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# GEMA/Usage of Music during Trade Fairs and Exhibitions

# 1.4

Page 1 of 2

**Closing date: 4 July 2008**

Exhibitor
Street/P.O.Box
Country, Town, Postcode

<b>Event: ESC Congress 2008</b>
<b>Date: 30 August – 3 September 2008</b>
<b>Hall Stand no.</b>
Contact
Phone with area code and ext. Fax with area code and ext.
E-mail

## Application for Permission to Reproduce Recorded Music

According to Section 15 of the copyright law of 9 September 1965, the permission of GEMA – Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte (Performing Rights Society) – must be obtained if music is to be reproduced on an exhibition stand.

### 1. Details of usage of music (during the trade fair/exhibition as well as for any stand parties)

#### 1.1. Sound system on stand

- Radio  Recorded sound media (CD player/MP3/Sound cards, etc.)

#### 1.2. Audio-visual reproductions

- Television broadcasts  
 Television broadcasts with large-screen projectors  
 Television broadcasts with monitor wall  
 Video reproduction  
 Video reproduction with large-screen projectors  
 Video reproduction with monitor wall  
 Computer  
 Computer with large-screen projectors  
 Computer with monitor wall

Number of screens:	<input type="text"/>
Number of projection screens:	<input type="text"/>
Number of monitor walls:	<input type="text"/>
Number of screens:	<input type="text"/>
Number of projection screens:	<input type="text"/>
Number of monitor walls:	<input type="text"/>
Number of monitors:	<input type="text"/>
Number of projection screens:	<input type="text"/>
Number of monitor walls:	<input type="text"/>

### 2. Licensing of commercial films and sound/picture shows (see 1.2.)

Has a licence for public reproduction already been obtained?  yes  no

If so, which GEMA regional office issued it?

For which film?

The rates of charges for the usage of copyrights and performing rights are calculated according to the form of reproduction. The GEMA bill for royalties will be delivered to the exhibitor.

Place, date
Company stamp and legally binding signature of exhibitor

**Further information: see page 2**

**2008**

Status 09/2007

## GEMA

Musical performance and mechanical reproduction copyright watchdog

### What is GEMA?

GEMA is a **performing rights society for music copyrights**.

According to Section 15 of the copyright law of 9 September 1965, only the author has the right of copying, distributing and publicly reproducing his work. Consequently, nobody is allowed to copy, distribute or publicly reproduce the work without the author's permission. Since it is impossible in practice for authors to enter into the necessary negotiations with all interested parties and since, on the other hand, the organizers of musical events would also meet with great difficulties when seeking permission for the performance of every single piece of music from the author directly, composers, librettists and music publishers jointly founded GEMA to safeguard the rights guaranteed to them under copyright law.

GEMA is a non-profit-making organization. After deduction of the necessary expenses, all takings are returned to the composers, librettists and music publishers whose works have been performed.

### What repertoire is represented by GEMA?

In Germany, GEMA represents the rights of composers, librettists and music publishers whose rights have been transferred to it. Similar societies also exist in other countries. Based on the international copyright law (Berne Convention), the societies have made contracts with each other, which guarantee the authors' mutual protection in the countries of contract. Accordingly, GEMA represents not only the rights of German music authors, but also those of foreign ones, therefore representing a **world repertoire**.

The creator of a work is entitled to legal protection under copyright law within his lifetime and for 70 years after his death. If, however, a work whose protection has expired is arranged in a way capable of protection, a new copyright arises with the same period of protection for the arranger. The protection granted to the author applies equally to works of classical music and to light and dance music.

In view of the period of protection mentioned, and in consideration of the fact that GEMA is the only organization in Germany to observe the music copyrights of almost the whole world, courts have repeatedly upheld what is known as the "GEMA presumption": when music from outside the field of classical music is reproduced it is always to be assumed that the GEMA repertoire is being used. For this presumption to be refuted it is a prerequisite that precise notification be given of all musical works that are reproduced, indicating the title, author and publisher, to allow an examination to take place. Similarly, the public reproduction of music protected under copyright law held on records, CDs, tapes, music automata, or similar recording media, and the reproduction of music when reproducing radio and television broadcasts shall necessitate a GEMA permit.

For public reproductions of music by means of recording media (records, CDs, tapes, music automata), and for the reproduction of radio and television broadcasts, GEMA at the same time grants the performance rights, transferred by the practicing artists or their legal successors to GVL (Society for the Exploiting of Performing Rights), as well as charging the appropriate fee as a surcharge to the GEMA fees.

The same applies to the compensation of the literary copyrights administered by the Verwertungsgesellschaft WORT (VG WORT) for works reproduced in radio and television broadcasts.

### What should exhibitors know?

According to the provisions of the law (Section 13a of the law on the safeguarding of copyright), a GEMA permit must be acquired before the reproduction of music begins. You can use this form to do this, to ensure **registration in due time**.

Exhibitors who reproduce music without the permission of GEMA are obliged to pay damages (Section 97 of the copyright law); according to established practice of the courts, this amounts to twice the normal fee. Here, too, the legal maxim applies that ignorance of the law is no defence against liability.

### What is the legal situation regarding the use of music in films?

In the event of the screening of films, GEMA grants **film exhibition rights**, i.e. the right to reproduce music during screening of the film, and if appropriate the **right of reproduction**, in other words the right to make copies from the master tape.

May we point out that when a film is made using music there is what is known as a **right of use** regarding the music that is included; the acquisition of this right is therefore essential before the film can be put to legally correct use. The right of use is normally granted directly by the **music publishers**, although in the case of commissioned works it may also be granted by the author.

If the music is transferred to the film from sound media, the permission of the manufacturer of the sound media is additionally required.