

# MUSIC DVD

## Recommendation - 11/2006

In accordance with the Article 7 of the BIEM Statutes, the Management Committee recommends the Collecting societies to apply the same rate as for audio products to music video DVD, but given the current state of the market regarding prices, content, volumes, the desired level of the royalty should be a **minimum net rate of 7% on the PPD or 5,75% on the fixed or suggested retail price**. This rate will be regularly reviewed in light of the changes in the framework of the market situation.

The following shall also be taken into consideration:

- **no pro-rating other than in relation to musical works and / or any other category of work entrusted to the BIEM member for management of the mechanical reproduction rights;**
- **local conditions should apply as appropriate subject to the following:**
  - § **limitations in relation to works and fragments and their duration should be reasonable and take into account the technical specificities of the carrier;**
  - § **any minimum royalty should reflect the local market situation;**
  - § **no allowance shall be granted for TV advertised products, a reference should be made to the decision of the German Schiedsstelle (dated 6 November 2000) to support this position.**
  - § **any returns provisions must be reasonable.**

The Management Committee acknowledges that in some specific territories, the jurisdiction, negotiations and legislation could allow for a revision upwards of the rate in case the market situation changes.

Nothing in this recommendation should prejudice the current position of the societies in the current application, revision or negotiation of their tariffs.

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