

STANDARD TARIFF R For Restaurants, Bars and Cafés *Effective 7th October 2004*

1. SCOPE OF TARIFF

- 1.1** This tariff applies to performances of copyright music and lyrics within the Society's repertoire at bars and pubs, restaurants, cafés, lounges, cabarets, ice-cream parlours, fast food restaurants or shops, refreshment chalets, etc. where seating accommodations are provided.
- 1.2** This tariff also applies to those premises at private clubs engaging in the above-mentioned activities.
- 1.3** This tariff does not apply to performance by means of a contrivance, such as a juke box, capable of being operated by the insertion of a coin or token.

2. GENERAL CONDITIONS

This tariff is subject to the Society's General Conditions Applicable to Tariffs and Licences, a copy of which is available on request.

3. ROYALTY RATES

- 3.1** All royalties are charged at the royalty rate in force at the beginning of the Licence Year, and are payable in advance of the Licence Year.

- 3.2** The royalty rates payable under this tariff for a Licence Year or part thereof are as follows:

- 3.2.1** Background Music (Mechanical Performance):

<u>Maximum Accommodation Capacity</u>	<u>Annual Royalty</u>
Not exceeding 25 seats	\$733
Exceeding 25 seats but not exceeding 100 seats, for each seat	\$31
Thereafter up to 200 seats, for each additional seat	\$25
Thereafter, for each additional seat	\$19

- 3.2.2** Live Music Performance:

whichever is higher:

- i) 2% on the annual sum of Expenditure on the Provision of Live Music; OR
- ii) \$3.16 per set of performance for a maximum accommodation capacity of 50 seats (or part thereof), and \$0.078 per set of performance per seat in the maximum accommodation capacity exceeding 50 seats.

- 3.2.3** Visual Music Performance:

<u>No. of video screens</u>	<u>Annual Royalty</u>
For the first screen	\$2,875
For each additional screen	\$288

- 3.2.4** Dancing Facilities:

An additional royalty of 50% of the royalty(ies) in respect of the mode(s) of music performance for dancing.

(Continued Overleaf)

3.3 Index Adjustment:

The foregoing royalty rates are related to base figure of **103.3** (2004/2005-based) of the Consumer Price Index B published by the Census and Statistics Department for **January 2002**, and are subject to adjustment in accordance with changes in that index figure for the month three months preceding the date upon which the annual royalty falls due for payment in respect of the year for which the revised annual royalty is calculated.

4. DEFINITION

For the purposes of this tariff:-

- 4.1** "Society's Repertoire" means all or any musical works and literary works which are lyrics to musical works, of which the rights of public performance are or may be controlled by the Society or by any societies in other countries with which the Society is affiliated from time to time.
- 4.2** "Licence Year" means a consecutive period of twelve calendar months commencing on the first day of a month in which the licence incorporating this tariff is executed.
- 4.3** "Mechanical Performance" means performance by means of a record-player, cassette player or similar contrivance or by means of the audition of broadcasting programmes as simultaneously received over the air by radio or television set/s (other than video player/s or juke box/es) operated on the premises or diffused through a loud-speaker from other parts of the premises or a source outside the premises, but excludes "Visual Music Performance".
- 4.4** "Live Music Performance" means performance of singers, live bands, or performers of musical instruments.
- 4.5** "Expenditure on the Provision of Live Music" means the total of the followings:
i) gross salaries, wages, expenses or other emoluments paid to performers; and
ii) gross fees paid to third parties for the services of performers.
- 4.6** "Performers" means singers, performers of musical instruments, including orchestra conductors or leaders, whether or not they combine in their performance with other activities such as dancing or acting as comperes.
- 4.7** One "set" of live performance means one hour of live performance, including intermission, by Performers.
- 4.8** "Visual Music Performance" means music when performed at the premises by the playing of recorded music which is synchronized with video or similar visual display by means of a video screen, or other screens for slide and film or video exhibition.

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