



Instruction to the Statutory declaration of the Producer of Phonograms

Which incomes can be stated in the Statutory declaration (resp. its annexes) for **the year 2022**?

Form A:

Form covers the incomes connected to the sale of carriers of phonograms distributed for the purpose of separate sale or to the direct retail sale to the end consumers in the Czech Republic and the incomes connected to a digital sale of phonograms, i.e. digital downloading.

Amounts have to be indicated net without VAT and in the currency in which you have received it. Incomes submitted in the foreign currency will be converted into CZK by INTERGRAM according to the average exchange rate of the Czech National Bank for the year 2022.

Incomes that can be submitted in the declaration:

- only incomes 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 + DVD) only the incomes connected to the sale of carriers of phonograms may be included in the declaration.
- incomes from the sale of **the so-called premiums**. This only applies for the case that these carriers, originally inserted into print, have been sold separately (not together with print).
- incomes from the sale of carriers of phonograms and from digital sale of phonograms only **within the Czech Republic**. Consequently, the Declaration does not apply to sales outside the Czech Republic.

Downloading means a chargeable creation of a permanent or temporary copy of a phonogram.

Data should be provided by individual titles/carriers/digital recordings in the declaration.

In the Affirmation "Form A", please indicate in the column "**Protection restricting the reproduction possibility**", 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:

Form covers the incomes from on demand streaming of **phonograms and audiovisual use of phonograms (i.e. YouTube)** only in the territory of **the Czech Republic, that are** not licensed through INTERGRAM. Therefore, this Declaration does not apply to on demand streaming outside the Czech Republic. Streaming means playing music directly from the Internet on demand without the necessity to download the recordings. In this case a creation of permanent or temporary reproduction of a recording in an electronic form is not established.

In the Statutory declaration of the Producer of Phonograms for the year 2022 data should be provided by individual titles/digital recordings in appropriate columns (separately the incomes from on demand streaming of phonograms and on demand streaming of phonograms included in an audiovisual work).

Amounts have to be indicated net without VAT and in the currency in which you have received them. The incomes received in foreign currency will be converted into CZK by INTERGRAM according to the average exchange rate of the Czech National Bank for the year 2022.

Which incomes **CAN NOT** be stated in the Statutory declaration?

Incomes from distribution contracts (i.e. incomes where you have granted right to the third party – distributor – a license to re-release your recordings or to distribute them online). This also applies if the remuneration is determined by a share of income. These incomes may be claimed in the Statutory declaration only by the distributor.

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 „Website for producers“ (<https://www.vyrobci-intergram.cz/en/>).