



Instruction to the Statutory declaration of the Producer of Phonograms

In the Statutory declaration of the Producer of Phonograms, summary information is provided, the details of which are then elaborated in Excel attachments (Form A and B).

Please specify the income from the Statutory declarations of producers resulting from the sale of domestic (i.e., Czech and Slovak) repertoire and foreign repertoire for each individual recording or album. This information should be provided in both Form A and Form B. The determining criterion for distinguishing domestic and foreign repertoire is **the country of the first owner (producer) of the recording**, not the country of origin of the authors or performers involved in the recording.

Income should always be stated without VAT and in the currency in which you received it. For income received in a foreign currency, INTERGRAM will convert it into Czech Crowns (CZK) according to the average exchange rate of the Czech National Bank (ČNB) for the year 2023.

Which incomes can be stated in the Statutory declaration (resp. its annexes) for **the year 2023**?

Form A:

To claim the remuneration, please include the information about the total income associated with **the sale of carriers of phonograms** distributed for the purpose of separate sales or direct retail sales **to end consumers** in the territory of the Czech Republic in 2023, including the income from **digital sales of phonograms**, i.e., digital downloads in the territory of the Czech Republic. Downloading a recording means the paid creation of a permanent or temporary copy of the recording in electronic form.

Income that can be submitted in the Statutory declaration:

- only income from the sale of **carriers of phonograms** and from a digital sale of **phonograms**, not of *audiovisual fixations*. Under the § 75 of the Copyright Act, phonogram is exclusively by hearing perceivable fixation of the sounds of the performer's performance or of other sounds, or the expression thereof. It means that also a spoken word (audio books) may be included in the Declaration.
- In case of combination of the sale of carriers of phonograms and audiovisual carriers (CD or online) and other products (books, DVDs, merchandise, etc.), only the income connected to the sale of carriers of phonograms may be included in the Declaration.
- income from the sale of **the so-called premiums**. This only applies for the case that these carriers, originally attached to publications, have been sold separately (not together with the publication).



- income from the sale of carriers of phonograms and from digital sale of phonograms only in the territory of **the Czech Republic**. Consequently, the Declaration does not apply to sales outside the territory of the Czech Republic.

In the Affirmation "Form A", specify the income broken down by individual titles/carriers/digital recordings. In the column "**Protection restricting the reproduction possibility**", indicate whether the title **was (state "YES")** or **was not (state "NO") equipped with** protection restricting the reproduction possibility. This protection means any software or hardware precaution, which makes making a copy of a phonogram fixed on the carrier difficult.

Form B:

To claim the remuneration, please include the total income from **on demand streaming of phonograms and audiovisual use of phonograms** (i.e. YouTube) only in the territory of the Czech Republic, which are not licensed through INTERGRAM.

Therefore, this Declaration does not apply to on demand streaming outside the territory of the Czech Republic.

Streaming means one-time playback of music from the Internet on demand, where no downloading takes place. In this case, there is no creation of a permanent or temporary copy of a recording in electronic form.

In the Excel attachment "Form B," list the income individually for each recording/digital recording (track). Divide your income into the appropriate columns depending on whether it is income from on-demand streaming of phonograms or audiovisual uses of phonograms.

What income **CAN NOT** be stated in the Statutory declaration?

Income from distribution contracts (i.e. income where you have granted licence for the reissue of your recordings or their online distribution to another entity – distributor). This also applies if the remuneration is determined by a share of income. Distributors should declare this income in the Statutory declaration themselves, but you can separately negotiate a share of their income from the Statutory declaration.

So, if a third party, especially for digital distribution, labels your recordings with their ISRC code for this purpose, they are most likely declaring these recordings in the Statutory declaration themselves, and you should not include them. However, it is always necessary to verify this with the distributor himself.

How to submit the Statutory declaration to INTERGRAM?

A scan of the signed Declaration together with the **annexes filled in excel file** can be sent by an e-mail (vyrobci@intergram.cz) or via Rightholders' Portal (<https://portal.intergram.cz/>)