

**Belizean Society of Composers Authors Publishers  
(BSCAP)**

**Distribution Rules**

Enacted the 25<sup>th</sup> day of July, 2012

36 Campus Avenue  
West Landivar  
Belize City  
Belize  
Central America

---

## TABLE OF CONTENTS

### PART A GENERAL PROVISIONS

|   |   |
|---|---|
| 1. RELEVANT PROVISIONS OF THE BSCAP CONSTITUTION & THE OBLIGATIONS OF BSCAP ..... | 4 |
| 2. DISTRIBUTABLE REVENUE .....  | 4 |
| 3. RESERVED FUNDS .....   | 4 |
| 4. DETERMINATION OF ROYALTY ALLOCATIONS .....                                     | 4 |
| 5. RETROSPECTIVE CLAIMS AND SELF REPORTING SYSTEMS .....                          | 5 |
| 6. QUANTIFICATION OF MONEYTARY VALUE .....  | 5 |
| 7. DISTRUBITION METHODS .....   | 6 |
| 8. CISAC and Contractual Obligations .....  | 6 |

### PART B COPYRIGHT

#### I PUBLIC PERFORMANCE - RADIO & TELEVISION

|   |    |
|---|----|
| 9. POOL DIVISION .....                        | 7  |
| 10. FREQUENCY & TIMING OF DISTRIBUTIONS ..... | 7  |
| 11. ALLOCATION OF SHARES .....                | 7  |
| 12. MUSIC CLASSIFICATION .....                | 10 |
| 13. DISTRIBUTION PERFORMANCE CREDITS .....    | 11 |
| 14. DISTRIBUTION ACCOUNTS .....               | 13 |

#### II COPYRIGHT – REPRODUCTION RIGHTS

|   |    |
|---|----|
| 15. REPRODUCTION RIGHTS .....                               | 14 |
| 16. DISTRIBUTION METHODS .....                              | 14 |
| 17. UNIDENTIFIED WORKS .....                                | 14 |
| 18. DEDUCTIONS .....  | 15 |
| 19. SOURCES OF REVENUE .....                                | 15 |
| 20. DISTRIBUTION – AUDIO PRODUCTS/AUDIO-VISUAL PRODUCTS ... | 15 |
| 21. INTENTIONALLY DELETED .....                             | 15 |
| 22. DISTRIBUTION – BROADCASTERS .....                       | 15 |
| 23. DISTRIBUTION – ADVERTISING/SYNCHRONIZATION .....        | 16 |
| 24. DISTRIBUTION – ONLINE GENERAL .....                     | 16 |
| 25. DISTRIBUTION – RINGTONES/DOWNLOADS .....                | 16 |
| 26. FREQUENCY AND TIMING OF DISTRIBUTIONS .....             | 16 |

### PART C RELATED RIGHTS

#### I PUBLIC PERFORMANCE, RADIO & TELEVISION

|   |    |
|---|----|
| 27. DEFINITIONS OF ELIGIBLE PERFORMERS .....              | 17 |
| 28. EVIDENCE SUPPORTING CLAIMS OF ELIGIBLE PERFORMANCES.. | 18 |
| 29. SAMPLED RECORDINGS .....                              | 18 |
| 30. POOL DIVISION .....                                   | 19 |
| 31. FREQUENCY & TIMING OF DISTRIBUTIONS .....             | 19 |
| 32. ALLOCATION OF SHARES .....                            | 19 |

|  |    |
|--|----|
| 33. NOTIFICATION OF SHARES AND RE-ALLOCATION OF RELATED RIGHTS<br>SHARES ..... | 20 |
| 34. MUSIC CLASSIFICATION .....   | 20 |
| 35. DISTRIBUTION PERFORMANCE CREDITS .....                                     | 21 |
| 36. DISTRIBUTION METHODS.....  | 22 |
| 37. UNLOGGED PERFORMANCE ALLOCATION (UPA) .....                                | 22 |
|  |    |
| II DUBBING/DUPLICATION   |    |
|  |    |
| 38. INTENTIONALLY DELETED  |    |
| 39. DISTRIBUTION METHODS .....   | 23 |
| 40. UNIDENTIFIED WORKS .....   | 23 |
| 41. DEDUCTIONS .....   | 23 |
| 42. SOURCES OF REVENUE .....   | 23 |
| 43. DISTRIBUTION METHODS .....   | 24 |
|  |    |
| III RECORDING RIGHTS   |    |
|  |    |
| 44. DISTRIBUTION METHODS.....  | 24 |
| 45. UNIDENTIFIED WORKS .....   | 25 |
| 46. DEDUCTIONS.....  | 25 |
| 47. SOURCES OF REVENUE .....   | 25 |
|  |    |
| PART D DIGITAL MASTERRIGHT RECORDING LICENSING                                 |    |
|  |    |
| 48. DISTRIBUTION METHODS .....   | 26 |
| 49. SOURCES OF REVENUE .....   | 26 |
| 50. DEDUCTIONS .....   | 27 |
| 51. DISTRIBUTION – ONLINE GENERAL .....  | 27 |
|  |    |
| PART E PRODUCTION MUSIC LIBRARY LICENSING                                      |    |
|  |    |
| 52. DISTRIBUTION METHODS .....   | 27 |
| 53. SOURCES OF REVENUE .....   | 27 |
| 54. DEDUCTIONS .....   | 28 |
| 55. DISTRIBUTION – PRODUCTION MUSIC GENERAL .....                              | 28 |
|  |    |
| PART F MUSIC VIDEO LICENSING   |    |
|  |    |
| 56. DISTRIBUTION METHODS .....   | 28 |
| 57. SOURCES OF REVENUE .....   | 29 |
| 58. DEDUCTIONS .....   | 29 |
| 59. DISTRIBUTION – PRODUCTION MUSIC GENERAL .....                              | 29 |

## **PART A GENERAL PROVISIONS**

### **1. RELEVANT PROVISIONS OF THE BSCAP CONSTITUTION & THE OBLIGATIONS OF BSCAP**

- 1.1 Under the section entitled Distribution of Receipts, Section 6.6 of the Articles of Association of the Belizean Society of Composers Authors Publishers (BSCAP), hereinafter "the Constitution", the Board of Directors (the "Board") is duly authorized to establish distribution rules from time to time regulating the payment to Members and to affiliated societies, by way of allocation, distribution or in any other way, of the monies received by BSCAP from the administration of the rights entrusted to it. The interpretation of rules and principles detailed within this document shall be subject to the relevant articles of the Constitution.

### **2. DISTRIBUTABLE REVENUE**

- 2.1 The distributable revenue of BSCAP is determined in accordance with Section 6.6 of the Constitution:
- a. Licensing revenues less administrative expenses and provisions for reserved funds
  - b. Royalties received from affiliated societies less administrative expenses
  - c. Interest earned from investments after the deduction of administration fees received during relevant period
  - d. The application of credits allocated to the various distribution pools

As a result, distributable revenues will vary from period to period.

### **3. RESERVED FUNDS**

- 3.1 In accordance with Section 6.11 of the Constitution, the Board of BSCAP may deduct a maximum of ten percent (10%) of the revenue remaining after the deduction of expenses to be placed in a superannuation, benevolent, pension or similar fund; a foundation, trust or similar fund, for the development of the music industry, public awareness of copyright, related rights and any music related activity and five percent (5%) for a reserve fund to meet contingencies or for special allocations or for repairing, improving and maintaining the property of BSCAP.

### **4. DETERMINATION OF ROYALTY ALLOCATIONS**

- 4.1 Royalty allocations and distributions duly authorized by the Board of BSCAP are final and binding except when the Board determines it necessary to make adjustments as a result of the following:

- a. Claims by interested parties made within three years of the date of allocation or distribution concerned; or
- b. Otherwise within three years of the date of the allocation or distribution concerned.

4.2 Any amounts paid in error to any member may be recovered by BSCAP by recovering that amount from the member or by deducting the amount from any amount distributable to the member.

4.3 Where a royalty claim is disputed then the affected royalty share shall be withheld until the matter is resolved between the parties.

4.4 The three year retrospective claim period is not open to new members. Members joining by 31<sup>st</sup> December can only claim retrospectively from 1st January of the previous year.

## **5. RETROSPECTIVE CLAIMS AND SELF REPORTING SYSTEMS**

5.1 The retrospective claim period for self-reporting systems for Live Performance Returns will be limited to one year. It may be extended to a maximum of two years where appropriate extrinsic evidence is provided in support of the claim.

5.2 Where a retrospective claim is to be credited by BSCAP, payment will occur in the next distribution of the General pool and will be credited at the rate applicable to the distribution in which it was paid.

5.3 The two year retrospective claim period is not open to new members. Members joining by 31<sup>st</sup> December can only claim retrospectively from 1st January of the previous year.

## **6. QUANTIFICATION OF MONETARY VALUE**

6.1 Licensees have a contractual obligation to provide BSCAP with the details of the musical works performed ("programme returns" or "logs"). BSCAP uses this information in addition to that provided by members and affiliated societies, to identify the copyright owner(s) of each work that has been performed or transmitted and to calculate royalty entitlements.

6.2 The reported performance data is entered into the BSCAP computer system against the works in the BSCAP database. The reported performances are converted into credit points which are then given a credit value depending on the quantum of the distributable revenue at the time of the distribution.

6.3 In order to determine the monetary value of each credit point, the aggregate number of credit points in each distribution pool, is divided into the distributable revenue for that pool.

- 6.4 The distribution value of each work is calculated by multiplying the number of credit points it has accumulated in each distribution pool by the monetary value of a single credit point in the relevant pool(s).

## **7. DISTRIBUTION METHODS**

- 7.1 Whenever possible, BSCAP shall seek to ensure that licensing fees are paid directly to the works performed by the specific owners:
- i. Direct allocation – where license fees are distributed on a 100% census, e.g. events with gross license fees of BZ\$5,000 or more.
  - ii. Sample analysis – where license fees from similar users are pooled and distributed using a sample analysis of the programme returns.
  - iii. Sample/Direct Allocation – where license fees paid by a single licensee are allocated to the musical works used by that license based on a sample analysis of the programme returns.
  - iv. Distribution by analogy – where license fees are added to an existing distribution pool which has similar music usage.
- 7.2 Notwithstanding anything to the contrary contained herein, until such time that broadcast logs and/or performance logs are provided to BSCAP, all members will be paid a pro-rata (equal) share of the distributable royalties.

## **8. CISAC and Contractual Obligations**

- 8.1 The Board is obliged to observe and comply with the terms of agreements between BSCAP and:
- (a) its members; and
  - (b) its affiliated societies
- in the formulation of the Distribution Rules.
- 8.2 Even though the resolutions of the International Confederation of Societies of Authors and Composers (CISAC) concerning the principles for the fair and equitable distribution of royalties are not binding, the Board will try as far as possible to be compliant.

## **PART B            COPYRIGHT**

### **I.        PUBLIC PERFORMANCE, RADIO & TELEVISION**

The following provisions apply to composers, authors and publishers who are members of BSCAP or its affiliated societies.

#### **9.        POOL DIVISION**

- 9.1        Performance royalties collected in a fiscal year shall be allocated into the following pools:
- i.        Broadcasting
  - ii.       General (Annual, Series & Single Events)
  - iii.       September Celebrations
  - iv.       November 19<sup>th</sup> Celebrations
  - v.        Major live events (gross license revenue BZ\$5,000.00 or more)

#### **10.      FREQUENCY & TIMING OF DISTRIBUTIONS**

- 10.1       Performance royalties shall be distributed at least once per year within 90 days of the end of December for the Broadcasting and General pools. Further, there will be a distribution of royalties within ninety (90) days of the final official September Celebrations' event and November 19<sup>th</sup> Celebrations' event (collectively and individually the Celebrations), and of major live events within ninety (90) days of said live events. Interim or supplementary distributions may also be made.
- 10.2       Royalties payable to local members which do not exceed BZ\$50.00 will be paid upon request by the member, so long as the request is made in writing (email is acceptable) within fifteen (15) days of the date of the Notice of Distribution. In the event that a timely request is not made then the royalties payable will be withheld and distributed in the next distribution period when the minimum level of distribution is attained.
- 10.3       When the royalties payable to overseas affiliates do not exceed BZ\$300.00, the royalties will be withheld and distributed in the next distribution when the minimum level of royalties has been attained.

#### **11.      ALLOCATION OF SHARES**

##### **11.1     DEFINITIONS**

- (a) "Member Shares" shall mean those parts of a musical work that:

- i. Consist of music, lyrics or both, that were created by a writer-member of BSCAP or an affiliated society;
- ii. Are published or administered by a publisher who is a member of BSCAP or an affiliated society.

(b) "Non-Member Shares" shall mean those parts of a musical work that:

- i. are not protected by copyright in Belize;
- ii. are created by a writer or publisher who are not members of BSCAP or an affiliated society.

(c) "Performance Credits" shall mean the performance credit points allotted to a musical work based on logged performances or similar data.

11.2 Member shares are entitled to a royalty allocation in accordance with the Distribution Rules of BSCAP. Non-member shares shall not be entitled to royalties.

**11.3 NOTIFICATION OF SHARES AND RE-ALLOCATION OF COPYRIGHT SHARES**

- (a) Each member must notify BSCAP of the allocation of shares (or, 'division of fees') and the full names of all interested parties, in sufficient detail, of each musical work to be administered by BSCAP.
- (b) Where notification of shares is provided to BSCAP by a publisher, BSCAP verifies the allocation of shares by contacting the writer(s) concerned. In the case of notification of works, all interested parties must sign the notification forms.
- (c) Where the interested parties in a given title seek a re-allocation of shares for the title, all such sharers must sign consent to the re-allocation and as a statement confirming agreement between the interested parties.

**11.4 WORKS ORIGINATING FROM BSCAP REPERTOIRE**

- (a) The distribution of performing right royalties to interested parties shall be based on the schedules in items 11.8, 11.9 and 11.10. The divisions are in every case modifiable where it is so agreed in writing between the interested parties, with the limitation that in no instance may the share of the publisher, or the combined share of all publishers of a particular work, exceed one-half of the total distribution fees.
- (b) When a publisher, composer or lyricist is not a member of BSCAP, his share is placed in the Non-Member Special Account
- (c) For performances of a work originally in the vocal form, the author will receive his/her normal share. If, however, a vocal version is made of a work originally in the instrumental form, the author will receive a share only when the vocal version is performed.



**11.5 WORKS ORIGINATING FROM THE REPERTOIRE OF OTHER SOCIETIES**

- (a) BSCAP will use the share division provided and conditions mandated by the society from which the work originated in so far as these are consistent with the CISAC recommendations.

**11.6 BSCAP ORIGINATING WORKS SUB-PUBLISHED ABROAD**

- (a) Where the contract between the writer(s) and the original publisher of a work provides for a specific total publisher-share, that share alone is divisible in accordance with the provision of the sub-publishing contract.
- (b) *If the original publishing contract does not specify the share payable to the writer(s) and publisher(s) respectively, then the BSCAP rules will apply by default, that is, BSCAP shall allocate the publisher with a maximum of 50% of the total share and the remaining 50% shall be divided equally between the composers and authors of the work.*

**11.7 FOREIGN-ORIGINATED WORKS**

(a) Non-member Writer

- (i) Where an author or composer is not a member, his share will be paid to the society of the original publisher.
- (ii) If the work is unpublished, the non-member writer share will be paid to the society of the co-writer, if any.

**11.8 SCHEDULE OF DIVISION OF SHARES**

(a) UNPUBLISHED (MANUSCRIPT) WORKS

|    |                    |            |                         |                       |
|----|--------------------|------------|-------------------------|-----------------------|
| 1. | Composer           | 100%       | 3. Composer<br>Arranger | Public Domain<br>100% |
| 2. | Composer<br>Author | 50%<br>50% | 4. Composer<br>Author   | Public Domain<br>100% |

(b) PUBLISHED WORKS

1. Composition with lyrics  
Composer 50%  
Author 50%
2. Composition without lyrics (or public domain lyrics)  
Composer 100%

3. Public Domain Composition with copyright lyrics

|           |     |
|-----------|-----|
| Author    | 50% |
| Publisher | 50% |

4. Composition with lyrics, composer share only published

|           |     |
|-----------|-----|
| Composer  | 25% |
| Author    | 50% |
| Publisher | 25% |

vi. Composition with lyrics, author share only published

|           |     |
|-----------|-----|
| Composer  | 50% |
| Author    | 25% |
| Publisher | 25% |

- (c) Where a musical work is licensed for use in an advertisement and new or substantial lyrics are used in the advertisement, the parties may agree that the new lyricist's or sub-lyricist's share of performing right income be waived in favour of the original copyright owner(s).

**11.9 ARRANGEMENTS OF MUSICAL WORKS**

Where an arrangement of a copyright musical work is made, no share is allocated to the arranger unless the share is established according to an agreement in writing, between the copyright owner and the arranger.

**11.10 TRANSLATIONS OF LYRICS AND ADDITION OF AMENDED OR SUBSTITUTED LYRICS**

Where an authorised translation of copyright lyrics is made, or lyrics are changed or substituted with the authority of the copyright owner, shares are allocated in accordance with the terms agreed upon by the parties involved, in writing.

**12. MUSIC CLASSIFICATION**

12.1 The following definitions are used to identify types of usage for works registration and the distribution of royalties

- (a) **Specially Featured Music Use** – All specially featured music performed at live events and Celebrations.
- (b) **Title Music** – Music used on television and radio and is found at the beginning and/or end of an individual programme or each programme of a series or a film.

- (c) **Signature Tune** – Music used on radio and television to identify or set the mood of an individual programme or each programme of a series used before and after each commercial break; or music used on radio and is found at the beginning and/or end of each non-music programme.
- (d) **Commercial Jingle** – A short musical item performed on radio and TV to advertise a product or to promote an event.
- (e) **Station Identifier** – A short musical item on radio or television to identify and promote a particular broadcasting station or channel.
- (f) **Programme Identifier** – Music used on television at the end of a voluntary or involuntary break in transmission, which does not form part of advertised programmes but relates to subsequent programmes.

### 13. DISTRIBUTION OF PERFORMANCE CREDITS

#### 13.1 RADIO

Those performances analyzed for the radio broadcast distribution with the exception of commercial jingles, advertisements, programme identifiers and public service announcements shall receive 4 credit point for each performance.

#### 13.2 JINGLES

Music used in commercial jingles, advertisements, programme and station identifiers and public service announcements on radio or television shall receive credit points in the following amounts:

|            |      |
|------------|------|
| 15 seconds | 0.25 |
| 30 seconds | 0.50 |
| 45 seconds | 0.75 |
| 60 seconds | 1.00 |

#### 13.3 TELEVISION

- (a) Licensing revenue from Channel 5 and Channel 7 of the local broadcast television shall be distributed on the basis of cue sheets received from Channel 5 and Channel 7 or in the absence of reliable cue sheet information, on the basis of programme logs from LoveFM and/or Krem Radio.
- (b) Licensing revenue from all other television, cable and satellite stations shall be on the basis of analogy with the radio broadcast returns.
- (c) The performances analysis for the television broadcast distribution with the exception of commercial jingles, advertisements, programme identifiers and public service announcements shall receive 1 credit point for each performance.

#### 13.4 GENERAL PERFORMANCES

- (a) All net distributable revenue from domestic sources other than for radio, television and live performances shall be pooled and distributions shall be based on representative samples of programme returns received in respect of radio broadcasts, licensed events and premises and Celebrations.
- (b) All performances analyzed on the basis of analogy with radio broadcasts, live events and Celebrations shall receive respectively one credit equal to a performance credit that is ordinarily attributed to a performance in radio distribution, live events distribution and Celebrations distribution.

### **13.5 LIVE PERFORMANCES**

- (a) All licensed live performances, other than at Celebrations, with licensing revenue of BZ\$5,000.00 or more and for which programme returns have been received, shall receive 8 credit points.
- (b) All program returns received for those live events taking place in each annual general distribution period shall be included in the general distribution of the corresponding period.
- (c) For live events for which there is no admission fee or for which the license value is less than BZ\$5,000.00, the credit value shall be 4 points.
- (d) For major live events for which no licensing fees have been paid the credit value shall be 2 points.
- (e) For other live performances at other events or venues for which no licensing fees were paid, the credit value shall be 1 point.
- (f) In the absence of complete and reliable programme returns in relation to particular events, all license fees received from such events shall be pooled and distributions shall be on the basis of a representative sample of programme returns received from radio distributions.

### **13.6 CELEBRATIONS PERFORMANCES**

- (a) Net distributable revenue in respect of live performances at each September Celebrations event produced by the National Institute of Culture and History (NICH) and other live events during the September Celebrations season shall be allocated directly to BSCAP members and affiliate societies on the basis of programme returns received by BSCAP for such events. Live performances during the September Celebrations shall be credited with 12 credit points except where such events have not been licensed (see 13.5(d) and (e)).
- (b) Net distributable revenue in respect of live performances at each November 19<sup>th</sup> Celebrations event produced by the NICH and/or the National Garifuna Council (NGC) and other live events during November 19<sup>th</sup> Celebrations season shall be allocated directly to BSCAP members and affiliate societies on the basis of programme returns received by BSCAP for such events. Live performances during

the November 19<sup>th</sup> Celebrations shall be credited with 12 credit points except where such events have not been licensed (see 13.5(d) and (e)).

- (c) All programme returns received for those Celebrations events taking place in each general distribution period for which licenses have been granted under the applicable tariff shall be included in each distribution.
- (d) For live events during the Celebrations season not produced by NICH and/or NGC, as applicable, for which there is no admission fee or for which the gross license value is less than BZ\$5,000.00, the credit value shall be 4 points.

#### **13.7 ROYALTIES RECEIVED FROM AFFILIATED SOCIETIES**

- (a) Royalties received from affiliated societies will be distributed to members in the general distribution following receipt except where the distributable amount exceeds BZ\$1,000.00 in which case the amount concerned is distributed within one month (30 days) of receipt and verification of the accompanying documentation.
- (b) A deduction of 20% of net royalties received from affiliated societies in respect of the costs associated with the analysis and processing of the royalty payments will be made.

#### **14. DISTRIBUTION ACCOUNTS**

14.1 Upon completion of each distribution, royalties' allocated to a work or to certain interested party (parties) of a work may be held in suspense in the following Special Accounts:

(a) **Non-Member Special Account**

If one of the interested parties of a BSCAP originated work is not a member, that non-member share will be placed in this account. In the following distribution, the monies in this account shall be used to cover distribution, other administration and capital expenses and distributed pro-rata to all parties receiving royalties during the preceding three year period as determined by the Board of Directors

(b) **Dispute Special Account**

Royalties or a share of royalties for a work in dispute, such as where there is a conflicting ownership claim will be held in this account. Royalties will remain in suspense until BSCAP is duly notified of a settlement.

(c) **Undistributed (Pending Identification) Royalties Special Account**

Royalties allocated to a work later found to be in the public domain or are for any other reasons not distributed as for example, where there is a lack of documentation, will be placed in this account. The amount held in may be used to pay, after validation, performances, which were missed in previous distributions and other adjustments necessary for previous distributions. After three years and the money remains undistributed, at the discretion of the Board it shall be used to cover

distribution, other administration and capital expenses and distributed pro-rata to all parties receiving royalties during the preceding three-year period.

**14.2 INTENTIONALLY DELETED.**

**14.3 THAT THE DISTRIBUTION RULES OF THE MEMBER SOCIETIES OF CISAC SHOULD PROVIDE:**

- i. That for performance of a local version the shares distributed to the original lyricist and the local sub-lyricist respectively should be equal.
- ii. That for performances of an instrumental version, or where it is not known whether the original version or the local version was performed, the share distributed to the original lyricist should be double the share distributed to the local sub-lyricist.

**II. COPYRIGHT - REPRODUCTION RIGHTS**

**15. REPRODUCTION RIGHTS**

- 15.1 Under the terms of BSCAP's license agreements, licensees are contractually obliged to report details of works reproduced in order for license fees to be calculated and distributed. Where a blanket license is issued details of the music usage should be supplied.
- 15.2 BSCAP's distribution is based on the principle that the license fees should be paid directly to the musical works reproduced where possible and economically viable to do so.

**16. DISTRIBUTION METHODS**

- 16.1 BSCAP's distribution methods in relation to reproduction rights are based on a pay-per-use/Work-by-work – license fees are calculated and collected for each work reproduced.
- 16.2 Direct Allocation – blanket license fees are paid by the licensees and are allocated directly to the musical works used by that licensee.
- 16.3 Sample/Direct allocation – license fees are paid by a single licensee however a sample reporting system is in place.

**17. UNIDENTIFIED WORKS**

BSCAP uses its best efforts to identify all works used by licensees. In the event that BSCAP is unable to identify the copyright owner of a work within a period of three years from the date of receipt of royalties BSCAP shall be entitled to re-

allocate the royalties to cover distribution, other administration and capital expenses and distributed pro-rata to all parties receiving royalties during the preceding three year period as determined by the Board of Directors.

## **18. DEDUCTIONS**

- 18.1 BSCAP is entitled to deduct and retain the following commission from:
- i. Members: a commission rate of 20% of all fees, royalties and other sums received in respect of the licensing of reproduction rights.

## **19. SOURCES OF REVENUE**

- 19.1 Distributable revenue means gross license fees collected, less BSCAP's commission.
- 19.2 The main license categories are:
- (a) Audio-Products – Local Manufacture (CDs, cassettes, LPs)
  - (b) Audio-Visual Products – Local Manufacture
  - (c) Broadcasters
  - (d) Commercial Advertising
  - (e) Synchronization
  - (f) Interactive Streams
  - (g) Permanent Digital Downloads
  - (h) Ringtones
  - (i) Foreign Receipts
- 19.3 There are two categories of distributable revenue:
- (a) Work-by-work/Pay per use
  - (b) Blanket pools

## **20. DISTRIBUTION – AUDIO PRODUCTS/AUDIO-VISUAL PRODUCTS**

- 20.1 License fees are calculated on a pay-per-use basis and the amount collected per work less commission is paid to the copyright owner(s) at the time of distribution.

## **21. INTENTIONALLY DELETED**

## **22. DISTRIBUTION – BROADCASTERS**

- 22.1 Intentionally Deleted.

---

## **23. DISTRIBUTION – ADVERTISING/SYNCHRONIZATION**

- 23.1 License fees are calculated on a pay-per-use basis and the amount collected per work less commission.

## **24. DISTRIBUTION – ONLINE GENERAL**

- 24.1 Licensed on a pay-per-use basis or blanket basis.
- 24.2 Intentionally Deleted.

## **25. DISTRIBUTION – RINGTONES / DOWNLOADS**

- 25.1 Licensed and distributed on a pay per use basis based on completed sales.

## **26. FREQUENCY AND TIMING OF DISTRIBUTIONS**

- 26.1 BSCAP shall distribute reproduction royalties for all license categories.
- 26.2 Distributions will only be made for all invoices, which are paid in full at the end of each year to the copyright owner(s) of the works.
- 26.3 Where the distributable amount to a member exceeds BZ\$5,000.00 the amount concerned shall be distributed approximately 30 working days from receipt of the full license fee.
- 26.4 Royalties payable to local members which do not exceed BZ\$50.00 will be paid upon request by the member, so long as the request is made in writing (email is acceptable) within fifteen (15) days of the date of the Notice of Distribution. When the royalties payable to overseas affiliates do not exceed BZ\$300.00 the royalties will be withheld and distributed in the next distribution when the minimum level of royalties has been attained.
- 26.5 Royalties received from affiliated societies shall be distributed to members within 180 days of the calendar quarter received.



---

## **PART C RELATED RIGHTS**

### **I. PUBLIC PERFORMANCE, RADIO & TELEVISION**

The following provisions apply to eligible performers and producers of phonograms who are members of BSCAP.

#### **27. DEFINITIONS OF ELIGIBLE PERFORMERS**

##### **27.1 MAIN ROLE DESCRIPTION CODES OF PERFORMANCES:**

- (a) Brass
- (b) Electronics
- (c) Guitar
- (d) Keyboards
- (e) Miscellaneous
- (f) Non payable Roles
- (g) Percussion
- (h) String Instruments
- (i) Studio Personnel (Performing)
- (j) Vocals
- (k) Wind Instruments

##### **27.2 NON-FEATURED PERFORMERS**

These session musicians defined as performers, including background vocalists, engaged for a specified period of time to make one or more backing performances which are included in the sound recording.

##### **27.3 CONTRACTED FEATURED PERFORMERS**

These are defined as performers with an exclusive agreement with the record company producing the sound recording. This does not include agreements to do session work or producer/remixer agreements.

##### **27.4 OTHER FEATURED PERFORMERS**

Performers within this category include those not exclusively contracted to the commissioning record company whose personal or professional names appear with or is linked with the name of the Contracted Artist. Such performers are entitled under the terms of the contract with the Contracted Artist to receive royalties from sales of the recording.

##### **27.5 PERFORMING PRODUCERS**

Performing producers are defined as a studio producer who makes a performing contribution whether audible or inaudible to the live performance that is recorded. An audible performance would include playing an instrument or singing and an inaudible performance includes conducting or directing the live performance as it is recorded.

## **28. EVIDENCE SUPPORTING CLAIMS OF ELIGIBLE PERFORMANCES**

28.1 To claim royalties as an eligible performer evidence must be provided in one of the following forms:

### **28.2 NON-FEATURED PERFORMANCES**

- (a) CD/DVD/record/tape sleeve inlay crediting performance
- (b) Official correspondence from the commissioning Record Company
- (c) Signed verification from the Contracted Performer.
- (d) Notification of works form signed by all contributing parties showing the division of fees by all contributors.

### **28.2 CONTRACTED FEATURED PERFORMANCES**

- (a) A copy of the exclusive recording agreement with the commissioning record label under which the claimed track was recorded.
- (b) Official correspondence from the record company confirming an exclusive contract with the commissioning record label at the time of the record label at the time of recording.
- (c) Notification of works form signed by all contributing parties showing the division of fees by all contributors.

### **28.3 OTHER FEATURED PERFORMANCES**

- (a) A copy of the product sleeve front cover or spine showing the performer's name.
- (b) Official correspondence from the Contracted Performer entitling the performer to receive royalties as a singer or musician and the level of entitlement.
- (c) Notification of works form signed by all contributing parties showing the division of fees by all contributors.

### **28.4 PERFORMING PRODUCERS**

- (a) Evidence of a contract entitling the Producer to royalties.
- (b) Notification of works form signed by all contributing parties showing the division of fees by all contributors.

## **29. SAMPLED RECORDINGS**

### **29.1 DEFINITION OF A SAMPLED RECORDING**

A sampled recording is part of a pre-existing sound recording incorporated into a new sound recording.

**29.2 ELIGIBLE SAMPLED PERFORMANCES**

- (a) Only eligible performers on the sampled recording will qualify for payment on the new sound recording.
- (b) All eligible performers on the sampled sound recording will be added to the new sound recording as Non-Featured performances, by default. However, if any of the sampled performers are featured on the new sound recording, their contribution will be documented as Other Featured Performances.
- (c) Sampled performers are subject to the same rules regarding the provision of evidence of claims as other performers.

**30. POOL DIVISION**

- 30.1 Performing royalties collected in a fiscal year shall be allocated into the following pools:
  - i. Broadcasting
  - ii. General (Annual, Series & Single Events)

**31. FREQUENCY & TIMING OF DISTRIBUTIONS**

- 31.1 Performance royalties shall be distributed at least once per year within 90 days of the end of December for the Broadcasting and General pools. Interim or supplementary distributions may also be made at the discretion of the Board.
- 31.2 Royalties payable to local members which do not exceed BZ\$50.00 will be paid upon request by the member, so long as the request is made in writing (email is acceptable) within fifteen (15) days of the date of the Notice of Distribution. In the event that a timely request is not made then the royalties payable will be withheld and distributed in the next distribution period when the minimum level of distribution is attained.
- 31.3 When the royalties payable to overseas affiliates do not exceed BZ\$200.00, the royalties will be withheld and distributed in the next distribution when the minimum level of royalties has been accumulated.

**32. ALLOCATION OF SHARES**

**32.1 DEFINITIONS**

- (a) "Member Shares" shall mean those parts of a sound recording that:

- i. Consist of vocals or instrumental performances by a performer-member of BSCAP or an affiliated society;
  - ii. Are produced by a producer of phonogram who is a member of BSCAP or an affiliated society.
- (b) “Non-Member Shares” shall mean those parts of a sound recording that:
- i. are not protected by under the provisions of the Belize Copyright Act;
  - ii. are the recorded performances of a performer or producer of phonogram who is not a member of BSCAP or an affiliated society.
- (c) “Performance Credits” shall mean the performance credit points allotted to a performance based on logged performances or similar data.
- 32.2 Member shares are entitled to a royalty allocation in accordance with the Distribution Rules of BSCAP. Non-member shares shall not be entitled to royalties.

### **33. NOTIFICATION OF SHARES AND RE-ALLOCATION OF RELATED RIGHTS SHARES**

- 33.1 Each member must notify BSCAP of the allocation of shares (or, ‘division of fees’) and the full names of all interested parties, in sufficient detail, of each sound recording to be administered by BSCAP.
- 33.2 Where notification of shares is provided to BSCAP by a producer of phonograms, BSCAP verifies the allocation of shares by contacting the performer(s) concerned. In the case of notification of works, all interested parties must sign the notification forms.
- 33.3 Where the interested parties in a given title seek a re-allocation of shares for the title, all such sharers must sign consent to the re-allocation and as a *statement* confirming agreement between the interested parties.
- 33.4 Where BSCAP is not provided with the division of fees then a default system will be applied where there is a division of fees equal to a total of 100% of the performer royalty share between all performer-members whose contribution has been duly confirmed. For Featured and Other Featured Performers the default allocation is 65% and for Non-Featured Performers 35%.
- 33.5 In all cases the producer(s) of phonogram will be entitled to a share of 100% of the producer royalties.
- 33.6 The total shares to be paid to the performers and producer(s) of phonogram will be 100%.

### **34. MUSIC CLASSIFICATION**

- 34.1 The following definitions are used to identify types of usage for works registration and the distribution of royalties
- (a) **Specially Featured Music Use** – All specially featured music performed at live events and Celebrations.
  - (b) **Title Music** – Music used on television and radio and is found at the beginning and/or end of an individual programme or each programme of a series or a film.
  - (c) **Signature Tune** – Music used on radio and television to identify or set the mood of an individual programme or each programme of a series used before and after each commercial break; or music used on radio and is found at the beginning and/or end of each non-music programme.
  - (d) **Commercial Jingle** – A short musical item performed on radio and TV to advertise a product or to promote an event.
  - (e) **Station Identifier** – A short musical item on radio or television to identify and promote a particular broadcasting station or channel.
  - (f) **Programme Identifier** – Music used on television at the end of a voluntary or involuntary break in transmission, which does not form part of advertised programmes but relates to subsequent programmes.

## 35. DISTRIBUTION PERFORMANCE CREDITS

### 35.1 RADIO

Those performances analysed for the radio broadcast distribution with the exception of commercial jingles, advertisements, programme identifiers and public service announcements shall receive 4 credit points for each performance.

### 35.2 JINGLES

Music used in commercial jingles, advertisements, programme and station identifiers and public service announcements on radio and television shall receive credit points in the following amounts:

|            |      |
|------------|------|
| 15 seconds | 0.25 |
| 30 seconds | 0.50 |
| 45 seconds | 0.75 |
| 60 seconds | 1    |

After 60 seconds, the work will be credited with 4 points as a full work.

### 35.3 TELEVISION

- (a) Licensing revenue from Channel 5 and Channel 7 of the local broadcast television shall be distributed on the basis of cue sheets received from Channel 5 and Channel 7 or in the absence of reliable cue sheet information, on the basis of programme

logs from LoveFM and/or Krem Radio. In the absence of the radio logs licensing revenue shall be distributed on the basis of analogy with Celebrations' returns.

- (b) Licensing revenue from all other television, cable and satellite stations shall be on the basis of analogy with the radio broadcast returns.

## **36. DISTRIBUTION METHODS**

### **36.1 GENERAL PERFORMANCES**

All net distributable revenue from domestic sources other than for radio and television shall be pooled and distributions shall be based on representative samples of programme returns received in respect of radio and television broadcasts and samples of recorded music used at licensed venues and events.

## **37. UNLOGGED PERFORMANCE ALLOCATION (UPA)**

- i. The UPA is made to compensate for performances that are omitted in the analysis due to sampling and other factors. The allocation is paid to BSCAP performer-members from non-license revenue.
- ii. UPA shall be fixed by the Board and is payable to all eligible BSCAP performer-members.
- iii. An eligible BSCAP performer-member is an active member.
- iv. Non-license revenue means income received by BSCAP otherwise than royalties e.g. interest income, membership application fees etc.
- v. UPA shall not be allocated to a BSCAP performer member who has not earned at least \$50.00 in performance royalties, exclusive of UPA, in the 3 consecutive years beginning from the last performance royalties received. However, UPA will re-apply in the year the performer member begins to receive royalties again.

## **II. DUBBING/DUPLICATION**

- A. BSCAP administers the duplication/dubbing right of its members, the producers of phonograms and performers. The dubbing/duplication right is defined as the re-recording for subsequent broadcast or public performance of pre-existing recordings.
- B. Licensees are contractually obliged to report details of all performances reproduced in order that licence fees are calculated and distributed.
- C. Under the terms of BSCAP's license agreements, licensees are contractually obliged to report details of performances reproduced in order for license fees to be calculated and distributed. Where a blanket license is issued details of the music usage should be supplied.

- D. BSCAP's distribution is based on the principle that the license fees should be paid directly to the performances reproduced where possible and economically viable to do so.

38. Intentionally Deleted

### **39. DISTRIBUTION METHODS**

- 39.1 BSCAP's distribution methods in relation to reproduction rights are based on a pay-per-use/Work-by-work – license fees are calculated and collected for each performance reproduced.
- 39.2 Direct Allocation – blanket license fees are paid by the licensees and are allocated directly to the performances used by that licensee.
- 39.3 Sample/Direct allocation – license fees are paid by a single licensee however a sample reporting system is in place.

### **40. UNIDENTIFIED WORKS**

- 40.1 BSCAP uses its best efforts to identify all performances submitted for licensing. In the event that BSCAP is unable to identify the related rights owner of a work within a period of two years from the date of receipt of royalties BSCAP shall be entitled to reallocate and redistribute the royalties to its membership on a pro-rata basis.

### **41. DEDUCTIONS**

- 41.1 BSCAP is entitled to deduct and retain the following commission from:
- i. Members: 20% of all fees, royalties and other sums received in respect of the licensing of duplication rights:
  - ii. Affiliated societies in accordance with the terms of reciprocal agreements.
- All commissions deducted under Rule 41.1 above shall be allocated towards administration expenses.

### **42. SOURCES OF REVENUE**

- 42.1 Distributable revenue means gross license fees collected, less BSCAP's commission.
- 42.2 The main license categories are:

- i. Broadcast Dubbing
- ii. Commercial dubbing

42.3 There are two categories of distributable revenue:

- (a) Work-by-work/Pay per use
- (b) Blanket pools

### **43. DISTRIBUTION METHODS**

43.1 Broadcast Dubbing - royalties are distributed based on returns from broadcasters.

43.2 Commercial Dubbing – royalties are distributed on a pay-per-use basis based on licensing information provided.

### **III RECORDING RIGHTS**

A. BSCAP administers the recording rights of its performer-members such that where there is no exclusive agreement for the recording of the live performance, the recording of these performances are licensed by BSCAP.

B. Licensees are contractually obliged to report details of all performances recorded in order that license fees are calculated and distributed.

C. Under the terms of BSCAP's license agreements, licensees are contractually obliged to report details of performances recorded in order for license fees to be calculated and distributed. Where a blanket license is issued details of the music usage should be supplied.

D. BSCAP's distribution is based on the principle that the license fees should be paid directly to the performances reproduced where possible and economically viable to do so.

### **44. DISTRIBUTION METHODS**

44.1 BSCAP's distribution methods in relation to recorded rights are based on a pay-per-use/Work-by-work – license fees are calculated and collected for each performance recorded.

44.2 Direct Allocation – blanket license fees are paid by the licensees and are allocated directly to the performances used by that licensee.

44.3 Sample/Direct allocation – license fees are paid by a single licensee however a sample reporting system is in place.



## **45. UNIDENTIFIED WORKS**

BSCAP uses its best efforts to identify all performances submitted for licensing. In the event that BSCAP is unable to identify the related rights owner of a work within a period of two years from the date of receipt of royalties BSCAP shall be entitled to reallocate and redistribute the royalties to its membership on a pro-rata basis.

## **46. DEDUCTIONS**

46.1 BSCAP is entitled to deduct and retain the following commission from:

- i. Members: 20% of all fees, royalties and other sums received in respect of the licensing of duplication rights:
- ii. Affiliated societies in accordance with the terms of reciprocal agreements.

All commissions deducted under Rule 48.1 above shall be allocated towards administrative expenses.

## **47. SOURCES OF REVENUE**

47.1 Intentionally Deleted.

## **PART D**

## **DIGITAL MASTER RIGHT RECORDING LICENSING**

- A. The following provisions apply to eligible producers of phonograms whose rights are administered by BSCAP.
- B. An eligible producer owns or controls the copyright in Master Recordings or is a member of BSCAP and has already exclusively licensed to BSCAP certain rights in the Master Recordings who has engaged BSCAP to license certain aspects of the right of reproduction and the performing right in his Master Recordings in an Online environment on the terms set out in the BSCAP Master Rights Licensing Agreement.
- C. Licensees are contractually obliged to report details of all works reproduced in order that license fees are calculated and distributed.
- D. Under the terms of BSCAP's license agreements, licensees are contractually obliged to report details of works performed and/or reproduced in order for license fees to be calculated and distributed. Where a blanket license is issued details of the music usage should be supplied.
- E. BSCAP's distribution is based on the principle that the license fees should be paid directly to the musical works reproduced where possible and economically viable to do so.

### **48. DISTRIBUTION METHODS**

- 48.1 BSCAP's distribution methods in relation to master recordings are based on a pay-per-use/Work-by-work – license fees are calculated and collected for each work reproduced.
- 48.2 Direct Allocation – blanket license fees are paid by the licensees and are allocated directly to the musical works used by that licensee.
- 48.3 Sample/Direct allocation – license fees are paid by a single licensee however a sample reporting system is in place.

### **49. SOURCES OF REVENUE**

- i. Streaming Transmissions (in all forms including webcasts and background music)
- ii. Digital Downloads
- iii. Online Custom compilations
- iv. Ring tones, real tones etc
- v. Online Videogram licenses

## **50. DEDUCTIONS**

- 50.1 BSCAP is entitled to deduct and retain a commission of 20% of net revenue as defined in the current BSCAP Digital Master Rights Recording Licensing Scheme.
- 50.2 All commissions deducted under Rule 50.1 above shall be allocated towards administrative expenses.

## **51. DISTRIBUTION - ONLINE GENERAL**

- 51.1 Licensed on a pay-per-use basis or blanket basis.

## **PART E PRODUCTION MUSIC LIBRARY LICENSING**

- A. The following provisions apply to affiliates who own or control the copyright in Production Music or is a member of BSCAP and has already assigned to BSCAP the reproduction right and performing right in Musical Works comprised in Production Music and, in either case, owns or controls the copyright and the physical property in a sound recording of such Production Music.
- B. Under the terms of BSCAP's license agreements, licensees are contractually obliged to report details of works reproduced in order for license fees to be calculated and distributed. Where a blanket license is issued details of the music usage should be supplied.
- C. BSCAP's distribution is based on the principle that the license fees should be paid directly to the musical works reproduced where possible and economically viable to do so.

## **52. DISTRIBUTION METHODS**

- 52.1 BSCAP's distribution methods in relation to production music are based on a pay-per-use/Work-by-work – license fees are calculated and collected for each work reproduced.
- 52.2 Direct Allocation – blanket license fees are paid by the licensees and are allocated directly to the musical works used by that licensee.
- 52.3 Sample/Direct allocation – license fees are paid by a single licensee however a sample reporting system is in place.

## **53. SOURCES OF REVENUE**

- i. Advertisements

- ii. Digital Delivery Platforms
- iii. TV and radio programmes
- iv. Cinema
- v. Music on hold
- vi. Audio-visual productions (on disc, tape or other devices)
- vii. Audio only productions

#### **54. DEDUCTIONS**

- 54.1 BSCAP is entitled to deduct and retain a commission of 20% of licensing revenue.
- 54.2 All commissions deducted under Rule 65.1 above shall be allocated towards administrative expenses.

#### **55. DISTRIBUTION – PRODUCTION MUSIC GENERAL**

- 55.1 Licensed on a pay-per-use basis or blanket basis.

### **PART F MUSIC VIDEO LICENSING**

- A. The following provisions apply to affiliates and members who own or control the copyright and the physical property in music videos and have entered into a license agreement.
- B. Under the terms of BSCAP's license agreements, licensees are contractually obliged to report details of works reproduced in order for license fees to be calculated and distributed. Where a blanket license is issued details of the music usage should be supplied.
- C. BSCAP's distribution is based on the principle that the license fees should be paid directly to the musical works reproduced where possible and economically viable to do so.

#### **56. DISTRIBUTION METHODS**

- 56.1 BSCAP's distribution methods in relation to music videos are based on a pay-per-use/Work-by-work – license fees are calculated and collected for each work reproduced.
- 56.2 Direct Allocation – blanket license fees are paid by the licensees and are allocated directly to the musical works used by that licensee.
- 56.3 Sample/Direct allocation – license fees are paid by a single licensee however a sample reporting system is in place.

**57. SOURCES OF REVENUE**

- i. Broadcast & Duplication
- ii. Public Performance
- iii. Online
- iv. Mobile & New Media

Broadcast and duplication revenue will be treated as one set of revenue and distributed together.

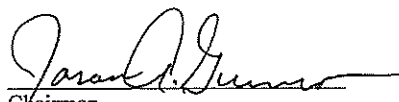
**58. DEDUCTIONS**

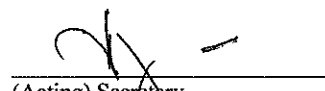
- 58.1 BSCAP is entitled to deduct and retain a commission of 20% of licensing revenue.
- 58.2 All commissions deducted under Rule 72.1 above shall be allocated towards administrative expenses.

**59. DISTRIBUTION – PRODUCTION MUSIC GENERAL**

- 59.1 Licensed on a pay-per-use basis or blanket basis.

ENACTED this 25<sup>th</sup> day of July, 2012

  
Chairman

  
(Acting) Secretary