



# **TARIFF**

## **BERMUDA**

**Effective from 31st July 2017**

### **1 GENERAL CONDITIONS**

- 1.1. For the first year of any licence the royalty will be 50% above the standard royalty. This is to defray the setting-up costs of the licence, but the Society may, at its discretion, reduce this additional royalty or charge the standard annual royalty where the licensee has co-operated to the full in seeking and obtaining the licence in good time.
- 1.2. The tariff is published for general information; publication does not constitute an offer to grant a licence. The royalty applicable to any performance or series of performances will be determined by the Society on the basis of all the relevant circumstances. In particular, this tariff is not intended to be exhaustive and for performances which in the Society's opinion fall outside those contemplated below, rates will be quoted on application.
- 1.3. An applicant for a licence must give whatever information is necessary to enable the Society to determine the royalty, either in terms of this tariff or otherwise if inappropriate.
- 1.4. The Society reserves the right, without notice, to increase the monetary rates in this tariff from time to time provided that cumulatively those increases shall not exceed contemporary increases in the official Consumer Price Index to the previous July.
- 1.5. Royalties are payable annually in advance against the Society's invoice, at the commencement of each licence and then on each renewal date for the licence as invoiced, or as soon after that date as the invoice is delivered.
- 1.6. For performances given in church halls, schools and similar premises operated or otherwise not for profit by voluntary persons the Society will at its discretion allow a rebate of one-third on royalties payable under this tariff.

## ROYALTY RATES

(Where the \$ currency symbol is used in this tariff it refers to the Bermudan Dollar)

### 2 FEATURED MUSIC (LIVE OR RECORDED)

- 2.1. For concerts, cabaret, variety, karaoke, dances and discotheques, the charge will be...

**First Year  
Royalty**

**Standard  
Royalty**

6% of  
admission  
receipts

4% of admission  
receipts

OR (if receipts are not ascertainable) the charge will be....

6% of annual  
expenditure  
on the  
provision of  
music by  
performers

4% of annual  
expenditure on  
the provision of  
music by  
performers

OR (if annual expenditure is not ascertainable)

the charge per event for the first 100 persons capacity or per 400 square feet of the venue will be.....

\$15.09

\$10.06

and for each 25 persons capacity or 100 square feet thereafter.....

\$3.84

\$2.56

The **MINIMUM CHARGE** for a licence or permit is.....

\$52.24

\$34.82

- 2.2. For music played during the course of cinema screenings (whether the music is performed by sound track or otherwise) the charge will be a percentage on all receipts for admissions and for the screening of advertisements, of ...

1.5%

1%

- 2.3. For video or cinema performances in a room or place which is normally used for other purposes but which is being specially used for the purpose of video or film shows and with seating arranged accordingly (whether or not a charge is made for admission) the charge per session for the first 100 persons capacity is.....

\$7.55

\$5.03

and per 25 persons capacity (or part thereof) thereafter.....

\$2.03

\$1.36

	<b>First Year Royalty</b>	<b>Standard Royalty</b>
2.4. For aerobic and keep fit classes and for dancing classes, the charge per event is.....	\$6.37	\$4.25
2.5. For background music at boxing, wrestling and similar sports events or at bingo sessions the charge per session for the first 100 persons capacity is.....	\$6.37	\$4.25
and per 25 persons capacity (or part thereof) thereafter.....	\$1.68	\$1.12
<b>3 INDOOR EXHIBITIONS TRADE AND FASHION SHOWS etc.</b>		
For performances of music at indoor events such as exhibitions, trade & fashion shows, the DAILY royalty is as follows:		
Floor area of room (measured from wall to wall) - Sq. Ft.		
Up to 1,000.....	\$38.90	\$25.94
1,001 - 1,500.....	\$58.06	\$38.71
1,501 - 2,000.....	\$77.77	\$51.85
Over 2,000.....	\$96.93	\$64.62
<b>4 JUKE BOXES</b>		
The annual royalty per machine is:		
<b>4.1. Audio Juke Boxes</b>		
Up to 30 seating capacity.....	\$626.88	\$417.92
Each additional 20 seating capacity (or part thereof).....	\$232.17	\$154.78
<b>4.2. Video Juke Boxes</b>		
Up to 30 seating capacity.....	\$835.82	\$557.22
Each additional 20 seating capacity (or part thereof).....	\$313.44	\$208.96

	<b>First Year Royalty</b>	<b>Standard Royalty</b>
<b>5 BACKGROUND MUSIC IN LOUNGES, WAITING AREAS OR SIMILAR ROOMS WHERE SEATING IS PROVIDED; ON MOTOR COACHES, AND IN OTHER SIMILAR CIRCUMSTANCES</b>		
<b>[for BARS, RESTAURANTS AND DINING AREAS OR SIMILAR ROOMS WHERE SEATING IS PROVIDED see Eating and Drinking Establishment Tariff ]</b>		
The annual royalty PER ROOM for performances by the following is:-		
<b>5.1. Terrestrial Television (without video)</b>		
Up to 30 seating capacity.....	\$156.73	\$104.49
Each additional 20 seating capacity (or part thereof).....	\$104.49	\$69.66
<b>5.2. Cable and/or Satellite Television (without video)</b>		
Up to 30 seating capacity.....	\$208.97	\$139.31
Each additional 20 seating capacity (or part thereof).....	\$143.94	\$95.96
<b>5.3. Radio</b>		
Up to 30 seating capacity.....	\$156.73	\$104.49
Each additional 20 seating capacity (or part thereof).....	\$104.49	\$69.66
<b>5.4. CD and/or Record and/or Tape Player</b>		
Up to 30 seating capacity.....	\$313.44	\$208.96
Each additional 20 seating capacity (or part thereof).....	\$195.03	\$130.02
<b>5.5. Music Centre and/or Radio Cassette Player</b>		
Up to 30 seating capacity.....	\$464.34	\$309.56
Each additional 20 seating capacity (or part thereof).....	\$287.89	\$191.92

	<b>First Year Royalty</b>	<b>Standard Royalty</b>
5.6. <b>Video Player</b> (with or without television facilities through the same screen) except performances where there are special seating arrangements for viewing, or when the player is used for discotheque performances:		
Up to 30 seating capacity.....	\$313.44	\$208.96
Each additional 20 seating capacity (or part thereof).....	\$195.03	\$130.02
<b>6 BACKGROUND MUSIC PERFORMED BY ANY MEANS IN SHOPS, STORES AND CONCOURSES, AND IN FOYERS AND OTHER CIRCULATING AND MISCELLANEOUS AREAS</b>		
The annual charge, subject to section 7.1. below, is:-		
Area of Premises where music audible - Sq Ft		
Up to 500.....	\$313.44	\$208.96
500 - 1,000.....	\$464.34	\$309.56
1,001 - 2,000.....	\$626.88	\$417.92
2,001 - 3,000.....	\$783.61	\$522.41
3,001 - 4,000.....	\$940.32	\$626.88
4,001 - 5,000.....	\$1,097.03	\$731.35
5,001 - 7,500.....	\$1,253.76	\$835.84
7,501 - 10,000.....	\$1,413.95	\$942.63

	<b>First Year Royalty</b>	<b>Standard Royalty</b>
For each additional 1,000 Sq Ft (or part thereof) add.....	\$156.73	\$104.49
Where a speaker is situated so that the performances are audible outside of the premises the area of the premises is deemed to have been increased by 1,000 Sq Ft.		
6.1. Where the sole means of performance on the licensed premises is a single portable transistor radio, with or without a tape-player incorporated in it and with wholly integrated speaker(s), or a single television receiver with a screen no greater than 26" then the annual royalty is reduced to.....	\$156.73	\$104.49
<b>7 BACKGROUND MUSIC IN FACTORIES, OFFICES, BANKS, CANTEENS &amp; OTHER SIMILAR INDUSTRIAL PREMISES</b>		
For music audible to workers in the above premises the royalty per day for each half-hour (or part thereof) of performance for each unit of 25 employees (or part thereof).....	18.865c	12.577c
A proportionate reduction will be made in the charges when the total no. of employees is fewer than 25, subject to a minimum annual charge of.....	\$464.34	\$309.56
<b>8 MUSIC ON HOLD</b>		
1 - 5 lines.....	\$143.94	\$95.96
6 - 15 lines.....	\$195.03	\$130.02
each 15 lines (or part thereof) thereafter.....	\$52.24	\$34.82

	<b>First Year Royalty</b>	<b>Standard Royalty</b>
<b>9 MOBILE DISC JOCKEYS.....</b>	\$325.05	\$216.70
<b>10 RADIO AND/OR CD AND/OR TAPE PLAYER INSTALLED IN TAXIS/HIRED CARS.....</b>	\$107.97	\$71.98
<b>11 AMUSEMENT MACHINES</b>  (Computer, Video and Other). Playing intermittent tunes or musical "stings"  The annual royalty per machine is.....	\$174.15	\$116.10
<b>12 SERVICE AND OTHER BANDS</b>		
12.1. Bands of the Regular Forces or of civilian services such as Police, Fire Brigades.....	\$775.85	\$517.23
12.2. Pipe, drum or fife bands.....	\$387.92	\$258.62
12.3. Territorial Army or Junior Bands (incl Majorette Troupes).....	\$193.96	\$129.31
<b>13 AIRCRAFT</b>		
<b>13.1. Boarding and/or disembarkation music</b>  The charge per passenger per flight is.....	1.450c	0.967c
<b>13.2. In-flight entertainment music</b>  The charge per passenger who takes up the option of in-flight entertainment music per flight is.....	27.962c	18.642c

## 14 ON ACCOUNT PAYMENTS

Royalties due under tariffs 2.2, 15.1 and 15.2 are payable on account and annually in advance at the start of the licence year. The on account charge will be based on an estimate of the particulars required for calculating the royalty due in respect of the licence year and the charge may be adjusted after the Licensee has furnished the Society with details of the actual particulars required for calculating the royalty due. The actual particulars in respect of any licence year will generally form the estimated particulars for the on account charge for the ensuing licence year, however, should the Licensee fail to furnish the actual particulars, the Society reserves the right to make a reasonable estimate of the particulars and to invoice the Licensee accordingly.

## 15 DEFINITIONS

**aircraft of the licensee** means any aircraft registered in Bermuda on which the licensee does, or (where such acts are otherwise unlicensed by the Society) authorises another to do (in relation to any work within the Society's repertoire) any of the acts restricted by copyright.

**amusement machines (computer, video and other)** means machines known as, for example: amusements with prizes; amusements-with-gift; skill with prize; fruit or gaming machines; games, quiz and similar machines, whether or not capable of being operated by the insertion of a coin or token.

**annual expenditure on the provision of music by performers** means the total of:

gross salaries, gross wages; plus fees, expenses or other emoluments paid to performers (excluding any disc jockeys);  
and gross fees (net of any Value Added Tax or equivalent) paid to third parties for the services of performers.

**audio juke box** means a machine (other than a video juke box) for playing recorded music and capable of being operated by the insertion of a coin or token.

**background music** means music when performed by a compact disc ("CD") player, record player, tape player, or video player otherwise than for featured purposes, or radio or television set operated on the premises or diffused through a loud-speaker from another part of the premises or a source outside the premises.



**boarding and/or disembarkation music** means music within the Society's repertoire, other than in-flight entertainment music, which is performed via loudspeakers, whether or not in conjunction with works outside the Society's repertoire, as passengers board and/or disembark from an aircraft, or while an aircraft is on the ground, or an aircraft takes off or lands.

**capacity** where there is no formal means of calculating the capacity of a room, that capacity is assessed by reference to the maximum number of persons which can reasonably be accommodated in the room, or which is permitted under any regulation by Fire Authorities.

**featured music** means music performed by:-  
performers in person, or  
a record or tape-player primarily for entertainment such as by means of discotheque cinematograph equipment or video player.

**flight** means a journey (with one flight number) made by an aircraft between the first point of take-off and the final point of landing.

**in-flight entertainment music** means music within the Society's repertoire, other than boarding and/or disembarkation music, which is made available, whether or not in conjunction with works outside the Society's repertoire, via headsets or otherwise, to passengers during the course of a flight, whether audio or audio-visual (such as films, videograms, computer programs, or otherwise).

**karaoke performances** means those performances given by unpaid singers in conjunction with specially produced recorded music, with or without the provision of video presented synchronised lyrics.

**music centre and/or radio cassette player** means a combination of units of equipment capable of reproducing sound from more than one source through a single sound system.

**music on hold** means music played by mechanical means attached to a telephone switchboard so as to be audible to incoming callers before they are connected to an internal extension. It does not extend to any music audible on any Premium Rate Service number.

**passenger** means an individual who travels (whether or not for valuable consideration) on an aircraft of the Licensee and, for the avoidance of doubt, includes an employee of the Licensee.

**passenger who takes up the option of in-flight entertainment music** means each passenger who listens to in-flight entertainment music on an aircraft, irrespective of whether such passenger listens to in-flight entertainment music for all or only part of a flight. The total number of passengers who take up the option of in-flight entertainment music is found by taking a percentage of the total number of passengers.

**performers** means singers and performers of musical instruments and includes orchestra conductors or leaders, whether or not they combine in their performance other activities such as dancing or acting as comperes.

**record, compact disc and/or tape-player** means any gramophone, compact disc, tape or cassette-player, or other mechanical/electronic device for playing musical works, except a video player, or a contrivance, such as a juke box, capable of being operated by the insertion of a coin or token.

**the Society** means the Performing Right Society Ltd

**the Society's repertoire** means all and any musical works (including any words associated therewith), the public performing rights in which are controlled by the Society or by any of the societies in other countries with which the Society is affiliated.

**video juke box** means a machine for playing recorded music synchronised with video or similar visual display and capable of being operated by the insertion of a coin or token.

**video player** means any equipment for exhibiting videograms, whether on tape or disc, except video players capable of being operated by the insertion of a coin or token.