

**METHODOLOGY regarding establishing the remuneration due to  
the shareholders of copyrights for musical works for the  
reproduction and / or public performance of musical works  
through online or mobile services**

Art.1 The reproduction and public performance of musical works through an online or mobile service, whether or not accompanied by images, can be done in the territory of Romania only on the basis of a non-exclusive license agreement signed with the collective management society for the musical works.

Art.2 (1) The non-exclusive license authorization grants the user, as the case may be, the right to reproduce and / or the right of public performance of the musical works on the territory of Romania in the modalities provided by the present methodology.

(2) According to the present methodology, the user is the natural or legal person gives access to the public to musical works through an online or mobile computer system.

Art.3 (1) An user is any person:

- a) under whose name the domain is registered to which the service is accessible via the Internet or other networks wireless or wired; or
- b) who is responsible for the content of the site available on the Internet or other networks wireless or wired; or
- c) which exploits the Internet site or on other networks wireless or wired; or
- d) which obtains revenues from advertising, downloading or listening to musical works or in any exploitation as a result of providing services comprising musical works over the Internet or other networks wireless or wired.

Art.4 The use of musical works is performed through the following operations:

- a) offering for listening (public performance, including by making it available to the public) without the possibility of storing musical works, performed free of charge or free of charge through an online or mobile service;
- b) offering for download (reproduction and public performance) by the user of the musical works, carried out for a fee or free of charge through an online or mobile service.

Art. 5 (1) The applicant must request the collective management society to issue the license at least 10 days before use.

(2) With the application for authorization, the applicant has the obligation to submit the following documents: a photocopy of the identity document or a photocopy of the registration and / or fiscal registration certificate, as well as any other information regarding the method and network through which the musical works are made available to the public.

(3) The application for authorization and the documents provided for in this article may also be sent electronically to the e-mail address of the collective management society.

Art. 6 (1) Within 10 days from the submission of the authorization application, accompanied by all the documents provided for in art. 4 (2), the collective management society is obliged to conclude with the applicant the non-exclusive license to use musical works on the internet or other wired or wireless networks.

(2) The non-exclusive license may also be granted by correspondence (e-mail, fax, post).

(3) The non-exclusive license is granted for a period of 3 years, but at the express request of the user, it may be granted for a shorter period.

(4) In the case of the reproduction right, the non-exclusive license authorization shall be concluded only with regard to musical works that are part of the repertoire, optionally managed by the collective management society.

Art.7 For the reproduction and / or the public performance, including by making available to the public the musical works through online or mobile services, the users have the obligation to pay remuneration for the shareholders of copyrights for musical works as follows.

A. Streaming (making available for listening)

a) free of charge:

Number of musical works	1-20	21-200	201-1000	Over 1000
Monthly tariff	20 lei	30 lei	50 lei	100 lei

When users provide for listening (streaming) over 200 musical works, on every group of 500,000 monthly listening is added one additional tariff equivalent to that established in the table above.

For use as background music works is due a monthly remuneration of 20 lei.

b) for good and valuable consideration:

- 8% of calculation base, by right title of public communication of musical works available to the public.

B. Provide for download (download)

a) free of charge:

In the case of users offering for streaming (streaming) over 200 musical works, to each installment of 500,000 monthly listings, a remuneration equivalent to the one set out in the above table is added.

For the use as background music of the musical works a monthly remuneration of 20 is due lei.

Number of musical works	1-20	1-20	201-1.000	Over 1,000
Monthly tariff	40 lei	60 lei	100 lei	200 lei

If the number of musical works downloaded is more than 50,000 monthly, it is added an additional tariff equivalent to that established in the table above for each group of 50,000 musical works. For more than 2,000,000 musical works downloaded monthly, no additional tariff is added.

Tariff in the table above are distributed as follows:

- 70% as economic rights of copyright to reproduce musical works;
- 30% as right title of the public communication of musical works available to the public.

b) for good and valuable consideration:

- 7% of the calculation base, as economic rights of copyright to reproduce musical works;
- 3% of the calculation base, as right of title of the public communication of musical works available to the public.

Art.8 The basis for calculating the percentage remuneration consists of the total monthly gross income obtained by the user as a result of the use of musical works, revenues representing but not limited to: sums paid by the final consumers, regardless of whether the amounts are paid directly to the user or to an intermediary, advertising, subscriptions, sponsorships.

Art.9 (1) The payment of the remuneration shall be made until the 25th of the month following the month for which they are due.

(2) In case of delay in payment of remuneration the users owe, in addition to the unpaid amounts due, penalties of 0.15% for each day of delay.

(3) The remuneration established in a fixed amount by the present methodology can be modified annually according to the inflation index, in accordance with the provisions of art. 131 of Law no. 8/1996 on copyright and related rights, as subsequently amended and supplemented.

Art.10 (1) The users are obliged that by the 20th of each month to communicate to the collective management society, for the previous month, a report regarding the musical works used that will include:

- a) the basis for calculating the remuneration;
- b) the musical works reproduced and / or communicated publicly, indicating for each musical work the name of the musical work, the author / authors, the performer / performers, the number of listenings / downloads and the duration of use.

(2) Users are obliged to allow the monitoring and reporting of traffic by an independent third party, that is approved by the collective management society, or to implement a traffic monitoring program by the collective management society approved by the latter.

Art.11 (1) The reproduction and public performance of musical works as ringtones or waiting tones for mobile phones are not subject to the present methodology.

(2) This Methodology shall enter into force on the date of its publication in the Official Gazette of Romania, Part I, in accordance with art. 131 paragraph (8) and (9) of Law no. 8/1996 on copyright and related rights, as subsequently amended and supplemented.

Delivered today, March 30, 2010, at the headquarters of O.R.D.A., from Transilvaniei str. 2, sector 1, Bucharest.

Enforcement shall start from the date of its publication in the Official Gazette of Romania, Part I.

With appeal within 30 days from the date of publication in the Official Gazette of Romania, Part I.

Tribunal of arbitrators:

Gheorghiu Gheorghe

Lucan-Arjoca Marius

Red Viorel

Tănăsescu Mihai

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