

MECHANICAL REPRODUCTION

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1 SCOPE OF THE TARIFF

This tariff covers the reproduction of works in COTT's Repertoire by companies/individuals that manufacture or distribute audio-only products for retail sale in Trinidad and Tobago.

2 DEFINITIONS

"COTT Content" shall mean number of tracks embodying a work in COTT's Repertoire divided by the total number of tracks in the product.

"COTT 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.

"Commercial Sales" means the act of selling the product to third parties at in-person retail outlets, or online.

"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/>

"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.

"Retail Selling Price" means the price the customer pays for the product, excluding VAT and any other taxes.

"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.

3 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 manufacture or importation.
- 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.
- Licenses issued under this tariff allows the Licensee to:
 - Manufacture audio-only products
 - Distribute audio-only products for retail sale
- This tariff and any licence granted under it shall be subject to COTT's **Standard Terms and Conditions for Manufacture.**

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ROYALTY RATES FOR REPRODUCTION and IMPORTATION OF COTT'S REPERTOIRE

AUDIO ONLY PRODUCTS	PHYSICAL PRODUCTS	DIGITAL / NON-PHYSICAL
	<p>6% of the RSP x number of units x COTT Content</p> <p>Subject, in the case of distribution of Records via retail stores, to a minimum royalty based on a RSP of TT\$85.00 per unit and, in the case of distribution of Records direct to the public, to a minimum royalty based on a RSP of TT\$50.00 per unit.</p>	<p>5% of the Licensee's annual gross revenue, payable every 6 months, subject to a minimum fee</p>

RSP = Suggested Retail Selling Price in Trinidad and Tobago

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 fees in the table(s) above.

The royalties due under this tariff are payable on account immediately upon receipt of COTT's 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

REGISTERED OFFICE:
BRANCHES:

139 - 141 Abercromby Street, Port of Spain
15B Carib Street, San Fernando
19 Dutch Fort, Lal's Building, Scarborough, Tobago

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