

**INTERNAL REGULATIONS  
REGARDING  
THE DECLARATION OF MUSICAL WORKS  
AND  
THE ALLOCATION OF THE REMUNERATIONS**

**ANNEX TO THE STATUTE OF UCMR-ADA**

**UCMR-ADA**

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**CHAPTER I  
DECLARATION AND DOCUMENTATION**

## OF MUSICAL WORKS

### Content:

- I. General rules
- II. Types of declarations of musical works
- III. Declaration of an original musical work
- IV. Declaration of a derived musical work
- V. Declaration of musical works with a publisher
- VI. Declaration for the modification of a musical work
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### I. GENERAL RULES

**Art. 1.** (1) The declaration to UCMR-ADA of the musical works is mandatory for:

- a) the members of UCMR-ADA;
- b) any other authors or holders of patrimony copyrights for musical works who claim the allocation or the payment of any remunerations collected or allocated by UCMR-ADA.

(2) The declaration of a musical work must be performed before the date on which it takes place the allocation of the remunerations with regard to the author or another holder of patrimony copyrights for musical works considered to be entitled.

**Art. 2.** (1) The declaration of the musical work to UCMR-ADA does not constitute a guarantee of its originality.

(2) The declarant takes credits on own responsibility for the ownership and originality of the work declared, as well as for the real and complete nature of the other data indicated in the declaration of the musical work.

(3) UCMR-ADA cannot be held liable for unreal, incomplete or inaccurate declarations, nor for the consequences of not complying with the obligation to declare a work.

(4) The declaration of a musical work derived from one or several pre-existing musical works, for which the patrimony rights are still within the legal term of protection, can be made only with the written consent of the authors of the pre-existing works used.

(5) Each of the signatories of a declaration of musical works is bound to submit to UCMR-ADA, at the simple request of the latter, all of the document and any other evidence supporting the original nature, the ownership and the capacity of holder of patrimony copyrights over the musical work declared.

**Art. 3.** The information comprised in the declaration of the musical work constitute, among others, the elements depending on which UCMR-ADA identifies the authors, the publishers and other holders of patrimony copyrights over that work and the rate of patrimony copyrights held in that

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musical work by each author or holder of patrimony copyrights, information necessary for the allocation and individual payment of the remunerations.

**Art. 4.** The author or other holder of patrimony copyrights over a musical work cannot claim from UCMR-ADA the payment of any remuneration allocated to the musical work, if they do not submit in prior to UCMR-ADA the declaration corresponding to that musical work, drawn up according to the models of UCMR-ADA.

## II. TYPES OF DECLARATIONS OF MUSICAL WORKS

**Art. 5.** (1) The declaration of musical works submitted to UCMR-ADA can be:

- a) an initial declaration of the musical work;  
or
- b) a declaration for the modification of the musical work;

(2) The initial declaration is the one by which a musical work is declared for the first time to UCMR-ADA.

(3) The declaration for modification is the one by which they are modified any elements of any declaration of a musical work previously submitted to UCMR-ADA with regard to the same musical work.

## III. DECLARATION OF AN ORIGINAL MUSICAL WORK

**Art.6.** (1) The declaration of any musical work can be made only by using the model declaration for a musical work established by UCMR-ADA.

(2) The online declaration of musical works is allowed only by using a special application made available by UCMR-ADA and in compliance with the 3-month term for the submission of the model declaration of the musical work bearing the hand written signature of all of the holders.

(3) Any declaration of a musical work must be filled in entirely, indicate all of the authors, publishers and holders of patrimony rights and the patrimony shares over the musical work, both for the rights of public performance and the mechanical rights, and it must be signed by all of the holders of patrimony copyrights over the musical work.

The declaration of the musical work must be signed by all of the holders of patrimony copyrights mentioned therein.

**Art.7.** (1) The model declaration of musical works will provide boxes to fill in at least the following mandatory information:

- a) the title of the musical work;
- b) the type of the musical work;
- c) the surname and name of the authors, the nickname, if it exists and the capacity of each author (composer, lyricist, arranger);
- d) the surname and name or, as the case may be, the name of any other holder of at least one percentage share of patrimony rights over the musical work, with the indication of their capacity (inheritor, publisher or other exclusive assignee); in these cases, the declaration of the musical work must comprise as the case may be:
  - a. the number and the date of the certificate of inheritor, of the contract for publishing or of the contract for assignment;

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- b. the territory for which they are inherited, published or assigned exclusively the patrimony rights;
  - c. the duration for which they are inherited, published or assigned the patrimony rights;
  - e) the percentage share of rights held by each holder of patrimony copyrights for musical works, indicated separately for the rights of public performance, respectively for the mechanical rights;
  - f) the territory for which it is entrusted the collective administration (box to be used only by the members or persons who intent to become members);
  - g) the duration of the musical work;
  - h) the year in which the musical work was created;
  - i) the musical genre of the work declared;
  - j) the handwritten signature of all authors and, as the case may be, of the other holders of patrimony copyrights for the musical work;
  - k) any other data and information established by UCMR-ADA;
- (3) The declaration of the musical work must be accompanied by:
- a) an extract of the sheet music comprising the melody, text and audio recording of the musical work;  
and, as the case may be, for inheritors, publishers and assignees,
  - b) the copy certified for conformity with the original, on the declarant's oath, of the certificate of inheritor, of the contract for publishing or other contract for assignment of patrimony copyrights for musical works;

#### IV. DECLARATION OF THE DERIVED MUSICAL WORK

**Art. 8.** (1) The declaration of the derived musical work is made by using the model declaration of musical works adopted by UCMR-ADA.

(2) For the separation from the original work it is mandatory for the derived work to be declared under a title different from it, accompanied, as a sub-title, by the title of the original work.

(3) The declaration of the derived musical work must be signed as well by the authors of the original musical work/authors of the original work comprising the share negotiated with the author of the original work, bearing their handwritten signature.

(4) The declaration of the derived musical work must be accompanied as well by the full sheet music of the original musical work, by the full sheet music of the original work, by the audio registration of the derived work and by the audio registration of the original work;

(5) The requirements provided for by art. 6 and art. 7 apply accordingly also to the declaration of the derived musical work.

(6) UCMR-ADA is entitled to refuse the registration, the allocation and the payment of any remuneration for any derived musical work if it is not declared accordingly and if it is not accompanied by the documents provided for by the present Regulation.

#### V. DECLARATION OF MUSICAL WORKS WITH A PUBLISHER

**Art.9.** (1) The declaration of the musical work with a publisher must be signed by the legal representative of the publisher, by the authors and by all the other holders of patrimony copyrights

over that musical work and it must be accompanied by the certified copy, for conformity with the original, of the contract for publishing.

(2) The contract for publishing must indicate clearly:

- a) the musical works subject to it;
- b) the exclusive nature of the assignment of patrimony copyrights;
- c) the patrimony copyrights for musical work assigned to the publisher;
- d) the percentage shares in which they are divided the rates of patrimony copyrights for musical works between the authors and the publisher, indicated separately for rights of public performance and mechanical rights;
- e) the territory for which they are assigned the patrimony copyrights for musical works;
- f) the duration for which they are assigned the patrimony copyrights for musical works;

(3) The authors and the publishers who are members of UCMR-ADA have the obligation to submit to UCMR-ADA appropriate declarations for each musical work from the portfolio of UCMR-ADA with regard to which they have concluded a contract for sub-publishing or for exclusive assignment.

(4) The requirements provided for by art. 6 and art. 7 apply accordingly also to the declaration of the musical works with a publisher and those with other holders of patrimony copyrights.

**Art. 10.** (1) In case of a transfer of a catalogue or of a part representing more than 10 (ten) musical works, previously declared to UCMR-ADA, from a publisher who is a member of UCMR-ADA to another publisher who is a member of UCMR-ADA, that transfer not affecting the rights or the shares held by the other authors or holders of patrimony copyrights for musical works, the assignee and the assignor who are the publishers have the obligation to submit to UCMR-ADA:

- a) an original copy of the contract from which it must result clearly the exclusive and integral transmission of the shares of patrimony copyrights of that publisher over all of the musical works subject to the contract, as well as the duration and the territory of the assignment;
- b) the declaration on own responsibility of the legal representative of the publisher who is the assignor, in which they are mentioned:
  - a. the identification data of the person to whom they have been assigned the patrimony copyrights for musical works;
  - b. all of the names of the musical works for which they are transferred under a contract the shares of patrimony copyrights held with the indication of the code Work or ISWC of each musical work;
  - c. the express declaration that the publisher who is the assignor transfers to the publisher who is the assignee, for the entire duration for which the assignor acquired them, all of the shares of patrimony copyrights for the musical works subject to the contract, as well as the fact that the assignment does not affect the rights and the shares of patrimony rights of the other authors and of other holders of patrimony copyrights for musical works;
- c) the portfolio/portfolios acquired by exclusive assignment, with the indication of the shares of patrimony copyrights held following the assignment declared for each musical work, which must be submitted as well in the electronic format agreed by UCMR-ADA;

(2) The provisions of paragraph (1), apply accordingly, as the case may be, also in the situations in which an assignor who is an author or other holder of patrimony copyrights, member of UCMR-ADA, assigns to another member of UCMR-ADA all of its patrimony rights for more than 10

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(ten) musical works declared previously to UCMR-ADA, without affecting the rights or shares held by other authors and holders of patrimony copyrights for those musical works.

(3) At the expiry of the duration of the assignment of patrimony copyrights for musical works they are resumed the shares of patrimony copyrights held and the holders of patrimony copyrights for musical works declared to UCMR-ADA prior to the exclusive assignment for which it expired the assignment term.

**VI. DECLARATION FOR THE MODIFICATION OF A MUSICAL WORK**

**Art. 11.** (1) The authors, publishers and any other holders of patrimony copyrights have the obligation to submit to UCMR-ADA a declaration for the modification of the musical work, whenever the musical work was declared incorrectly, inaccurately, as well as each time they occur any acts or legal facts meant to modify the data or the information comprised in the previous declaration of the musical work.

(2) The declaration for modification regarding the introduction of new holders will be accompanied by the copy of the document supporting the acquisition of the patrimony copyrights for musical works, certified for conformity with the original by the person who submits it.

(3) By way of exception, the declaration for modification resulted from the conclusion of a contract for publishing or another contract for assignment with one of the authors of a musical work can be signed only by the author who is the assignor and by the publisher/assignee if under the contract they are not affected the rights and shares of patrimony rights of the other authors and, as the case may be, of the other holders of patrimony copyrights over that musical work; In this case, the author who is the assignor and the publisher have the obligation to submit to UCMR-ADA also a declaration on oath that they are not affected the rights and shares of patrimony copyrights of other holders of patrimony copyrights for musical works.

**VII. REGISTRATION OF INHERITORS**

**Art.12.** (1) The inheritors of the patrimony copyrights over a musical work declared previously to UCMR-ADA do not have the obligation to submit to UCMR-ADA a new declaration for musical works following the acquisition of the rights by inheritance, if there are no other modifications of the previous declaration.

(2) In the situation provided for by para. (1), in order to benefit from remunerations allocated by UCMR-ADA according to the share of patrimony rights that belonged to the author or holder deceased, within the limits of the share of rights inherited, the inheritor must submit to UCMR-ADA copies certified for conformity with the original of:

- a) the certificate of death of the author or holder of patrimony copyrights for musical works; and
- b) the certificate of inheritor and, as the case may be, the act of settlement;

(3) In case of any musical work that has not been declared before to UCMR-ADA, in order to benefit from the allocation of the remunerations, it is mandatory to declare the musical work according to the present Regulations, declaration of the musical work which must be accompanied by:

- a) the certificate of death of the author of the musical work;
- b) the certificate of inheritor and, as the case may be, the act of settlement;

c) for any work that has not been brought in prior to the knowledge of the public, the handwritten declaration of the inheritor that the musical work has not been brought in prior to the knowledge of the public before the death of the author, that its author is the one who they inherited, and the proof that the musical work has been brought to the knowledge of the public under the name of the author after the death of the latter;

(4) Until the fulfilment of the obligations provided for by paragraphs (2) and (3) UCMR-ADA is entitled not to allocate or, as the case may be, not to pay to the inheritors the remunerations for the musical works that have not been declared or have not been declared accordingly to UCMR-ADA.

### VIII. DECLARATION OF A SUB-PUBLISHED CATALOGUE

**Art. 13.** (1) The sub-publisher of a publisher who is a member of a collective administration body, similar to UCMR-ADA from abroad must submit to UCMR-ADA:

- a) the copy of each contract for sub-publishing concluded, certified on own responsibility of the legal representative of the sub-publisher, as well as its translation into Romanian language by a sworn translator;
- b) the declaration regarding the sub-published catalogues and the modifications to which they have been subject;
- c) the portfolio sub-published for the Romanian territory, in CWR2 format or similar to it, on digital media, updated periodically at each modification, take over or termination of the catalogue or of some parts of the catalogue;

(2) The declaration regarding the sub-published catalogues must comprise at least the following information:

- a) the identification data and the IP number of the original publisher whose catalogue is sub-published;
- b) the identification data and the IP number of the sub-publisher on the Romanian territory;
- c) the name of the sub-published catalogue and the shares of patrimony copyrights for musical works. If it is sub-published a part of a catalogue, the declaration will comprise as well an annex indicating the title of each musical work sub-published, as well as the authors, publishers and other holders of patrimony copyrights over those musical works;
- d) the date from which the sub-published catalogue is taken over by the sub-publisher;
- e) the date on which the sub-publishing of the portfolio terminates;
- f) the territory for which the catalogue has been sub-published;
- g) information regarding the clauses and the periods of ante or post collection;
- h) the surname, name, capacity and handwritten signature of the legal representative of the sub-publisher;

(3) The sub-publisher has the obligation to submit to UCMR-ADA, along with the declaration mentioned at para. (2), the CWR2 format or another similar format of the portfolio sub-published for each catalogue.

(4) Until the submission in CWR2 format or another similar format of the sub-published portfolio, the sub-publisher cannot claim from UCMR-ADA the allocation of any remunerations according to the contract for sub-publishing.

**Art. 14.** (1) No author, publisher or other holder of rights cannot oppose to UCMR-ADA and claim the declaration or registration of musical works, the allocation and payment of remunerations according to other procedure or according to other shares than the ones identified according to the present Regulations.

(2) Any concerns, inconsistencies or conflicts between the authors, publishers and/or other holders of patrimony rights with regard to the musical works and patrimony copyrights over them, will be clarified directly by them and UCMR-ADA classifies them in the category of conflicts, according to the Statute, after having been informed in this respect.

#### **IX. SPECIAL PROVISIONS**

**Art. 15.** (1) The declarations of musical works submitted to the Union of Romanian Composers and Musicologists before the establishment of UCMR-ADA can be taken into consideration by UCMR-ADA for the identification of the musical works, of their authors, for the allocation and payment of the remunerations.

(2) In so far as the declarations of musical works provided for by paragraph (1) or other declarations of musical works submitted to UCMR-ADA do not provide the shares of patrimony rights held over the work by the authors or other holders of patrimony copyrights for musical works, or in the situation in which the shares declared do not constitute 100%, for that work, UCMR-ADA will document and use in the individual allocations the default shares provided for by the present Regulations.

**Art. 16.** (1) Each author, publisher, and other holder of rights has the obligation to consult, to inform and to update permanently the data related to the musical works that have been declared to UCMR-ADA, its identification and positioning data, the bank account, to seize, solicit, update and correct in a timely manner any inconsistencies, to solicit the modification or the update of any personal data regarding its identification and positioning, as well as its bank details and to identify the musical works by means of the online platform of UCMR-ADA.

(2) The authors, publishers or other holders of patrimony copyrights cannot invoke and claim that the allocation and payment of the remuneration should be made by UCMR-ADA according to other rules than the ones established under the present Regulations.



**CHAPTER II**  
**ALLOCATION OF REMUNERATIONS**

**Content:**

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- XVII. Allocation of the interests collected when the remuneration has been deposited at a bank
- XVIII. Allocation of the remunerations collected by means of foreign bodies
- XIX. Final provisions

**Art. 1.** The allocation of the remunerations is made by UCMR-ADA, according to the rules established by the Statute of UCMR-ADA and the present Regulations, with the application of the methods established under it, under decisions of the General Assembly of the members or under decisions of the Board of Directors, in compliance with the following general principles:

- a) the allocation of the remuneration is made, usually, directly pro rata with the duration of the use of the musical works indicated in the playlists submitted to UCMR-ADA by the users, except for the cases in which the present Regulations stipulate that the allocation of the remunerations is made by analogy or according to other criteria and, in general, except for the cases in which the direct pro rata allocation is not possible;
- b) the allocation of the remunerations is made, usually, separately by categories of rights and types of use;
- c) the allocation of the remunerations is made, usually, separately for each type of use, except for the cases in which the present Regulations provide otherwise.

**Art. 2.** (1) The remunerations are collected in the collective benefit of the authors, publishers and other holders of patrimony copyrights for musical works whose appropriate rights are administered collectively by UCMR-ADA.

(2) Depending on the type of collective administration, if the present Regulations do not provide otherwise, the remunerations collected by UCMR-ADA are allocated as follows:

- a) in case of the collective administration that arises from the law, for all musical works and all authors, publishers and other holders of patrimony copyrights for musical works administered collectively according to the law which are mentioned in the playlist reports submitted by the users of UCMR-ADA;
- b) in case of the optional collective administration, only for musical works, authors, publishers and other holders of patrimony copyrights and respectively only for the patrimony copyrights administered collectively and optionally by UCMR-ADA according to the direct and indirect mandates concluded with similar bodies;
- c) in case of the authorizations for non-exclusive license granted by UCMR-ADA for every work, only for the musical works and authors, publishers and other holders of patrimony copyrights for musical works for which it has been concluded the authorization for non-exclusive license, among the ones administered collectively by UCMR-ADA based on the direct contracts for empowerment for collection administration and on the contracts for representation concluded with similar bodies;

**Art. 3.** An author, publisher or other holder of patrimony copyrights for musical works is entitled to remunerations collected by UCMR-ADA, in compliance with the present Regulations and within the limits of the playlist submitted by the user to UCMR-ADA and the sums paid by the user.

**Art. 4.** (1) If the present Regulations do not provide otherwise, the allocation of the remunerations implies the allocation of a remuneration for a musical work, pro rata with the duration of use supported by documents.

(2) The amount allocated by UCMR-ADA per musical work is followed by the its individual allocation to the authors, publishers and/or, as the case may be, other holder of shares of patrimony copyrights for that musical work, according to the percentage shares that are registered for that musical work in the database of works of UCMR-ADA or, as the case may be, according to the shares

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of rights registered in the international databases which can be accessed by UCMR-ADA, or supplied by the bodies similar to UCMR-ADA from abroad based on international files of the musical works.

**Art. 5.** (1) The allocation and individual payment of the remunerations are performed by holders usually quarterly, and for the compensatory remuneration for a private copy they are performed half-yearly.

(2) The General Assembly of the members or the Board of Directors of UCMR-ADA may establish shorter or longer terms of allocation, without exceeding the maximum term provided for by Law no. 8/1996 on the copyright and the related rights.

**Art. 6.** (1) For the allocation of the remunerations directly pro rata with the duration of use it shall be taken into account the information indicated in the playlist reports communicated by the user to UCMR-ADA or the duration ex officio provided for by the present Regulations.

(2) With the endorsement of the Permanent Committee for Works and Programmes, the information relative to the use of some musical works provided by authors, publishers or other holders of patrimony copyrights for musical works or third parties can be taken into account by UCMR-ADA when it allocates remunerations directly pro rata with the duration of use, if they fulfil cumulatively the following conditions:

- a) they are received by UCMR-ADA before the allocation of the remunerations;
- b) they are submitted on own responsibility by authors and/or performers when the information regarding the participation is public or they are confirmed by the user of the musical works;

**Art. 7.** The default interests, the interests and the damages collected by UCMR-ADA from the users of musical works observe the rules of allocation provided for the allocation of the remunerations corresponding to the type of use for which they have been collected, except for the case in which the present Regulations provide otherwise.

## II. SHARES OF PATRIMONY COPYRIGHTS IN THE MUSICAL WORK

**Art. 8.** (1) At the individual allocation per work per holder of the remuneration they are used:

- I. the shares of rights of public performance from the declarations of the musical works in cases of remunerations collected from:
  - a) radio and television stations, under the title of rights of radio transmission of the musical works;
  - b) cable operators, under the title of rights of transmission by cable of the musical works;
  - c) organizers of shows, concerts or other artistic events, under the title of rights of public communication of the musical works;
  - d) cinema operators, under the title of rights of public communication of the musical works;
  - e) from the users of music by means of the internet, mobile platforms, as ringtones or hold tones for the mobile telephones, under the title of rights of public communication of musical works;
  - f) from the users of music for ambient purposes, as well as in the case of any remunerations for which it is not provided expressly the application of the shares of mechanical rights;

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## II. the shares of mechanical copyrights in case of the collected remunerations

## a) under the title of rights of reproduction of the musical works from:

- a. producers of phonograms and videograms,
- b. radio and television stations,
- c. users of music by means of the internet, mobile platforms, ringtones or hold tones for mobile telephones,

## b) the compensatory remuneration for private copy;

## c) any other remunerations that are collected from the users under the title of patrimony rights of reproduction or allocation of musical works, and subject to the direct allocation.

(2) In case of multi-territorial licenses granted by means of another collective administration body mandated by UCMR-ADA, the mandated administration body applies its own rules of application.

## III. SHARES OF RIGHTS AND EX OFFICIO TERMS

**Art. 9.** (1) In case of the musical works declared or, as the case may be, registered with UCMR-ADA without shares of patrimony copyrights for musical works, UCMR-ADA is entitled to apply the ex officio shares established by the present Regulations, as follows:

a) *Rights of public performance*

Work without a publisher			Work with a publisher		
No.	Category of holder	Share	No.	Category of holder	Share
1.	Composer/s	100%	1.	Composer/s Publisher/s	67% 33%
2.	Composer/s Arranger/s	80% 20%	2.	Composer/s Arranger/s Publisher/s	50% 15% 35%
3.	Composer/s Lyricist/s	70% 30%	3.	Composer/s Lyricist/s Publisher/s	45% 20% 35%
4.	Composer/s Lyricist/s Arranger/s	60% 25% 15%	4.	Composer/s Lyricist/s Arranger/s Publisher/s	40% 15% 10% 35%

b) *Mechanical rights*

Work without a publisher			Work with a publisher		
No.	Category of holder	Share	No.	Category of holder	Share
1.	Composer/s	100%	1.	Composer/s Publisher/s	60% 40%
2.	Composer/s Arranger/s	80% 20%	2.	Composer/s Arranger/s Publisher/s	48% 12% 40%
3.	Composer/s Lyricist/s	70% 30%	3.	Composer/s Lyricist/s Publisher/s	43% 17% 40%
4.	Composer/s	60%	4.	Composer/s	38%

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Lyricist/s	25%	Lyricist/s	14%
Arranger/s	15%	Arranger/s	8%
		Publisher/s	40%

(2) In all of the cases in which there are several authors, publishers or holders of patrimony copyrights for the same musical work for which in the declaration of the musical work they have not been declared the percentage shares for each holder/category of rights for which the law stipulates a mandatory collective administration or for which UCMR-ADA has a mandate, the global shares ex officio are divided equally by categories between the holders of rights of the same category (composer, lyricist, arranger, publisher) holding the global share of the musical work.

(3) The musical works derived from musical works from the public domain are included in the direct allocations of UCMR-ADA with the application of the following factors of weighting applicable both in case of rights of public performance, as well as in the case of mechanical rights:

	Musical work without a publisher				Musical work with a publisher			
<b>Composer/s</b>	DP	DP	DA	DA	DP	DP	DA	DA
<b>Lyricist/s</b>	DP	DA	DP	DP	DP	DA	DP	DP
<b>Arranger/s</b>	DA	DA	DA	DA	DA	DA	DA	DA
<b>Publisher/s</b>		-	-	-	DA	DA	DA	DA
<b>Weighting/work factor</b>	0.15	0.15	0.85	0.85		0.15	0.85	0.85

(4) In the meaning of the present Regulation by DP (public domain) it is understood any work for which it has been exceeded the legal term of protection of patrimony rights of all authors who have created the work.

(5) The remunerations allocated to musical works following the application of the weighting factors for derived musical works are allocated between authors, publishers and, as the case may be, other holders of patrimony copyrights over the derived work, pro rata with the shares of rights declared by them or, as the case may be, according to the ex officio shares.

**Art. 10.** (1) In the situation in which, for one or several musical works, in the playlist report received by UCMR-ADA from the user, it is not indicated the duration of use of the musical works, UCMR-ADA shall use in the allocation an ex officio duration indicated in the table below for the corresponding musical genre:

Musical genre	Ex officio duration
Popular music	3 minutes
Jazz music	5 minutes
Chamber music	15 minutes
Symphonies	20 minutes
Choir music	5 minutes
Art film (total per film)	40 minutes
Series (total per episode)	10 minutes
Documentary film (total per film)	7 minutes
Animation film (total per episode)	5 minutes
Musical works used as ringtones	15 seconds
Theme, curtain music, promo, auto promo, jingle, signals, musical countdown	5 seconds
Popular music	3 minutes

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Gypsy music	3 minutes
Fanfare	5 minutes
Theatre music	12 minutes
Advertisement music	15 seconds
Promotional ad, advertising message BI/BO	5 seconds
Musical work used in a movie (duration per musical work)	30 seconds

**Art. 11.** The remunerations, interests, penalties and damages collected from users are allocated directly or by analogy, according to the same rules, under the present Regulations.

#### IV. DIRECT ALLOCATION

**Art. 12.** (1) The direct allocation consists of the allocation of the remunerations collected by UCMR-ADA per each musical work, in a manner directly pro rata with the duration of their use, according to the rules laid down in the present Regulations.

(2) The allocation of the remunerations per musical work directly pro rata with the duration of use of each musical work is made by establishing correctly, for each allocation in part:

- a) the total duration, expressed in seconds, of use of all musical works indicated in the playlist report submitted to UCMR-ADA by the user;
- b) the value of the remuneration per second within the allocation (the value of the sum subject to the allocation/total duration of use);
- c) the duration, expressed in seconds, of use of each musical work indicated in the playlist report submitted by the user to UCMR-ADA;
- d) the value of the remuneration per musical work (the value of the remuneration per second X the duration of use of the musical work expressed in seconds);

(3) The remuneration resulted per musical work is allocated individually to the authors, publishers and, as the case may be, to other holders of the patrimony copyrights over that musical work, directly pro rata with the share of patrimony copyrights over the work belonging to each of them.

**Art. 13.** (1) The musical works used and the duration of use of musical works according to which it is made the direct pro rata allocation, are established according to the present Regulations and according to the provisions below.

##### A. Musical works

The musical works for which it is performed the direct pro rata allocation are the ones indicated in the playlist report communicated to UCMR-ADA by the user of the musical works, for which UCMR-ADA administers collectively the patrimony copyrights for musical works. In case of the administration exercised under the law, the names indicated by the user in the playlist report which cannot be associated to a musical work from the databases of UCMR-ADA or from the international databases to which UCMR-ADA has access will be resumed in the allocation with the name or specification indicated in the playlist and they are considered unidentified musical works.

##### B. Duration of use of musical works

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The duration of use of each musical work for which the direct pro rata allocation is the one indicated in the playlist report communicated to UCMR-ADA by the user of the musical works or, as the case may be, the ex officio duration.

**Art. 14.** (1) They are allocated directly pro rata with the duration of use of musical works, unless otherwise provided for by the present Regulations, the remunerations collected by UCMR-ADA under the title of patrimony copyrights for musical works for:

- a) the reproduction of the musical works on phonograms and videograms;
- b) the use of the musical works by radio and television stations;
- c) the public communication through cinematographic projection;
- d) the use of the musical works in shows, concerts or other artistic events;
- e) the use of the musical works as ringtones or hold tones for mobile telephones;
- f) the public communication of the works on the internet and mobile networks;

(2) They are subject to the allocation directly pro rata with the duration of use of the musical works and the remuneration collected from the users of musical works by public communication for which the methodologies do not stipulate the obligation of the users to supply a playlist report with regard to the musical works used, including for the use of the musical works for ambient purposes, only in the cases in which they are fulfilled cumulatively the following conditions:

- a) the user submits voluntarily to UCMR-ADA a playlist report regarding the musical works made public;
- b) the playlist report is submitted by the user to UCMR-ADA before the allocation of the remuneration collected from that user for the period for which it was submitted the playlist report;
- c) the playlist report comprises the identification data of the user, of the business point and of the period for which it was drawn up;
- d) the playlist report indicates the name of the musical works, of their authors and the duration of use of each musical work;
- e) the remuneration for that business point can be established separately and it has been paid by the user;

**Art. 15.** In all of the cases, they cannot be and they are not subject to the directly pro rata allocation the remunerations for which the ratio between the amount subject to the allocation and the total minutes of the playlist, expressed in seconds, is less than 0.0003 RON/second; In these cases the remuneration is allocated by analogy, normally within the same type of use, according to the present Regulations.

## V. ALLOCATION BY ANALOGY

**Art. 16.** (1) It is allocated by analogy, according to the rules established under the present Regulations, any remuneration:

- a) collected for the cable and IPTV transmission;
- b) compensatory for a private copy;
- c) for which the present Regulations provides the direct allocation and for which it was not submitted to UCMR-ADA the playlist report until the date of 30 May of the year following the one in which it was collected.
- d) falls within the provisions of article 16;

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- e) for which the Regulations do not stipulate the direct allocation;
- f) the one for which, even though the Regulations provide the direct allocation, this allocation is not possible;
- g) any other sums and remunerations for which they are not provided other rules of allocation, including prescribed, unclaimed and unidentified sums;

## VI. REPRODUCTION ON PHONOGRAMS OR VIDEOGRAMS

**Art. 17.** (1) The remunerations, interests, penalties or damages collected by UCMR-ADA for the reproduction and, as the case may be, the distribution of the musical works on phonograms or videograms (CD, DVD and other types of media) are allocated normally directly pro rata, in accordance with the following rules:

- a) they are completed only for the musical works for which they have been established and collected the remunerations subject to the allocation;
- b) they are allocated, normally, separately for each quarter, for each user and for each album or, as the case may be, for each videogram in part;
- c) they are allocated directly pro rata with the duration of use of each musical work within the album or, as the case may be, videogram, among those for which the remunerations have been established and collected;
- d) they are allocated only to the authors, publishers and, as the case may be, other holder who, under direct contracts for empowerment or indirect contracts concluded by UCMR-ADA with similar bodies, have entrusted to UCMR-ADA the collective administration of the patrimony right of reproduction and distribution of the musical works for which it was collected the remuneration subject to the allocation;

**Art. 18.** (1) The global sums, collected by UCMR-ADA following a reproduction of the musical works on phonograms or videograms, for which, until the date of 30 May of the year following the one in which they have been collected, they have not been received from the user the information necessary for their direct allocation, are allocated by reallocation.

(2) The reallocation is completed:

- a) if it is possible directly pro rata with the remunerations allocated in the last allocation performed by UCMR-ADA for each of the phonograms or videograms for which it was collected the global sum;
- b) in the situation in which the allocation provided for by letter a) is not possible, they are reallocated directly pro rata with all of the remunerations allocated for the same type of use, phonograms, respectively videograms, in the first quarter of the current year.

## VII. TELEVISION/RADIO

**Art. 19.** The allocation of the remuneration, interests, penalties or damages collected by UCMR-ADA from the radio or television stations is made normally in accordance with the rules below, as they represent patrimony copyrights for the radio broadcast of the musical works or patrimony rights of reproduction of the musical works for the purpose of the radio broadcast or for archiving purposes, if for the latter they are adopted any methodologies.



**A. Remunerations collected under the title of patrimony rights for the radio broadcast of the musical works**

**Art. 20.** The allocation of the remunerations is made in accordance with the following rules, separately for each type of use, radio, respectively television;

- a) Separately for each quarter, for each user and for each radio station, respectively television channel for which it was collected the remuneration subject to the allocation;
- b) For all musical works administered collectively which are mentioned in the playlist submitted by the user to UCMR-ADA in relation with the mandatory collective administration;
- c) Pro rata with the duration of use indicated in the playlist report submitted by the user to UCMR-ADA or, as the case may be, with the ex officio duration provided for by the present Regulations;

**B. Remunerations collected under the title of patrimony rights of reproduction of musical works by radio and television bodies**

**Art. 21.** The allocation of the remuneration is made in accordance with the following rules: separately for each type of use, radio, respectively television;

- a) Separately for each quarter and for each user and for each radio station, respectively for each television channel, in part, for which it was collected the remuneration subject to the allocation;
- b) Only to the musical works for which they have been established and collected the remunerations subject to the allocation, respectively those for which UCMR-ADA administers collectively the patrimony right of reproduction based on the direct mandates for collective administration and on the contracts for representation concluded with similar bodies;
- c) Directly pro rata with the duration of use of the musical works identified in the playlist submitted by the user to UCMR-ADA, for which they have been collected the remunerations subject to the allocation, as the duration of their use results from the playlist or, as the case may be, the ex officio duration provided for by the present Regulation;
- d) Only to the authors, publishers and, as the case may be, other holder who, under direct contracts for empowerment or contracts for representation concluded with similar bodies have entrusted to UCMR-ADA the collective administration of the patrimony right of reproduction of the musical works for which it was collected the remuneration subject to the allocation;

(4) To the remunerations collected by UCMR-ADA from a radio or television body as a global sum, under the title of right of radio broadcast, or under the title of right of reproduction, for several radio stations or, as the case may be, television channels of the same use or for several quarters, without being broken down by radio stations or, as the case may be, by television channels, or period they are allocated globally, by cumulating all of the playlists received by UCMR-ADA for the period for which it the remuneration was collected.

(5) In case that in the playlist they are indicated any films for which the user does not submit the cue sheet corresponding to the film, or if it is incomplete, UCMR-ADA may also use in the allocation of the remunerations the information from the cue sheet submitted by another user for the same film or the information existing in the databases available to UCMR-ADA.

(6) In case of the remunerations collected by the radio or television body for the reproduction of musical works on phonograms or videograms intended for sale to the public they are applicable the rules provided for by art. 18.

#### VIII. PUBLIC COMMUNICATION THROUGH CINEMATOGRAPHIC PROJECTION

**Art. 22.** (1) The rules below are applicable, normally, for the allocation of the remunerations, interests, penalties and damages collected by UCMR-ADA following the public communication of the musical works through cinematographic public projections.

**Art. 23.** The allocation of the remunerations is made in accordance with the following rules:

- a) Only for the musical works for which the patrimony rights of public communication are administered collectively by UCMR-ADA in accordance with the legal provisions;
- b) Separately for each quarter, for each user and for each cinematographic work in part;
- c) Directly pro rata with the duration of use indicated in the playlist report/cue sheet of the cinematographic work with regard to the projection for which it was collected the remuneration or, as the case may be, according to the durations identified in the databases, or according to the ex officio duration provided for by the present Regulations;
- d) Only to the authors, publishers and, as the case may be, to other holders whose patrimony copyrights for the public communication of the musical works are administered collectively by UCMR-ADA;

(2) The remunerations collected by UCMR-ADA as a lump sum or as a global sum, for the public communication of musical works through the projection of several cinematographic works, if they cannot be broken down by cinematographic work, are allocated globally, by cumulating all of the cue sheets/ playlists received by UCMR-ADA from the same user for the period for which it was collected the remuneration.

(3) If the user does not submit the cue sheet/playlist, or if the cue sheet/playlist is incomplete, the allocation of the remuneration can be made as well through the use of the information from the cue sheet submitted by another user for the same cinematographic work or according to the information existing in the international databases available to UCMR-ADA.

(4) The remunerations which cannot be allocated because the cue sheet/playlist of the cinematographic work submitted to UCMR-ADA is missing, are allocated to the category of unidentified remunerations.

#### IX. CONCERTS, SHOWS, ARTISTIC EVENTS

**Art. 24.** The allocation of the remunerations, interests, penalties and damages collected from the organizers of concerts, shows or artistic events is made, normally, in accordance with the rules below, as they represent patrimony copyrights for the public communication of the musical works or patrimony rights for the reproduction of the musical works for the purpose of performance of acts of public communication, if for the latter they are adopted any methodologies.

##### **A. Remunerations collected under the title of patrimony rights for the public communication of the musical works**

The allocation of the remunerations in accordance with the following rules:

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- a) Separately for each user, concert, show or artistic event in part, for which UCMR-ADA collected the remuneration subject to the allocation;
- b) Directly pro rata with the duration of use of the musical works for which it was collected the remuneration, as the duration of use is indicated in the playlist report or, as the case may be, the ex officio duration provided for by the present Regulations;
- c) Only to those musical works for which the patrimony rights of public communication are administered collectively by UCMR-ADA in accordance with the legal provisions and for the use of which it has been collected the remuneration subject to the allocation, among those indicated in the playlist of the user;
- d) Only to the authors, publishers and, as the case may be, other holders of patrimony rights for the public communication of the musical works, for whom they have been collected the remunerations and whose patrimony rights of public communication of musical works are administered collectively by UCMR-ADA;

**B. Remunerations collected under the title of patrimony rights of reproduction of musical works**

The allocation of the remunerations is made in accordance with the following rules:

- a) Separately for each user, concert, show or artistic event in part, for which UCMR-ADA collected the remuneration subject to the allocation;
- b) Directly pro rata with the duration of use of the musical works for which it was collected the remuneration, as the duration of use is indicated in the playlist report or, as the case may be, the ex officio duration provided for by the present Regulations;
- c) Only to the musical works identified in the portfolio of musical works for which UCMR-ADA, based on the direct mandates for collective administration and on the contracts for representation concluded with similar bodies, administers collectively the patrimony copyright for the reproduction of the musical works;
- d) Only to the authors, publishers and, as the case may be, to the holders whose patrimony copyrights of reproduction of musical works are administered collectively by UCMR-ADA, based on the direct mandates of collective administration and contracts for representation concluded with similar bodies from abroad;

**Art. 25.** The remunerations, interests, penalties and damages collected as a global sum for several concerts, shows or artistic events, without being broken down per concert, show or artistic event, will be allocated by cumulating the playlists received by UCMR-ADA for the concerts, shows or artistic events for which they have been collected.

**Art. 26.** After the date of 30 May of the year following the one in which they have been collected, the collected sums corresponding to the concerts, shows or artistic events for which UCMR-ADA did not receive from the user the corresponding playlist reports, are allocated by analogy, according to the rules specific to that category of remunerations, as follows:

- a) All of the sums being in this situation are cumulated separately for each type of use, show, concert, respectively artistic event;
- b) The cumulated sum thus resulted for each type of use is allocated based on the playlists captured in the last quarterly allocation of the current remunerations for the type of ambient use, according to art. 35 para. (1) letter c) of the present Regulations, for that type of use, concerts, shows, respectively artistic events;

## X. USE OF MUSICAL WORKS AS RINGTONES OR HOLD TONES FOR MOBILE TELEPHONES

**Art. 27.** (1) The allocation of the remunerations, interests, penalties and damages collected for the use of the musical works as ringtones and hold tones for mobile telephones is made, normally, in accordance with the rules below, for the holders of shares of rights for public communication or patrimony rights for the reproduction of the musical works, as follows:

### **A. Remunerations collected under the title of patrimony rights of public communication of musical works**

The allocation of the remunerations is made in accordance with the following rules:

- a) Separately for each quarter and for each user in part;
- b) Directly pro rata with the duration of use indicated in the playlist report or, as the case may be, the ex officio duration provided for by the present Regulation, for each of the musical works used and indicated in the playlist submitted by the user;
- c) Only to those musical works and those authors, publishers or, as the case may be, holders whose rights of public communication of musical works are administered collectively by UCMR-ADA, in accordance with the legal provisions and for the use of which it was collected the remuneration subject to the allocation, among those indicated in the playlist of the user;

### **B. Remunerations collected under the title of patrimony rights of reproduction of musical works**

The allocation of the remunerations is made in accordance with the following rules:

- a) Separately for each quarter, for each type of service and for each user in part;
- b) Directly pro rata with the duration of use indicated in the playlist report or, as the case may be, the ex officio duration provided for by the present Regulation, corresponding to the musical works for which UCMR-ADA administers collectively the patrimony right of reproduction of musical works, among those indicated in the playlist submitted by the user;
- c) Only to those musical works and only to those authors, publishers or, as the case may be, holders whose patrimony rights of reproduction of musical works are administered collectively by UCMR-ADA for the musical works and for the use of which it was collected the remuneration subject to the allocation, among those indicated in the playlist submitted by the user;

(2) In case that it is collected a global remuneration, both under the title of patrimony copyrights for public communication and under the title of patrimony copyrights for the reproduction of musical works as ringtones or hold tones for mobile telephones, the remuneration thus collected by UCMR-ADA will be allocated according to the following shares:

- a) 70% for the right of public communication;
- b) 30% for the right of reproduction;

## XI. ONLINE USE OF MUSICAL WORKS

**Art. 28.** (1) The allocation of the remunerations, interests, penalties and damages collected for the online use of the musical works is made, normally, in accordance with the rules below, as they represent patrimony copyrights for the public communication of the musical works or patrimony

rights of reproduction of musical works, if for the latter they are adopted any methodologies or they concluded any authorizations for non-exclusive license.

**A. Remunerations collected under the title of patrimony rights of public communication of musical works**

(2) The allocation of the remunerations is made in accordance with the following rules:

- a) separately for each quarter, for each type of service and for each user in part;
- b) directly pro rata with the duration indicated in the playlist report or, as the case may be, with the ex officio duration provided for by the present Regulations, of use of the musical works for which the patrimony rights of public communication are administered collectively by UCMR-ADA and for the use of which it was collected the remuneration subject to the allocation, among those indicated in the playlist submitted by the user;
- c) only to those musical works and those authors, publishers or, as the case may be, holders whose rights of public communication are administered collectively by UCMR-ADA and for the use of which it was collected the remuneration subject to the allocation, among those indicated in the playlist submitted by the user;

**B. Remunerations collected under the title of patrimony rights of reproduction of musical works**

The allocation of the remuneration is made in accordance with the following rules:

- a) separately for each quarter, for each type of service and for each user in part;
- b) directly pro rata with the duration indicated in the playlist report or, as the case may be, with the ex officio duration provided for by the present Regulations, of use of the musical works for which UCMR-ADA administers collectively the patrimony right of reproduction of musical works and for the use of which it was collected the remuneration subject to the allocation, among those indicated in the playlist submitted by the user;
- c) only to those musical works and those authors, publishers or, as the case may be, holders whose rights of reproduction of works are administered collectively by UCMR-ADA and for the use of which it was collected the remuneration subject to the allocation, among those indicated in the playlist submitted by the user;

(3) In case that it is collected a global remuneration under the title of patrimony copyrights both for the public communication, as well as for the reproduction of musical works online, the remuneration thus collected by UCMR-ADA is allocated according to the following shares:

**I. for downloads**

- a) 30% for the right of public communication;
- b) 70% for the right of reproduction;

**II. for streaming**

- a) 70% for the right of public communication;
- b) 30% for the right of reproduction;

**III. for the use which allows downloading works through services such as Cloud or similar**

- a) 50% for the right of public communication;

b) 50% for the right of reproduction;

(4) In case that it is collected by UCMR-ADA a global remuneration, for several types of online services, the remuneration not being broken down between them, the remuneration thus collected is divided equally between the services, and the remuneration thus resulted per service is allocated according to the above specific rules.

**Art. 29. Simulcasting.** (1) The remunerations collected by UCMR-ADA for the online use of the musical works through services such as simulcasting, in the absence of some separate playlist reports, can be allocated according to the playlists submitted to UCMR-ADA by the radio station or the television channel for the radio broadcast of the musical works, normally, for the same period for which the remunerations have been collected, or in the absence of such playlists, based on the last playlist received from the user for the radio broadcast of the musical works.

## XII. TRANSMISSION BY CABLE, IPTV, DTH OR MOBILE SERVICES

**Art. 30.** (1) The remunerations collected by UCMR-ADA for the transmission of the musical works by cable, IPTV, DTH or mobile services, consisting of the linear and unaltered transmission of television programs, are allocated according to the duration of use of the musical works mentioned in the playlists submitted to UCMR-ADA by the television channels, authorized for the Romanian territory by UCMR-ADA.

(2) For the foreign television channels transmitted in Romania, the remuneration allocated according to their audience is allocated and paid to the similar bodies from abroad.

(3) The allocation of the remunerations is made according to the following rules:

a) they are allocated separately for each quarter in which they have been collected;

b) the remunerations collected quarterly by UCMR-ADA are allocated pro rata with the share of audience of each television channel, as it is indicated in the quarterly audience study performed at national level by the entity designated according to Law no. 504/2002 on the audio-visual or, in its absence, in a study ordered or purchased from a third party by UCMR-ADA;

c) any share of audience indicated in the study for television channels not nominated, respectively the corresponding remuneration, are reallocated to the playlists corresponding to the other television channel nominated in the study, directly pro rata with the audience.

d) the remuneration allocated according to the audience of a television channel is allocated directly pro rata with the duration of use of musical works, according to the playlist submitted by that television channel to UCMR-ADA for the quarter in which it was collected the remuneration from cable, IPTV or DTH transmission, subject to the allocation, by applying the specific rules of allocation of the remunerations representing patrimony rights of radio broadcast of musical works.

(4) The remunerations allotted to some television channels broadcasting from the territory of another state and that have not concluded with UCMR-ADA an authorization for non-exclusive licence for the radio broadcast of musical works on the Romanian territory, for the purpose of their individual allocation, are allocated and paid to the corresponding body of collective administration from abroad that administers the patrimony rights for radio broadcasting the musical works on that television channel.

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(5) UCMR-ADA may opt to deduct a share from the remuneration resulting from the cable, IPTV, DTH transmission which is allotted to a television channel from abroad and to allocate it directly to the musical works used only on the Romanian territory in this respect between UCMR-ADA and the similar body of collective administration from abroad, under which it can be established as well the share that can be deducted by UCMR-ADA;

(6) Any remuneration collected by UCMR-ADA from a similar body from abroad under the title of patrimony copyrights for the transmission of the musical works by cable, IPTV, DTH, is allocated by cumulation with the following allocation of remuneration for the cable transmission made by UCMR-ADA for that television channel for which the remunerations have been allocated or, if the television channel is not specified by the similar body of collective administration, by cumulation with the following remuneration from the cable transmission allocated by UCMR-ADA on TV channels pro rata with the audience.

**Art. 31.** (1) The remuneration from cable re-transmission which, until the date of 30 May of the year following the one in which it was collected, cannot be allocated on the playlist of the television channel on which it was allotted according to the audience, is allocated through its re-transmission on television channels, through its cumulation with the first current remuneration from the re-transmission by cable subject to the allocation on TV channel according to the audience.

(2) The remuneration collected by UCMR-ADA from a similar body from abroad under the title of patrimony copyrights for musical works for the re-transmission by cable according to a television channel from Romania, which does not appear in the audience study used by UCMR-ADA, is allocated according to the most recent quarterly playlist received by UCMR-ADA for that television channel.

<b>XIII. COMPENSATORY REMUNERATION FOR A PRIVATE COPY</b>
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**Art. 32.** The compensatory remuneration for a private copy collected by UCMR-ADA is allocated by analogy, according to the following rules:

- a) 35% of the compensatory remuneration for a private copy collected by UCMR-ADA is allocated to the musical works, respectively to the authors, publishers and holders of patrimony copyrights for musical works identified, according to the playlists of the radio stations, established according to art. 34 para. (1) letter a) and para. (2), that have been used in the allocation of the last two quarterly allocations of the remunerations from ambient use, pro rata with the duration of use of the musical works indicated in the playlists or, as the case may, with the ex officio duration;
- b) 35% of the compensatory remuneration for a private copy collected by UCMR-ADA is allocated to the musical works, respectively to the authors, publishers and holders of patrimony copyrights for musical works identified, according to the playlists of the television channels, established under art. 34 para. (1) letter b) and para. (2), that have been used in the allocation of the last two quarterly allocations of the remunerations from the ambient use, pro rata with the duration of use of musical works indicated in the playlists or, as the case may be, with the ex officio duration;
- c) 30% of the compensatory remuneration for a private copy collected by UCMR-ADA is allocated directly pro rata with the sums allocated to the authors, publishers and holders

of patrimony copyrights for musical works, under the title of patrimony copyrights for the reproduction of the musical works on phonograms and videograms, in the calendar year preceding the allocation of the compensatory remuneration for a private copy;

#### XIV. COMMON RULES FOR THE ALLOCATION OF THE REMUNERATIONS WITHOUT A PLAYLIST

**Art. 33.** (1) They are allocated by analogy, according to the common rules provided for by art. 34, 35 and 36, separately for each type of use, the following remunerations:

- a) the remunerations, interests, penalties and damages collected from ambient use and the share of interest allotted according to art. 39;
- b) the sums prescribed according to the law;
- c) any other remunerations by types of use for which it was not submitted the playlist or for which the present Regulations do not provide other rules of allocation.

(2) It is considered to be a remuneration from ambient use any remuneration collected for the public communication of musical works for ambient purposes and for which the methodologies do not provide the obligation to submit to UCMR-ADA a playlist report regarding the musical works communicated to the public such as: restaurants, terraces, hotels, bars, coffee shops, means of transport, karaoke, waiting areas etc., and for which the present Regulations do not provide the direct allocation.

(3) The allocation provided for by the present article is normally made every quarter, according to the sums resulted from ambient use in the quarter of reference.

**Art. 34.** (1) The remunerations provided for by article 33 para. (1) letter a), b) and c) are allocated separately, based on the methods of allocation approved by the General Assembly of UCMR-ADA members, as follows:

- a) in a share of 65%, to the authors and holders of patrimony copyrights for musical works identified in the allocations of UCMR-ADA made on the basis of the playlists submitted to UCMR-ADA by the radio stations, that are approved through the decision of the General Assembly of UCMR-ADA members.
- b) in a share of 30%, to the authors and holders of patrimony copyrights for musical works identified in the allocations of UCMR-ADA made on the basis of the playlists submitted to UCMR-ADA by the television channel, that are approved through the decision of the General Assembly of UCMR-ADA members.
- c) in a share of 5%, to the authors and holders of patrimony copyrights for musical works identified in the allocations made on the basis of the playlists received by UCMR-ADA from the organizers of shows and concerts for the sums collected from the category of shows, concerts, artistic events, allocations made in the quarter of reference in which they are collected the sums from the category of ambient use

(2) The methods of allocation of the remunerations provided for by the preceding letters a) and b) are established within the General Assembly of UCMR-ADA members, by vote, according to the its statutes and the provisions of art. 169 para. (1) letter a) of Law no. 8/1996 on the copyrights and related rights, republished.

**Art. 35.** (1) The playlists based on which the remunerations are allocated according to the categories provided for by article 34 para. (1) letters a) and b), are the ones received by UCMR-ADA for the



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quarter in which the current remunerations have been collected for ambient use, subject to the allocation.

(2) In the situation in which, until the date on which the remunerations are processed, one or more radio stations or television channels approved according to art. 34, did not submit to UCMR-ADA the playlist report, the allocation of the remunerations provided for by art. 34 para. (1) letters a) and b) will be made only on the basis of the playlist reports received until that date for the radio stations and television channels, among those approved by the General Assembly of UCMR-ADA members.

**Art. 36.** (1) The allocation of the remunerations according to the categories provided for by article 34 para. (1) letter c) is made only in relation with the playlists and musical works classified in these types of use based on which, respectively to which, in the quarter in which they have been collected the current remunerations subject to the allocation, UCMR-ADA made the direct allocation of the remunerations that have been collected from the organizers of concerts, shows and artistic events.

(2) A playlist corresponding to a concert, show or artistic event, that has been used in a quarterly allocation made according to the rule provided for by article 34 para. (1) letter c), can no longer be used in another subsequent quarterly allocation made according to the rule provided for by article 34 para. (1) letter c).

(3) A playlist cannot be used several times within a quarterly allocation made according to the rule provided for by article 34 para. (1) letter c).

#### XV. ALLOCATION OF SMALL SUMS

**Art. 37.** (1) They are considered small sums all of the remunerations, interests, penalties and/or damages collected, in all of the cases in which the ratio between the sum subject to the allocation and the total minutes of the playlist, expressed in seconds, is less than 0.0003 RON/second.

(2) If the present Regulations do not provide otherwise, small sums, defined according to the preceding paragraph, are allocated quarterly, by analogy, within the same category of rights and types of use, according to the following rules:

- a) all of the sums being in this situation are cumulated quarterly, separately by each type of use and rights for which they have been collected;
- b) small sums from television bodies cumulated with the current remuneration collected from the public television channel;
- c) small sums from online use are allocated after being cumulated with the highest current remuneration subject to the direct allocation on a playlist used for online-streaming against payment, for which the remunerations have not been established for every work;
- d) sums from any other types of use are cumulated by each type of use and rights and they are allocated by cumulation with the highest current remuneration subject to the direct allocation to a playlist from the same type of use;
- e) at the allocation of each sum they are applied accordingly, as the case may be, the other rules of allocation specific to the type of use and rights;

#### XVI. ALLOCATION OF SUMS FOR WHICH IT WAS NOT SUBMITTED THE PLAYLIST REPORT

**Art. 38.** (1) If the present Regulations do not provide otherwise, the remunerations for which the present Regulations provide the direct allocation and for which, until the date of 30 May of the year

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following the one in which they have been collected, UCMR-ADA did not receive from the user the playlist reports corresponding to these remunerations, are allocated by analogy, in relation with the rules specific to the category of rights and to the type of use, as follows:

- a) all of the sums being in this situation are cumulated quarterly, separately for each type of use and rights for which they have been collected;
- b) small sums from radio bodies are allocated by cumulation with the current remuneration collected from the public radio station;
- c) small sums from television bodies by cumulation with the current remuneration collected from the public television channel;
- d) sums from any other types of use are cumulated by each type of use and rights and they are allocated by cumulation with the highest current remuneration subject to the direct allocation to a playlist from the same type of use;
- e) at the allocation of each sum they are applied accordingly, as the case may be, the other rules of application specific to the type of use and rights;

<b>XVII. ALLOCATION OF THE INTERESTS COLLECTED WHEN THE REMUNERATIONS HAVE BEEN DEPOSITED AT A BANK</b>
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**Art. 39.** The interests collected by UCMR-ADA on the bank deposits/ placements of the sums that have not been allocated, are allotted quarterly as follows:

- a) in a share of 50% by cumulation with the current remunerations from ambient use subject to the allocation;
- b) in a share of 25% they are allocated by cumulation with the current remuneration collected from the public radio station;
- c) in a share of 25% by cumulation with the current remuneration collected from the public television channel;
- d) at the allocation of each sum they are applied accordingly, as the case may be, the other rules of allocation specific to the type of use and rights;

<b>XVIII. REMUNERATIONS COLLECTED BY MEANS OF SIMILAR BODIES FROM ABROAD</b>
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**Art. 40.** (1) The provisions of the present regulations apply accordingly also to the remunerations by which UCMR-ADA collects them from similar bodies from abroad.

(2) The remunerations collected from a similar body from abroad which are accompanied by files or other documents regarding their holders and the sums corresponding them, are allocated and paid to the holders indicated in those files or documents, according to the information supplied by the similar body from abroad that paid the remunerations to UCMR-ADA.

<b>XIX. FINAL PROVISIONS</b>
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**Art. 41.** (1) The present regulations constitute the general framework for the declaration of the musical works and for the allocation of the remunerations, interests, penalties and damages collected by UCMR-ADA under the title of patrimony copyrights for musical works.

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(2) In any situation which is not ruled by the present Regulations and whenever they are necessary any clarifications for their application, the Board of Directors of UCMR-ADA is mandated to adopt temporary rules, as well as rules of interpretation, application or methods of enactment of the present Regulations.

**Art. 42.** The present Regulations apply starting from the date of 1 of the month following the one in which it becomes final the decision of the court of law for the admission of the application for the amendment of the Statute to which the Regulations are annexed.