

## Guide how to complete the registration form non-commercial web radio

You must complete the registration documents for webcasting if you want to register a web radio with us. You can find said registration documents at [www.gvl.de](http://www.gvl.de), section "web radio". This guideline is intended to help you to complete your registration form.

### For first-time registrations:

#### Is it possible that several web radio operator register jointly?

There is the option of several web radio operators to register with GVL and jointly sign the agreement. At the same time, all signatories shall be jointly and severally liable in the case of a failure to comply with the contract.

#### Is it possible for children to register a web radio?

A distinction is made between the operator and the contact person in the registration documents for a non-commercial web radio. The legal representatives of minors can list children as "operators".

In the case of minors, however, the legal representative shall be both contact person and contracting party, as he/she also signs the agreement. The contracting party must prove their legal age by producing a copy of their ID card.

The image shows a registration form from GVL for non-commercial webcasting. The form is titled "Anmeldeunterlagen Nichtkommerzielles Webcasting" and includes a checkbox for "Neuanmeldung". It contains fields for "Einzelrückmeldung an:" and "Ihre Angaben:". Under "Ihre Angaben:", there are sections for "Webcaster:" (with a note "Bitte nicht übereich mit Anspruchsnehmer") and "Anspruchsbekanntgabe:". Contact information for David Albratan is provided, including address (Friedrichstraße 64, 14199 Berlin), phone (030-45483-544), fax (030-45483-700), and email (E-Mail: webradio@gvl.de). There is also a section for "Sonstige Anmerkungen:" and a footer with the GVL logo and contact information.

## Questions on the registration form

### on question 1: Which specific usage types do I have to license?

If you offer pure streaming services (without any direct influence by the listener via his player), question 1 should be answered with YES. (This is true for 98% of all web radio operators).

Should the listener, however, be able to directly influence the programme, one of the following usage types must be licensed additionally:

- Interactive:** A webcasting service is considered to be interactive if the listener has the option to directly influence the programme via technical applications. Examples are the option to skip titles (skip function) or to interrupt the programme (pause function).
- Personalised:** If a listener has the option to create a listener profile (rating function, individual preference for certain music genres by entering a specific title/artist) or to change the programme permanently and individually ("I like it" or "Never play again" functions), then the webcasting service is considered to be personalised.
- Mobile:** If the webcasting service is configured in such a way that it can also or only be used with mobile devices (mobile, cellphone), it meets the mobile usage conditions.

### on question 2: What does GVL consider to be internet TV?

Music video clips or concert excerpts' broadcasts via internet are contents that GVL cannot license. If the broadcasting studio only transmits a live webcam image, this does not constitute internet TV.

### on question 3: What is the service start meant to be?

Please indicate the day where the web radio service was publicly accessible for the first time, i.e. the day listeners could access it for the first time.

### on question 5: Where can I find info on the transmission quality of my web radio?

The transmission quality depends on the quality (e.g. 64 kbps or 128 kbps) of the songs broadcast and/or the quality of the stream. The transmission quality has no impact on the costs of a non-commercial web radio; we only need this information for statistical reasons.

### on question 6: What is "relaying"?

"Relaying" is not just a link to a webcasting service but represents the actual usability of a webcasting service by third parties. The accessibility of a radio by a third party only constitutes "relaying" if the radio can be launched directly from the third party's website.

**on question 7: What are aggregators?**

Aggregators are service providers on the internet that collect information on webcasting services and make them available (e.g. www.shoutcast.com, www.flatcast.de) without actually relaying the broadcasts. If you list your service with an aggregator, it has no influence on the level of the licence fee. Please note that GVL is able to grant you the rights for use exclusively in Germany and that aggregators might also be active abroad.

**on question 8: What are specialty channels?**

In cases where a web radio offers more than one channel, it is considered to provide specialty channels (e.g. rock, pop, oldies). If it offers only one channel at several transmission quality levels (e.g. modem, DSL, 64k, 128k), it is not considered to provide specialty channels. If you have several channels, the licence fees are usually increased accordingly.

**on question 10: Which costs are referred to for non-commercial web radios? What level of cost shall I assume if I have not had a web radio before?**

The costs which have to be indicated for non-commercial webcasting usually consist of GEMA licence fees, server costs, website costs and costs for the purchase of sound recordings. These costs include all positions required to run a web radio. If you do not have any figures based on experience, you may also estimate your anticipated costs.

**on question 12: What does the term "sound recording share" mean?**

The share or portion of sound recordings reflects the relative music/speech ratio in a programme. If only music (of GVL's repertoire) is played, the sound recording share is 100%; in that case, please tick the box next to "81% to 100%". If there are announcements made during the programme (such as about the title and artist), comments and newscasts, the sound recording share is typically between 61% and 80%. If speech makes up a substantial part of the programme (e.g. info channels), or if a high percentage of music used is by bands or musicians who have not assigned the administration of their rights to GVL (this typically relates to sound recordings without label code), the respective music share may be much lower.

**on questions 13 and 14: When do I have to obtain a multi-territory licence?**

As long as your webcasting service is primarily aimed at a German audience (German homepage, German presenters), you would typically not need a multi-territory licence. If, however, you get more than 4% of service requests from abroad, you require a multi-territory licence.

**on question 15: Where can I get information on the technical capacity of my web radio?**

If you rent a radio stream, you would define the (technical) maximum of listeners for the stream provider (exception: flatcast). The number in question (e.g. 50 listeners) makes up the technical capacity of your web radio.

**on question 16: How can I determine the average number of listeners?**

The average number of listeners is the mean value of the number of actual service requests for the webcasting service per hour. When you launch a webcasting service, you can only estimate the number of listeners. After a significant transmission time, the number of listeners can be determined via the programme server's access protocol. The average number of simultaneous listeners is calculated based on the number of listeners for individual transmission hours, averaged over the entire transmission time. The audience is typically higher in the afternoon and in the evening than during the night and in the morning. The average lies between the minimum and maximum values.

**on question 17: How can I determine the number of stored titles?**

The number of titles stored on average results from the music files of the web radio used at a specific point in time (e.g. number of titles in a playlist).

Please note that each title copied onto the "programme server" and/or a hard disk or another data storage medium for webcasting purposes is subject to a licence fee, irrespective of whether the title is actually used for the ongoing programme or not (copying is a process subject to copyright provisions). The specific calculation is subject of the respective contractual agreement. In order to keep the calculation simple, it is possible to capture the quantity of titles retained on the server on certain key dates in a year, to add up the quantities captured and then to divide the added amounts by the number of key dates in order to calculate the annual licence fee. (Example: 4 key dates with 300 titles on the 1st key date, 600 titles on the 2nd key date, 500 titles on the 3rd key date and 700 titles on the 4th key date. Sum 2,100 titles divided by 4 key dates equals an average of 525 titles which will be multiplied by the licence fee).

**Questions on the agreement "non-commercial webcasting"****on question 6 of the agreement: What information do I have to send to GVL?**

The information you are required to send to GVL is listed in Article 6 of the webcasting agreement. GVL can, in individual cases and by means of side letter to the agreement, exonerate webcasters from their duty to create logs of the titles transmitted and to provide label code, catalogue number and similar details. Such an exoneration may be rescinded at any time subject to a three-month notice. GVL currently exonerates all non-commercial webcasters from this duty.

**on question 8 of the agreement: How are the licence fees invoiced?**

The annual licence fee is invoiced retroactively on a quarterly basis. The usage data provided in the registration, and/or the current data form the basis for the calculation. At the end of each calendar quarter, an invoice amounting to a quarter of the (anticipated) annual licence fee is issued. A bank transfer form is attached to the invoice. GVL does not cater for direct debits. Please do not transfer any amounts in advance.

**on question 11 of the agreement: What impact does my choice for an invoice based on minutes or titles have?**

Naturally, we only invoice the actual usage subject to a licence fee, whether we base our calculations based on titles or minutes. For both calculation options, the portion of transmission time occupied by the presenter is free from licence fees (as GVL has no rights on these). A licence for titles and minutes will always lead to exactly the same result if the average duration of the used titles is exactly 3 minutes and 20 seconds; deviating results can only occur if the majority of used titles have either a shorter or a longer duration (if titles with longer and shorter duration are mixed, such a divergence is of course statistically equalised again).

The calculation is, however, usually based on minutes, as this value can be easily obtained from the usage parameters. If you choose a calculation based on titles, you are required to create exhaustive title logs and report them to GVL. If you do not make a choice, the default is a calculation based on minutes.

**Contact**

If you have any queries on web radio related issues, please contact us via e-mail at [webradio@gvl.de](mailto:webradio@gvl.de) or by phone, Monday to Friday, 10.00 - 12.00 at: +49 030 -48483-646 For further information, please go to [www.gvl.de](http://www.gvl.de).