

Terms of Protection detail

CUBE Data Policy Overview



ICE

Accuracy. Transparency. Collaboration.

CUBE Data Policy | Rules to calculate a share picture

CUBE takes the claims registered in a CWR and stores them along with relevant agreement data. When there are matching registrations, the system will reconcile the conflicting data and will use this reconciled data to calculate share pictures.

CUBE system logic

To calculate the Share Picture, CUBE will consider who is calling the data (Distribution Society) and the territory to apply the relevant Society Share Rules.

If the work is **not fully protected**

Apply the rules of the Distributing Society

If the work is **fully protected** and the Distributing society **has an interest**

Apply the rules of the Distributing Society

If the work is **fully protected** and the Distributing society **does not have an interest**

Apply the rules of the ICE Society that does have an interest, or apply the rules of the Share Division Owner

For when one (or more) creator(s) is deemed to be in the public domain ICE will apply the Terms of Protection.

Rules and share pictures

The common rules and any specific Customer Society Rules are applied to either the **Ownership Share Picture** or the **Payment Share Picture**.



In **Ownership Share Pictures**, CUBE applies Grading (Local Attribute), Terms of Protection, and shares for a creator with a sub-role (i.e. Arranger, Translator) where Society Rules apply



In **Payment Share Pictures** CUBE applies the specific rules for a Society when they make a distribution, including Counterclaim Share Rules and any redirection of shares to support the distribution



Counterclaims also impact the Share Picture, for example in the **Ownership Share Picture** you will see all claims, whilst in the **Payment Share Picture** CUBE will apply necessary overrides depending on the counterclaim status, or ensure shares are payable to the First Claimant until it is supported

CUBE Data Policy | Rules to calculate share picture

When calculating a share picture, CUBE will take into account a number of different rules and data points. Depending on the nature of the request, this process could include the Terms of Protection and Share of Division Owner.

Terms of Protection

When is a party protected?

- 1 The party is a **legal entity**, or
- 2 The **party is alive**, or
- 3 Protection date for that party is **after distribution date**

When is a Work considered Fully Protected?

- 1 **All writers** are still protected, or
- 2 **At least one** of the writers is still protected, and the work consists of a music and text element and **these were both written at the same time** to be one work

Calculating Terms of Protection

Where a work is not fully protected, ICE's common rules apply a standard calculation for protection based on two classifications:

MTN

Music and Lyrics are deemed to have been created separately – in this case the system calculates the term for each role based on the last surviving creator in each role (i.e. composer role / author role)

MTX

Music and Lyrics are deemed to have been created as a joint work – the system will calculate the term on the whole work based on the last surviving creator regardless of role

Share Division Owner

When calculating the Share Picture, we calculate the Share Division Owner (SDO). To define the SDO, the system will go through the following steps:

- 1 **Evaluate the affiliation and protection status of each party on the work**
Terms of Protection takes the share picture territory and usage date/distribution date to work out the society affiliation of each party for their mechanical and performing right
- 2 **Assign points to each Creator role**
If the identified creator has a **performing affiliation** (they are neither Non-Society nor Public Domain), then we assign the corresponding role points to that Society
If the identified creator has a **mechanical affiliation** (they are neither Non-Society nor Public Domain), then we assign the corresponding role points to that Society
The points assigned to the creators for each Society affiliation in the work are totaled
- 3 **Assign the SDO**
To assign SDO we use the following rules:
 - A | If no affiliations are found (all Creators are '099' or '000') then SDO = '099'
 - B | If a single Society has the greatest number of points, then they are the SDO
 - C | If more than one society has the same number of points, then the ICE customer society is the SDO
 - D | If no society is an ICE customer or there are more than one with the same number of points, then the society name highest in the alphabet is the SDO (A to Z)

Terms of Protection | Overview

The Term of Protection is the period during which a musical work, and/or component of a musical work, is protected under the relevant copyright legislation. Term of Protection is an important part of the calculations CUBE makes to determine an accurate share picture.



Term calculation

When a party is alive, they are simply protected by default. However, after the death of a party the protection date is calculated as the Date of Death + the Years Protection Period. The 'Years Protection Period' may be different depending on the territory, however most countries follow a couple of standard durations of protection*



Term application

When a share picture is required for a work where one or more of the writers is deceased, CUBE will automatically calculate the Term of Protection for each deceased writer by applying the relevant copyright legislation for the territory in which the usage of the work takes place at a given point in time



CUBE versus IBM

CUBE, like IBM, calculates the Term of Protection automatically. The main difference is that IBM applied the Protection Period that is associated with the Distribution Society, whereas CUBE applies the Protection Period that is associated with the Territory of Usage, regardless of which society is making the distribution

* See Appendix for further details.

Extended Terms of Protection

Under the Terms of Protection principles outlined in the CUBE Data Policy, the writers of a work can receive an extended period of protection through two different mechanisms, the text/ music relationship or Copyright Overrides.



Text/ Music relationship (TXTMUR)

The text/ music relationship determines that a writer will be treated as fully protected where either:

- I. Other writer(s) in the same role on the work are also protected, or
- II. At least one of the writers (composer or author) is still protected, and the work consists of both a music and text element, and these two elements were written at the same time, therefore, one term applied to all of the writers



Copyright Override

This refers to a user setting an alternative Term of Protection date on the system. The copyright override date can be specified for a specific creator or all creators on the work. It is set for a specific Distributing Society and may apply only for usage in certain territories. This is to cover exceptions such as War Extensions, Posthumously Published Works, Production Music Recordings of Public Domain Works (where the Copyright registration covers the rights in the musical work and the recorded work), application of US Term extensions, etc.

Extended Terms of Protection

Under the Terms of Protection principles outlined in the CUBE Data Policy, the writers of a work can receive an extended period of protection through two different mechanisms, the text/ music relationship or Copyright Overrides.

Text/ Music relationship (TXTMUR)

The correct application of the TXTMUR attribute is based on whether a work's words and music were created together or independently as this will determine which roles will receive extended protection.



A musical work with text where both music and text were created together

All composer(s) and author(s) of the work will be protected until the Term of Protection for the last surviving creator on the work expires



A musical work with text where the two parts were created independently

The music and lyrics have separate terms therefore the composer(s) and author(s) of the work will be protected until the Term of Protection for the last surviving composer and author expires, respectively

Applying the TXTMUR relationship

There are three possible TXTMUR values:

1

MTX | Both music and text were created together for the work

2

MTN | Music and text were created independently for the work

3

Blank | Treated the same as MTN. This is where no value has been registered to ICE

- The TXTMUR attribute should be supplied by the music publisher or writer representatives as this field was only introduced into CWR registrations under 10 years ago and is therefore not present in all relevant works
- ICE Customers are expected to review works in the database and ensure the correct values are applied to the works (i.e., dates of birth and death)
- When calculating whether a creator is to receive an Extended Terms of Protection from the protected creators on a work, CUBE validates that the creator and protected creator were alive at the same time. Therefore, if the protected IP has no date of birth registered, CUBE won't be able to consider this in the calculation

Copyright Overrides

The Copyright Override allows customers to override the calculated Term of Protection Dates. There are two types of override:

1

Work Level

The override date will apply to all IPs on the work

2

IP level

The override will apply to only the specific IP

Copyright Override rules

1

Each Copyright Override is specific to a Distribution Society and will only be applied when that Distribution Society calls the work

2

When setting an override, the user must define the territories the override covers and the date until which the override applies

3

If the work level or IP level override date is later than the Calculated Protection Date for a writer, then it amends and extends their Calculated Protection Date

4

If the IP level override date is earlier than the Calculated Protection Date for a writer, then it is applied, even if it shortens the Calculated Protection Date (no impact at work level)

Appendix

CUBE Data Policy Overview



Accuracy. Transparency. Collaboration.

CUBE Data Policy | Work statuses and mastering

CUBE applies a number of different rules when merging work metadata. The table below summarises the different rules used when merging work data.

Work Attribute	Incoming is higher authority	Target is higher authority	Incoming/ target are the same authority
Titles	Incoming Original Title (OT) should, if different, replace OT on Target. The OT on Target will be added as an alternative title (AT). Exception: If Target is Status 4, then OT on Target should be added with new title type of 'Usage Title' (UT).	Original title should be retained. If different, the OT on the Incoming work will be added as an alternative title (AT) on the Target. Exception: if Incoming is Status 4, then OT on Incoming should be added with new title type of 'Usage Title' (UT).	Original title should be retained. If different, the OT on the Incoming work will be added as an alternative title (AT) on the Target. Exception: if Incoming is Status 4, then OT on Incoming should be added with new title type of 'Usage Title' (UT).
Xrefs		All values retained	
WSM		All values retained	
Duration		Highest duration retained	
Origin		Value taken from newest work	
Source		N/A - Value is calculated	
Status		N/A - Value is calculated	
Text Music relationship		Value with highest authority is retained, where equal highest authority then the 'oldest' value is retained	
Language		Value with highest authority is retained, where equal highest authority then the 'oldest' value is retained	
Owner		N/A - Value is calculated	
Version		N/A - Value is calculated	
Lyric adaption		Value with highest authority is retained, where equal highest authority then the 'oldest' value is retained	
SDO		N/A - Value is calculated	
Purpose		Incoming value replaces target unless the target is 'LIB'. 'LIB' should always be retained as the value	
Genre		Value is taken from the source works according to the highest position in the hierarchy: 1. Serious, 2. Jazz, 3. Pop, 4. Unconfirmed	
Music arrangement		Value with highest authority is retained, where equal highest authority then the 'oldest' value is retained	
Category		Value taken from source works according to the highest position in hierarchy: 1. COS, 2. EXC, 3. MED, 4. POT, 5. Blank	
Publication data		Earliest date retained. Default value (1900-01-01/) may be overwritten by any other incoming value except blank	
Extended TOP		All values retained where different dates for the same territory/society scope the latest date only retained	
Instrument		All values retained	
Other Party		All values retained	

Terms of Protection | Protection periods

Most countries in the world follow standard durations of protection. The rules in the table below have been implemented in CUBE for the each TisN code.

Protection period	TisN code(s)
50 years	Default
70 years	8, 20, 32, 36, 40, 44, 51, 56, 70, 76, 100, 124, 144, 152, 188, 191, 196, 203, 208, 212, 214, 218, 233, 246, 250, 268, 276, 288, 300, 336, 348, 352, 360, 372, 376, 380, 392, 408, 428, 438, 440, 442, 450, 470, 498, 499, 508, 512, 528, 558, 566, 578, 600, 604, 616, 620, 642, 643, 678, 686, 688, 702, 703, 705, 724, 752, 756, 792, 804, 807, 826, 840, 854
0 years	232
25 years	434
30 years	887
60 years	356,862
75 years	320, 340, 670, 882
80 years	170
95 years	388
99 years	384
100 years	484