00

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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02

DISTRIBUTION

Applicable to DVDs, tapes, digital copies or any other form of audio-visual media containing COTT's Repertoire and synchronised with visual imagery.

COMMERCIAL COPIES

includes retail sale, streaming, or available for downloading on a digital platform primarily for commercial exploitation

SALE PRICE X 8% X MUSIC CONTENT X NUMBER OF COPIES
MANUFACTURED

COMPLIMENTARY COPIES

copies available for distribution at no cost.

Up to 100 Copies - **TT\$462.00**

For each additional Copy over 100 copies – **TT\$7.62**

03

IMPORTATION

Applicable to productions done outside the territory

The fee for importation shall be fixed at **TT\$2,500.00.**

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SYNCHRONISATION RIGHTS

also known as "Sync" rights, are the rights to include a piece of music in a production where the music is paired/timed with other media. This can include television and radio

programming, commercial advertising, music streamed in the background of a website, and any other situation where music is combined with another form of visual media.

The prior consent of the copyright owner(s) is required unless the music is Production Music. If a program or production has been commissioned by a broadcaster, you should first check with the broadcaster to determine if their "blanket" **Broadcast License** with COTT will cover the program in question.

When programs need to be licensed individually outside of a blanket license, some rights holders may choose to license the production company directly. Other rights holders have mandated COTT to license works on their behalf. If COTT is unable to arrange licenses, we will be able to direct licensees to the relevant copyright owner.

PRIOR APPROVAL AND APPLICABLE FEES FOR THE SYNCHRONISATION OF COTT'S REPERTOIRE.

❖ for **MUSICAL WORK(S)**

Synchronisation licences for the **musical work** are usually administered by the Publisher, or if the song is not published, the Songwriter(s). Therefore, you will need to inform us which composition(s) you intend to use.

If the composition is owned by a member that has granted a synchronisation mandate to COTT, we will contact the member with details of your request and attempt to obtain approval on your behalf and agree acceptable licensing terms with the member. [\[See Information Request Application Form\]](#)

The member will either approve or reject the use of their music in your Production and we will inform you of their decision. If the request has been successful, we will confirm the Licence Fee.

After you have confirmed you still intend to use the work, we will raise an invoice. Once the invoice has been paid, we will issue you with a Synchronisation Licence Agreement to use the work under the approved terms.

Where the lyrics of the composition are to be adapted the minimum fee for such *adaptation* shall be **TT\$ 5,500.00**.

If the work is controlled by a member that has not granted a synchronisation mandate to COTT, we will inform you which member you need to get permission from and give you the contact details for that member.

❖ for **SOUND RECORDING(S)**

If you are using the original **sound recording** i.e. ["the master"], you will need a licence from owner(s) of the sound recording. This may be a record company and/or artist who released the recording. Rights connected with sound recordings are often called the Master Rights and they are owned and controlled by the Record Producer or Master Rights Owner.

The Licensee must obtain the necessary permission in writing from the owner of "the master".

Where the owner of "the master" has authorised COTT to negotiate a fee for the right to *adapt* the recording the minimum fee shall be **TT\$5,500.00**.

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PAYMENT PARTICULARS

For the avoidance of doubt any synchronisation and /or adaptation fees negotiated with COTT or the directly with the owner(s), shall be payable in addition to the Reproduction and where applicable Distribution and/or Importation fees in the table(s) above.

The royalties due under this tariff are payable on account immediately upon receipt of COTTs invoice.

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 above the rates set out in the table above having regard to factors which include, but shall not be limited to: -

1. percentage change by which the retail prices index published by the central statistical office change when compared with the figure for the previous year.
2. whether music is used as a vocal rendition or merely instrumental
3. whether music is used as background or foreground music
4. whether the intended use relates to how the composition was originally presented to the public

