

COMPLAINTS PROCEDURE

PPI AND THE LAW

Phonographic Performance Ireland Ltd (PPI) was established by the Irish record industry in 1968 to act as a central administrator of record company rights in the public performance, broadcasting, cable transmission and reproduction of their recordings. PPI also collects royalties on behalf of performers.

PPI is owned by its members, Irish and multinational record companies and membership is open to all record companies, big and small. Record companies have the right to be paid whenever their recordings (CDs, tapes, digital files etc.) are played in public, are broadcast or are transmitted via cable. Performers have a right to be paid when sound recordings to which they have contributed are played in public, are broadcast or are transmitted via cable. All of PPI's income (less administration costs) is distributed to its members and to performers.

The specific legislation which outlines the legal requirement to pay a licence fee when publicly performing copyright recorded music is the Copyright and Related Rights Act 2000 (the Act) and in particular section 38. The Act provides that, to avoid copyright infringement proceedings, a royalty, described in the Act as "fair payment" must be paid to the copyright owners whenever their recordings are played in public.

PPI is governed by the Act and is registered with the Controller of Patents Designs and Trademarks (the Controller) as a Music Licencing Company. The Controller is the civil servant with responsibility for all matters relating to intellectual property, including copyright.

THE PPI LICENCE

You need a PPI licence whenever copyright recorded music is publicly performed, whether by CD, radio, TV, satellite, PC, digital file player or any other means. "Public" means anywhere outside the family circle.

All recording formats including digital file, CD, and analogue are covered as are all delivery methods such as PC, TV, radio, and satellite, and playing to members of the public and/or staff at your premises constitutes a public performance.

If a business requires a PPI licence but does not obtain one, not only is this a breach of copyright law, it is also unfair to those other businesses who have paid for a PPI licence, not to mention the tens of thousands of performers and record companies who are responsible for the recorded music that the unlicensed business is using.

PPI publishes licensing schemes or tariffs for businesses wishing to make use of music as background music or specially featured music and these can be accessed on the PPI website and also on the website of the Controller.

PROCEDURE FOR OBTAINING A LICENCE

Section 38 of the Act provides that if a person or a business or company wishes to perform music in public then it must:-

- Give notice to PPI that they intend to do so
- Make payments to PPI in accordance with PPI's published licence scheme, and
- Comply with any reasonable requests for information from PPI to enable it to calculate and manage payments

Section 38 sets out what to do if you disagree with any aspect of PPI's tariffs. You can still play music **PROVIDED** you pay whatever you consider reasonable at intervals of not less than three months in arrears **AND** give notice to the Controller:-

- that you intend to play sound recordings in public, and
- that you dispute the PPI tariff, or any condition imposed by PPI, or whether any information requested by PPI is reasonable, and
- state the amount that you are paying to PPI which you consider to be reasonable

AND you must apply to the Controller to determine the amount you should pay.

The Controller's address is: Government Buildings, Hebron Road, Kilkenny.

INTERNAL COMPLAINTS PROCEDURE

Please note that following agreement between IMRO and PPI, from the 1st January 2016 onwards, all public performance licensing will be administered by IMRO acting on PPI's behalf.

Although it is completely within your rights to refer your dispute to the Controller straight away, we encourage you to engage with us to see if we can resolve matters together.

If the dispute relates to a licensing period which commenced on or after the 1st January 2016, you should initially raise the matter with your IMRO contact, either by email (duallicence@imro.ie) or phone (1 800 661 303). If IMRO can't resolve the matter, they will refer it to PPI.

If your dispute relates to a licensing period prior to 2016, or if your dispute relates to a licensing period after 2016 and if IMRO have not been able to resolve the matter here are the steps we invite you to follow:

- First of all, please explain your concerns to your PPI contact and they will try to resolve the matter.
- If you have not yet spoken to anyone at PPI or if you do not have the contact details of the person with whom you have been dealing, please contact us via email (info@ppimusic.ie) or by phone (01-280 5977, selecting Option 1 for Accounts when requested). Please have your PPI

(or your IMRO) account number available if you have one. Your PPI (and IMRO) account number appears on all invoices, statements and correspondence you receive from PPI or IMRO.

- If the matter remains unresolved and you wish to speak to someone else, please ask the person with whom you have been dealing to refer you to their manager.
- If the manager is unable to resolve your complaint, you can write to the Chairman of PPI using our FREEPOST address (PPI, FREEPOST, 1 Corrig Avenue, Dun Laoghaire, Co. Dublin). When doing so please include your account number and the reasons why you remain dissatisfied. This will be reviewed and responded to in writing by the Chairman within 10 working days giving a reasoned decision in relation to the matter.

If this does not resolve the matter to your satisfaction, you can still refer your dispute to the Controller. Your rights under the Copyright and Related Rights Act have not been affected by following this complaints procedure.

WHAT IF I DO NOTHING?

Playing recorded music in public without a PPI licence or without complying with the procedures for obtaining a licence set out above is a breach of copyright, which could result in legal action.