

## Information and explanatory notes to the Affirmation of the Producer of Phonograms

### Which incomes may be included in the Affirmation for the year 2019?

#### **Form A:**

According to the Accounting Rules of INTERGRAM the Affirmation of the Producer of Phonograms (form A) applies to the incomes connected to the sale of carriers of phonograms distributed for the purpose of separate sale or to a direct retail sale to the end consumers in the Czech Republic, and to the incomes connected to a digital sale of phonograms, i.e. digital downloading.

**Amounts have to be indicated net excluding VAT and in the currency in which you have received it. For the income received in foreign currency please fill the nominal amount of this income in the currency in which you have received it. The income submitted in the foreign currency will be converted into CZK according to the average exchange rate of the CNB (Czech National Bank) for the year 2019 by INTERGRAM.**

In the Affirmation may only be included incomes from the sale of carriers of **phonograms** and from a digital sale of **phonograms** but not incomes from audio-visual fixations. Under the § 75 of the Copyright Act, phonogram is a fixation of sounds of a performance of a performer or of other sounds, or of their expression exclusively perceivable by hearing, i.e., for example, a spoken word (audio books) may be included in the Affirmation. In case of combination of the sale of carriers of phonograms and audio-visual carriers (CD + DVD), only incomes connected to the sale of carriers of phonograms may be included in the Affirmation.

In the Affirmation the incomes from the sale of **the so-called premiums** can be included as well. But this applies only for the case that these carriers, originally inserted into print, have been sold separately (not together with print).

In the Affirmation may be included incomes from the sale of carriers of phonograms and from digital sale of phonograms only within **the Czech Republic**. Consequently, the Affirmation doesn't apply to sales outside the Czech Republic.

Downloading of phonogram means a chargeable creation of permanent or temporary copy-phonogram in the electronic form on demand.

In the Affirmation form of producer of phonograms for the year 2019 data should be listed in division according to individual titles/carriers/digital recordings.

In the Affirmation „Form A“ in the column **Protection restricting the reproduction** possibility, indicate whether the title **was equipped** with protection restricting the reproduction possibility (**indicate „YES“**) or **wasn't equipped** with protection restricting the reproduction possibility (**indicate „NO“**). The protection restricting the reproduction possibility is a software precaution, which makes making a copy of phonogram fixed on the carrier difficult.

#### **Form B:**

The Affirmation of the Producer of Phonograms „Form B“ applies to incomes from on demand streaming of **phonograms and audiovisual use of phonograms (i.e. You Tube)** only in **the Czech Republic** not licensed by means of INTERGRAM.

This Affirmation does not apply to on demand streaming outside the Czech Republic.

Streaming means disposable music playing from the Internet on its demand without being completely downloaded first. In this case a creation of permanent or temporary reproduction of a record in an electronic form is not established.

**In the Affirmation form of the Producer of Phonograms for the year 2019 data should be listed in division according to individual titles/digital recordings and separately in appropriate columns the incomes from on demand streaming of phonograms and separately from audiovisual use of phonograms.**

**Amounts have to be indicated net excluding VAT and in the currency in which you have received it. For the income received in foreign currency please fill the nominal amount of this income in the currency in which you have received it. The income submitted in the foreign currency will be converted into CZK**

according to the average exchange rate of the CNB (Czech National Bank) for the year 2019 by INTERGRAM.

**The annexes to the Affirmation**

The annexes to the Affirmation „Form A“ and „Form B“ are also possible to send in the format xls to email: [vyrobci@intergram.cz](mailto:vyrobci@intergram.cz). The annex forms are available on the website [www.intergram.cz](http://www.intergram.cz), in the section „Forms → Member - Producers of Phonograms“.

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