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Societad per ils dretgs vischins*

Instruction Claiming Tool for Phonogram Producers

Vers. 6.0, 15.09.2023

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Part A: General Information

1. Information on the „use-related“ distribution for phonogram producers

Information on the “use-related” distribution for phonogram producers can be retrieved at our website under [producer - phonogram producers](#).

2. Meaning of Claiming

Claiming means making a claim to remuneration in a certain „recording“. You are entitled to make a legal claim if you are the holder of the neighbouring rights of the respective recording or if you have an authorization to collect remunerations (authorization to collect) with respect to these rights. In the claiming tool this can be made by selecting and confirming the selected recordings of a certain usage year.

3. Data shown in the claiming tool

The claiming tool shows all recordings broadcasted by the Swiss channels analysed by SWISSPERFORM in the relevant usage year (see the list of channels in the [SWISSPERFORM-Distribution Rules](#) on p. 50).

4. Entitlement for the claiming tool

You are entitled to make claims in the claiming tool

- as the original producer („original“)
- as the person who subsequently acquired the producer rights („derivative“)
- as party entitled to collect, i.e. as party authorized by the right holder to collect the remunerations, e.g. distribution company.

It shall be indicated with respect to each recording in which of these three capacities the claim is made.

Prerequisite for the access to the claiming tool with all its functions is the conclusion of an agreement with SWISSPERFORM. Our [Website](#) provides information as to which agreement is applicable in your case.

5. Documentation of your attributes

For every recording you will need to indicate in what function you action the claim. In the Claiming-Tool you have got the possibility to claim as original / economic producer or as entitled to collect.

When selecting those characteristics please note the following:

- Persons who have bought the rights later on please select the characteristic entitled to collect
- If an agent personally also holds a Membership Agreement and /or a Rights Administration Agreement then he may also claim as original producer
- If an agent personally also holds an Agreement for parties entitled to collect then he may also claim as entitled to collect for himself

6. Suggestion list of forwarded claims from the year 2022

We would like to draw your attention to a special service regarding the extension of your claims. Producers who have claimed their rights as entitled to collect successfully in 2022 will find a suggestion list within the Claiming-Tool. After logging into the Claiming-Tool you may find this suggestion list within the area of „pending submissions“. If you wish to extend claims that you submitted as entitled

to collect in the last distribution, we ask you to do so within 14 days after the claiming tool has been activated. After this deadline, the claims that have not been extended will be released.

Already accepted claims by original producers are automatically renewed and don't need to be confirmed again.

7. Deadlines

The deadlines for the use of the claiming tool for the relevant usage year will be published on the SWISSPERFORM website under [deadlines](#).

If you wish to extend claims that you submitted as entitled to collect in the last distribution (see above number 6), we ask you to do so within 14 days after the claiming tool has been activated. After this deadline, the claims that have not been extended will be released.

Part B: Claiming of recordings in the claiming tool

1. Login and verification as right holder

You will find the login page to the claiming tool via this link: <http://claim.swp2.ch:9000/>

For the login you will need the email address registered with SWISSPERFORM and your membership or contract number. You will receive your membership or contract number, respectively, after the conclusion of the membership agreement. Should you have forgotten your membership or contract number and/or the email address registered with SWISSPERFORM you can address the SWISSPERFORM membership operations department (Tel.: +41 44 269 70 50; E-Mail: pph@swissperform.ch).

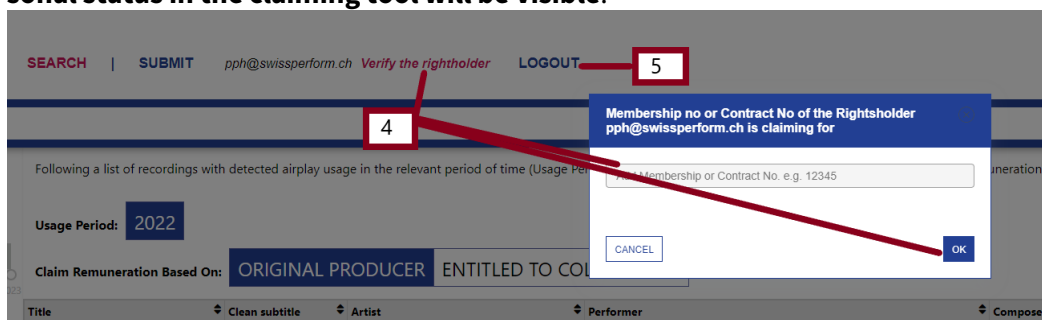
If you are entitled to collect as distributor or agent for several rights owners then you will have the possibility to do this after having logged in just once. You will just need to select on the first page of the Claiming-Tool the respective client you are acting on behalf.

Please note the following steps for the login:

- (1) Enter your email address in the relevant field and confirm.
- (2) Thereafter, you will receive a personal access link via email.



- (3) After clicking the access link the claiming tool will open in your browser.
- (4) To see **all functions** you will now have **to verify yourself as right holder**. In order to do so please **click** at the top right in the browser window next to your email address on the **link „verify right holder“**. When clicking this link you will be asked to enter your membership or contract number in a popup window. **Only after the process „verify right holder“ your personal status in the claiming tool will be visible.**



- (5) After finishing your work with the claiming tool we recommend you to logout at the top right.

2. Claiming of recordings

2.1 Selecting recordings

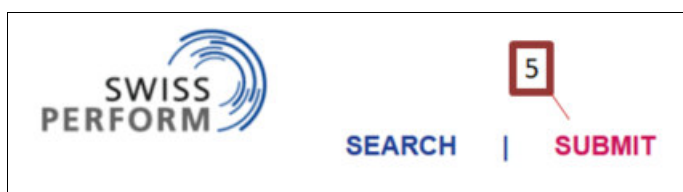
After the login and the personal verification you will be directed to the following „search page“ of the claiming tool:

The screenshot shows the SWISSPERFORM search interface. At the top left is the SWISSPERFORM logo. To its right are the buttons 'SUCHEN' and 'EINREICHEN'. In the top right corner, there is a dropdown menu for 'Agent Egli (500)' and a 'LO' button. Below the logo is a search bar with the text 'Suche' and a magnifying glass icon, labeled '3 a)'. To the left of the search bar are filter options: 'Einschränken auf:' with a checkbox for 'Unbeanspruchte Aufnahmen', and 'Jahr' with a range from 1950 to 2020, labeled '3 c)'. Below the search bar is a 'Nutzungsjahr' dropdown set to '2018', labeled '1'. Below that is a 'Vergütungsanspruch für:' dropdown with two options: 'ORIGINALPRODUZENT' and 'EINZIEHUNGSBERECHTIGUNG 2018'. Below the dropdowns is a table with columns: 'Titel', 'Untertitel', 'Gruppe / Hauptinterpret', 'Performer', 'Komponist', 'Label', 'Land', 'Jahr', and 'ISRC'. The first row has a checkbox on the left, labeled '3 b)', and the text 'Suche' in the 'Titel' column. The second row has a checkbox on the left, labeled '4', and the text 'Aaliyah' in the 'Titel' column. Below the table are filter options for 'Land' (CH, US, GB, DE, FR, IT, ES, SE, NL, AT) and 'Label' (Columbia / Columbia Records). At the bottom of the screenshot is the SWISSPERFORM logo, the 'SEARCH' button, and the 'SUBMIT' button, labeled '5'.

- (1) Please **select first** in **which capacity** you want to make your claims.
- (2) The following just applies to users (distributors or agents) claiming on behalf of others: If one of the two attributes applies please first select in the drop down in the upper right corner on behalf of whom you would like to act (please note: distributors or agents that represent rights of rights holders who hold the rights derivatively will need to claim in their name (as distributor or agent).
- (3) To search for recordings you would like to claim there is a) a general search field, b) a „search per column“ or c) several self-explanatory „filter functions“.

Note to the search: When using the search functionality in a) you will always need to key in at least three characters.

- (4) Please select all recordings for which you would like to make a claim by ticking the box on the left of the title of the recording. Recordings where a rectangle is shown at the left side, may be selected. Recordings where an information “i” is being displayed may not be selected (please also see [chapter 3.2](#) for more information).
- (5) Once you have selected all recordings, switch to the „submit“ view by clicking the tab „SUBMIT“.



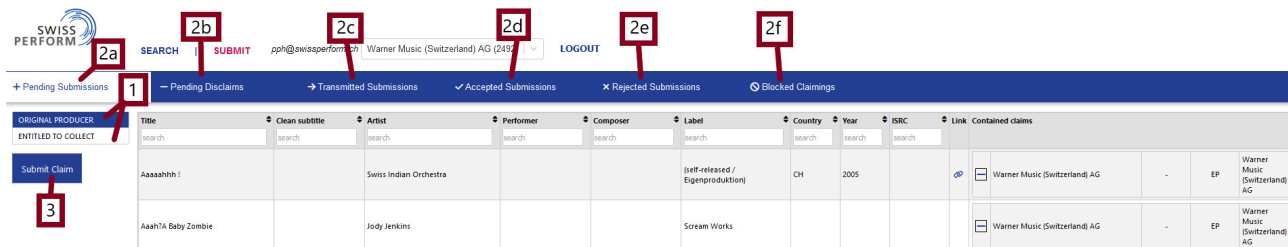
2.2 Virtual submission of the claims

- (1) At first please select in which capacity you selected the recordings on the search page.
- (2) On the „submit“ page you can see the status of the selected and submitted recordings. Please click one of the following buttons:

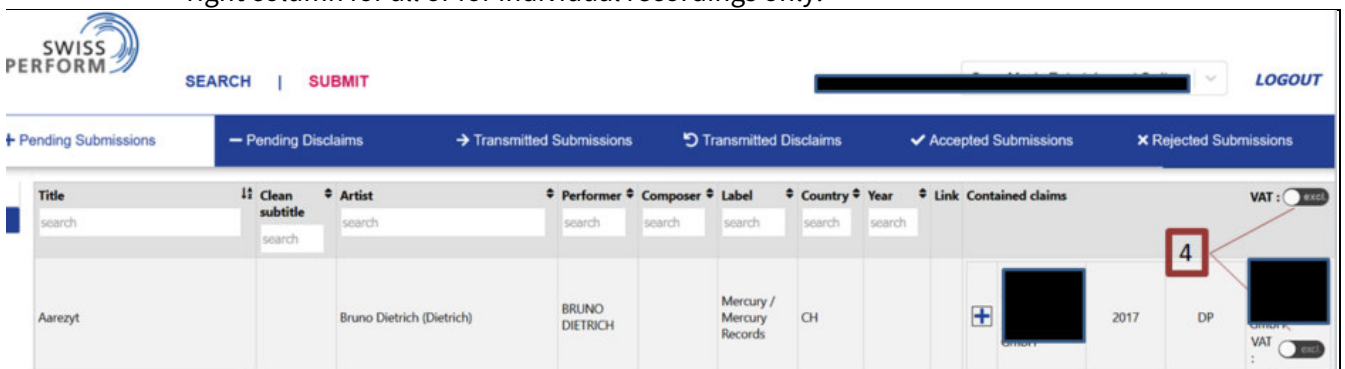
- a. Pending Claims
- b. Pending Disclaims
- c. Transmitted Submissions
- d. Accepted Submissions
- e. Rejected Submissions
- f. Blocked Claimings

At first you will be directed to the pending claims view. In this view you will see the recordings you selected on the search page.

- (3) To submit the selected recordings they have to be confirmed by clicking the button „Submit Claim“.



- (4) The following just applies if you claim as entitled to collect: after having selected a recording you will need to decide whether you would like to claim including or excluding VAT in the section “Pending Submissions”. Please activate or deactivate respective button in the right column for all or for individual recordings only.



2.3 Deselection of specific recordings within your pending submissions

Before you submit your claims you may remove recordings within the section pending submissions:

- (1) Within the right column with the title „Claims“ every recording is displayed with a minus symbol. To remove any of these recordings you just need to click onto the minus symbol. The respective recording will then vanish from the list and will be again available to be claimed within the general section.

Link Contained claims					
1	<input type="checkbox"/>	Warner Music (Switzerland) AG	-	EP	Warner Music (Switzerland) AG
	<input type="checkbox"/>	Warner Music (Switzerland) AG	-	EP	Warner Music (Switzerland) AG

2.4 Sending the confirmation form

After having confirmed via the button „submit claims“ that you would like to claim the selected recordings, a document will be generated and displayed on the screen. This document contains an overview of the claims. You do not need to send us this document anymore but just file it in your papers.

Request successfully transmitted

The request was successfully transmitted.

[Print signature document \(1 page\)](#)
[Print entire document](#)

SWISSPERFORM
Kasernenstrasse 23
CH-8004 Zurich
Switzerland

Claiming Request 14 September 2023


Rightsholder: Warner Music (Switzerland) AG (2492)
Date: 14 September 2023 at 10:58
User: pph@swissperform.ch (60662750-3000-11ee-af17-4699b7850b8)

WARRANTY

The undersigned explicitly represents and warrants that

- the information given is accurate, complete and precise;
- he holds the right on the recordings submitted by him and that he therefore is entitled to receive

Warner Music (Switzerland) AG
Identification: 2492
Membership No: 1432
pRAAu7TppgrALFrVVvX1m2



3. Tracking the status of submitted claims

3.1 Status of submitted claims in different tabs

You can track the status of submitted claims on the page „submit“ by switching to the different tabs (see above, [Part B, Chapter 2.2](#)).

3.2 Symbols on the search page

Depending on the processing status of your claims you can identify the status on the search page on the right of the titles of the recordings.

Symbol	Bedeutung
<input type="checkbox"/>	Can be selected for claiming
i	Can't be claimed. The current rightholder will need to withdraw his claim first
x	Can't be claimed. The current rightholder will need to withdraw his claim first. In addition for these recordings there exist already rejected claims
→	Submission sent
<input checked="" type="checkbox"/>	Submission accepted

Part C: Contacting of other parties for the resolution of conflicts

4. Contacting of other parties

Already claimed recordings may not be selected in the Claiming-Tool. Please contact the other party that claimed this recording to unclaim the recording before being able to claim the recording yourself. For contacting the other party, we ask you to either search for the contact details yourself or contact SWISSPERFORM (SWISSPERFORM member department tel +41 44 269 70 50 or via email at pph@swissperform.ch)

5. Withdrawal of a claim

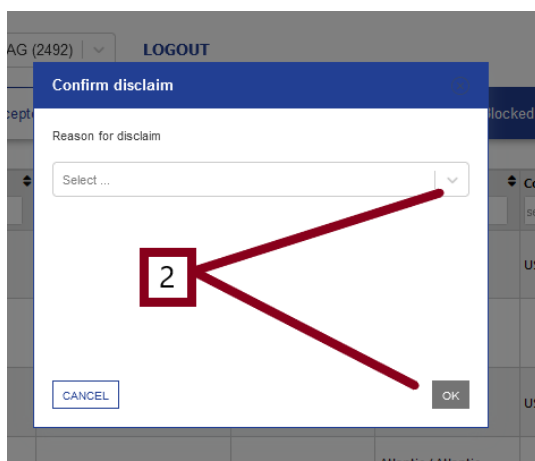
5.1 Selecting recordings to withdraw a claim


To unclaim an erroneously claimed recording click in the upper left area on “submissions”. Here you can see your claims under “Transmitted Submissions” and/or “Accepted Submissions”. Claims that have been made by other parties you may find in the section “Rejected Submissions”.

(1) To withdraw a claim please click on the anti-clockwise round arrow.



(2) After having clicked onto the arrow a pop-up window will appear in which you have to select one of three reasons for the withdrawal. Thereafter, you can confirm the selection for the withdrawal of the claim.



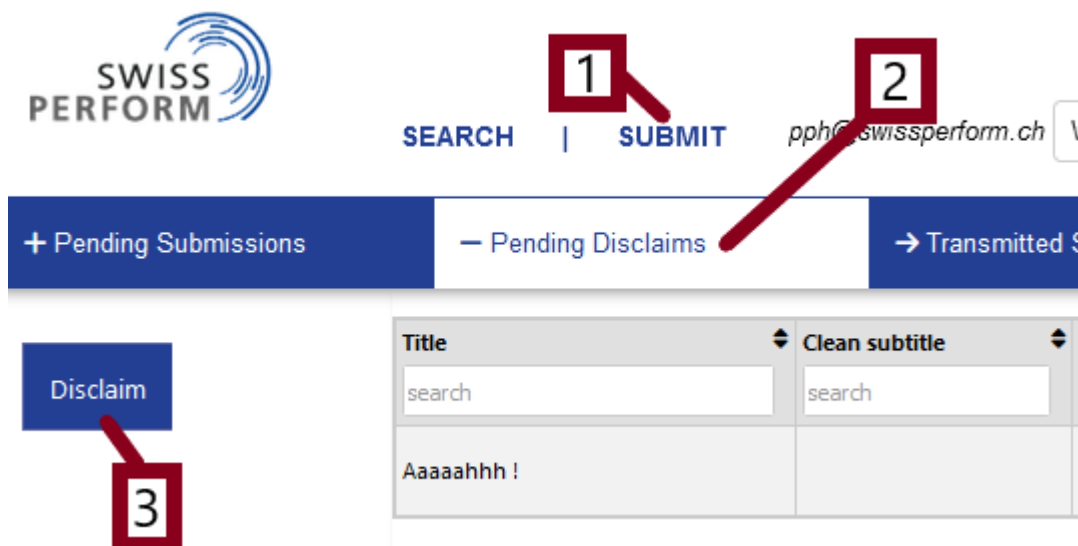
- (3) As soon as you have confirmed the selection, your name will appear crossed out with a  symbol.

Link	Contained claims				
		Warner Music (Switzerland) AG	-	EP	

- (4) Thereafter you will find the selection for withdrawals of claims in the „submit“ view in „Pending Disclaims“.

5.2 Virtual submission of a withdrawal of a claim

- (1) As soon as you have selected all recordings you would like to withdraw you can switch to the „submit“ view by clicking the tab „submit“.
- (2) To view the recordings pending for withdrawal you have to click the tab „Pending Disclaims“.
- (3) To submit the selected recordings they have to be confirmed by clicking the button „submit withdrawals of claims“.



5.3 Sending of the confirmation form

After having confirmed the “withdrawal of claims” a document will be generated and displayed on the screen. This document contains an overview of the withdrawal of claims. You do not need to send us this document anymore but just file it in your papers.

Submitted Request

This request was submitted to SWISSPERFORM like shown below.

Print signature document (1 page)

Print entire document

	Warner Music (Switzerland) AG Identification: 2492 Membership No: 1432
SWISSPERFORM Kasernenstrasse 23 CH-8004 Zurich Switzerland	
Claiming Request 14 September 2023	
<i>Rightsholder:</i>	Warner Music (Switzerland) AG (2492)
<i>Date:</i>	14 September 2023 at 10:58
<i>User:</i>	pph@swissperform.ch (60d62750-3db0-11ee-af27-4b98b7856bf8)
WARRANTY - WITHDRAWAL OF RIGHTS	
The undersigned explicitly represents and warrants that	
<ul style="list-style-type: none">• the information given is accurate, complete and precise;• he withdraws already submitted rights on certain recordings in a binding legal manner by requesting the	

Part D: Claims from the Pre-Claim-Procedure



6. Checking your submitted claims with the pre-claim-procedure

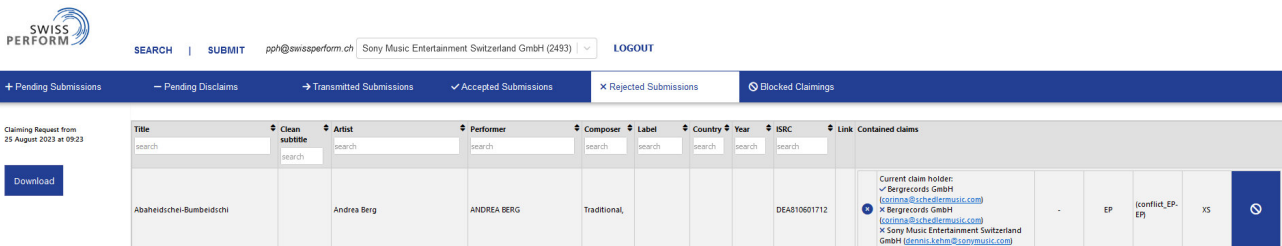
On the page “Submissions” under “Accepted Submissions” you will find all of your accepted claims of the pre-claim-procedure, if those recordings weren’t claimed by another party first.

Claims that have been claimed by a different party before you will appear in the section “Rejected Submissions”. For these claims various additional information and options for clearance of the potential conflict will be displayed:

6.1 Rejected Submissions – additional information

Within the section “Rejected Submissions” you will see at the right side “Contained Claims” the following information:

- Column 1: the symbol  indicates that this claim has been rejected
- Column 2: currently valid claim:
 - ✓ : Current holder of the accepted claim with email-address of the contact person
 - X : Current holder of all rejected claims with email-address of the contact person
- Column 3: usage year (this year 2022)
- Column 4: role under which your rejected claim has been documented:
 - EP: claim was documented as original producer
 - DP: claim was documented as entitled to collect
- Column 5: reason for the conflict (technical categorisation)
- Column 6: playtime score (see chapter 6.2)
- Column 7: button  : possibility to block the claim (see chapter 8)



6.2 Playtime Score

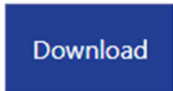
The playtime score is based on the usage time of a recording in the respective usage year throughout all evaluated broadcasting stations. It indicates the value of the expected distribution per respective title. With this information it is possible to better prioritise the work to clear out conflicts with other parties.

Example: 2021 playtime scores incl. minimal, maximal & average values per recording

Playtime Score	Recordings 2021		Usage Time: minutes per title			Amount distributed per title		
	Definition	Number	Min	Max	Ø	Min CHF	Max CHF	Ø CHF
XXL	Top 0.1%	230	3'038	20'929	5'948	1'475.51	11'458.08	3'472.84
XL	Top 1%	2'073	637	3'032	1'251	225.31	2'110.19	783.28
L	Top 5%	9'214	177	637	320	62.12	662.05	224.02
M	Top 10%	11'516	84	177	122	29.71	244.21	96.67
S	Top 30%	46'067	21	84	39	3.57	110.58	32.74
XS	Rest	161'233	<1	21	8	0.01	36.70	7.09

7. Rejected Submissions – handling options

7.1 Excel-Download



With a click on the button at the left side of the table you can download an Excel sheet of all rejected submissions. This sheet you can then use for your further work on the conflicts by sorting it (e.g. by email address of the current claim owner, by playtime score)

7.2 Contacting the current claim owner

To be able to resolve a conflict with another party, where your claim should be the persisting one and the other party may have claimed erroneously, you will need to contact the other party and ask them to remove their wrong claim (see chapter 5). You can contact the other party by using the displayed email address on the respective recordings. This is the email address which is being used for the Claiming-Tool.

8. Blocking and deblocking recordings

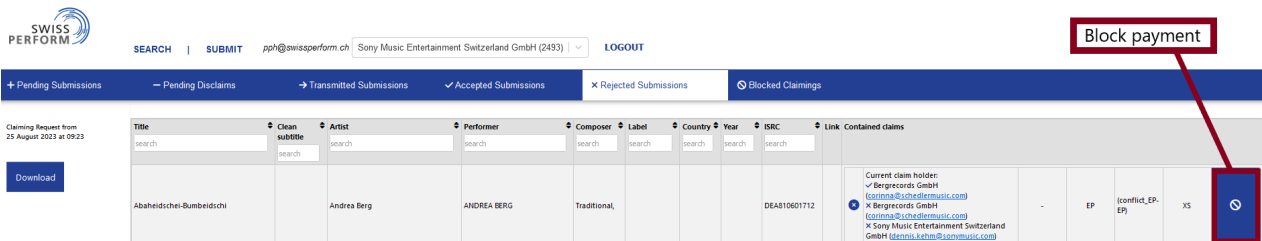
As a last measure, if no resolution has been found with the other party, you, as the lawful owner of the recording, may block the respective recording.

WARNING: for blocked recordings no payment will be actioned until the conflict has been resolved. This happens if the current claim owner withdraws his claim, the blocking party deblocks the recording or through an arbitration procedure.

The name and email address of the blocking party are being displayed under “Blocked Claims”.

8.1 Blocking of payment for a recording

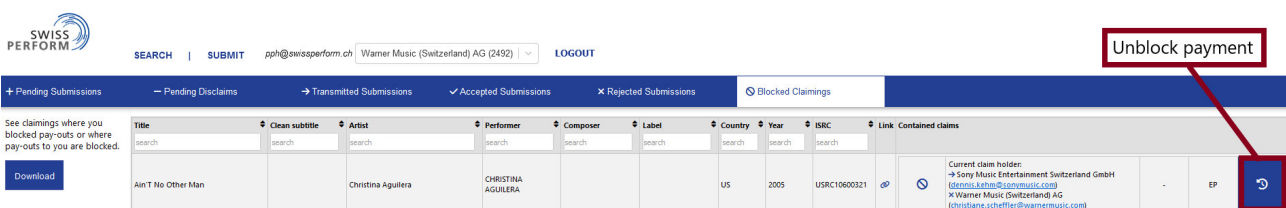
If you want to block a claim on a recording from payment until the conflict has been cleared please click onto the blue button “Block Payment” at the right side of the respective recording:



After you have clicked this button and confirmed your action the recording will appear in the section “Blocked Claims”.

8.2 Unblocking of payment for a recording by the blocking party

To unblock a previously blocked recording by you, please go to the section “Blocked Claims” and click the blue button ”Unblock Payment” at the right side of the respective recording:



With this action, all previously accepted and rejected submissions will be restored – as they have been before the blocking of the recording.

8.3 Unblocking of payment for a recording by withdrawal of the current claimant

Within the section “Blocked Claims” all recordings are being displayed that you have blocked as well as recordings that may have been blocked by other parties. Name and email address of the blocking party are being displayed for each blocked recording in section “Blocked Claims”.

The current claim owner may unblock a recording by withdrawing his claim. For this it is necessary to click onto the button “Submit Withdrawal of Claim” and add a reason for the withdrawal in the pop-up window.

The screenshot shows the SWISSPERFORM interface. At the top, there are navigation links: SUCHEN, EINREICHEN, pph@swissperform.ch, Sony Music Entertainment Switzerland GmbH (2493), and LOGOUT. Below this is a menu bar with options: - Pendente Rückzüge, → Gesendete Einreichungen, ✓ Akzeptierte Einreichungen, ✗ Abgelehnte Einreichungen, and ⚙️ Blockierte Ansprüche. The main content area is a table with columns: Titel, Untertitel, Gruppe / Hauptinterpret, Performer, Komponist, Label, Land, Jahr, ISRC, Link, and Enthaltene Ansprüche. The first row shows a recording titled 'Abschied Ist Ein Bisschen Wie Sterben' by Katja Ebstein, released in 1979 by Teldec. The 'Enthaltene Ansprüche' column for this recording shows a list of claims: 'Aktuell gültiger Claim: ✓ Sony Music Entertainment Switzerland GmbH (angela.burch@sonymusic.com) X Warner Music (Switzerland) AG M1 (lam@warnermusic.ch)'. A red box highlights the 'Submit Withdrawal of Claim' button in the top right corner, and another red box highlights a circular refresh icon in the bottom right corner of the table row.

To complete this withdrawal please perform the same actions as noted in section C chapter 5.2 “Virtual submission of a withdrawal of a claim”.

When having completed this task the recording will appear free from any claim in the search section of the Claiming-Tool and can be claimed again by other parties. Please inform the rightful owner of the claim via email so that he can claim the recording according to section B chapter 2 “Claiming of Recordings”.