**Royalty Repartition Regulations of the Union of Performing Artists STOART**

On the basis of §38, point 10 of the Statute of STOART, effective since the 21st of March 2013, by way of the resolution:  2/ZWZD/2015 of the General Meeting of Delegates on the 22nd of February

2015, the **Royalty Repartition Regulations of the Union of Performing Artists STOART**, further called “Regulations”, is being adopted.

§1

1. “Regulations” define the rules and procedures according to which the royalties collected by STOART are divided. Those royalties include the remuneration for using artistic performances of musical works and verbal-and-musical works and fees for private copying, as defined by copyright laws. Remuneration is reduced by the operational costs of running collective management and protection of rights for using artistic performances of  musical and verbal and musical works, further called artistic performances; and by fulfilling the duties required by public laws.

2. The rules for establishing the quota of due remuneration for:

1. every artistic performance – are defined in §3
2. every performing artist – are defined in §4-9.

§2

The remuneration mentioned in §1 includes:

1) royalties from users who provide STOART with appropriate documentation pertaining to broadcasted or publicly played artistic performances (in the form of playlists)

2) royalties from users who do not provide STOART with appropriate documentation pertaining to broadcasted or publicly played artistic performances

3) royalties from private copying.

§3

1. Accordingly to the provided playlists, royalties collected in a given period from the users mentioned in §2, point 1 are distributed among singular artistic performances, documented and classified for that period – separately for radio and television broadcastings and performances.

2. Royalties collected in a given period from the users mentioned in §2, point 2 are divided into:

1. remuneration collected from users of radio and Internet broadcasters' repertoire or tape repertoire; and
2. remuneration collected from users of television broadcasters' repertoire.
3. the income mentioned in points (1) and (2) is divided among the performances and performers proportionally to the quota calculated for those performances and performers on the basis of the income from the users mentioned in §3, section 1.

3. The division of remuneration mentioned in section 2 is settled by the Executive Office once in three years on the basis of the parity of the share of radio repertoire users' licenses and the share of television repertoire users' licenses in the total sum of licenses for those users. The settlement is confirmed by an act issued by the Board of the Union of Performing Artists STOART.

4. The share for each artistic performance and performer in the remuneration from private copying in a given period is calculated proportionally to the share for that performance or performer in the remuneration collected from the users mentioned in §3, sections 1 and 2.

§4

1. Among the performing artists participating in the division of remuneration for using copyrighted artistic performances, the following artistic functions are distinguished:

1. soloist vocalist, singer
2. soloist instrumentalist
3. conductor
4. solo musician
5. choir member
6. additional voice
7. accompanying musician
8. orchestra member
9. DJ
10. reciter.

2. The division of the remuneration mentioned in section 1 also includes sound engineers. A sound engineer who recorded a given artistic performance is assigned a 2% share of the sum for that artistic performance collected by STOART for the purpose of running the collective management.

§5

1. The percentage share of remuneration due for an individual performer in a track is determined accordingly to the Statement of Will signed by all artists taking part in such a performance. When no such statement is provided, the shares shall be calculated pursuant to the rules indicated in resolutions §6-8.

2. The specimen Statement of Will, as mentioned in point 1 above, is determined by the Board of STOART.

§6

There are two established types of repartition:

1. repartition for popular and jazz music, which also includes mixed groups, accompanied by orchestras and classical performers. This repartition is recognized as "Rozrywka i Jazz" ("Pop and Jazz");
2. repartition for classical music, which also includes operetta repertoire. This repartition is recognized as "Klasyka” ("Classical").

§7

1. Repartition "Pop and Jazz" consists of the three following pools:

1. Pool 1 (40% of sum total) - divided into equal parts among all of soloist instrumentalists, soloist vocalists and reciters;
2. Pool 2 (10% of sum total) - for conductor(s), appearing in a performance. Also divided into equal parts among them;
3. Pool 3 (50% of sum total) - divided into equal parts among orchestra and/or choir members, backup singers, DJs, accompanying musicians and solo musicians.

2. In case of lack of any performers assigned to:

1. Pool 1 - the pool is added to Pool 3
2. Pool 2 - the pool is added to Pool 3
3. Pool 1 and 2 - the pools are added to Pool 3
4. Pool 2 - the pool is added to Pool 1
5. Pool 2 and 3 - the pool is added to Pool 1

3. When the number of soloists taking part in a performance is greater or equal to the number of accompanying musicians, remuneration shall be divided into equal parts among all of the performers.

§8

1. Repartition "Classical" (for orchestral performances) consists of the two following pools:

1. Pool 1 (30% of sum total) - divided in half between conductor (conductors - in equal parts) and soloist (soloists - in equal parts)
2. Pool 2 (70% of sum total) - divided into equal parts among all members of orchestra and/or choir.

2. In case of lack of any performers assigned to:

1. Pool 1 - the pool is added to Pool 2
2. Pool 1, pertaining to conductor(s) - the entire pool is assigned to soloist(s)
3. Pool 1, pertaining to soloist(s) - the pool is added to Pool 2, forming a new pool (100% of sum total), which is divided as follows:
   1. 20% to conductor (or conductors - in equal parts)
   2. 80% to orchestra and/or choir members - in equal parts.

3. In the case of chamber ensembles' performances (up to 12 performers), due remuneration shall be divided into equal parts among all of the performers.

§9

1. For the repartitions mentioned in §6-8, the document called “Application for registration with STOART” is used. This document is included as an attachment to the Regulations.

2. The “Application for registration with STOART” defines: performer line-up, name of the performing band, artistic functions performed, data of a track and other information required to complete the repartition correctly.

§10

In order to meet the requirements of these Regulations, STOART hosts, amends and updates the database of performing artists, specifically the data such as:

1. names and surnames
2. pseudonyms
3. PESEL numbers (personal identity number)
4. NIP numbers (tax identification number)
5. residence addresses
6. e-mail addresses
7. bank account details.

§11

Royalty Repartition Regulations of the Union of Performing Artists STOART adopted by the Extraordinary General Assembly of Delegates on the 27th of October 2013 shall become void.

§12

The matters concerning the repartitions initiated before the introduction of these Regulations are to be conducted pursuant to the procedures valid on the day the matter was initiated.

§13

Regulations shall come into effect on the 1st of March 2015.

Secretary

of the General Meeting of Delegates

of Union of Performing Artists STOART

Chairman

of the General Meeting of Delegates

of Union of Performing Artists STOART