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Gesellschaft für Leistungsschutzrechte
Société pour les droits voisins
Società per i diritti di protezione affini
Societat per ils dretgs vischins

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Usage period:

SWISSPERFORM Distribution Declaration Form A

Dear Madam or Sir

Producers of phonograms (record companies) are defined as natural or legal persons who are **responsible in an organisational or economic sense** for legally produced sound recordings determined for release on the market under one label.

If you qualify as a rights holder and meet the requirements for participating in the distribution of the remuneration collected by SWISSPERFORM (collecting society for neighbouring rights) for uses of phonograms, please answer the following questions accurately and completely. **Before completing the form**, please read the information on page 5 (warranty).

Please be aware that, according to section 2.2.2.2.4 of the distribution regulations of SWISSPERFORM, we are entitled to request any and all documents suitable for verifying your claim. Please note that notifications of sales of less than CHF 500 will not be processed for economic reasons.

Please send us the following item by 30 April 2025:

- **A fully completed form with your original signature (PDF-version)**, including any further required documents by e-mail to producer@swissperform.ch.

Please note that any copies and submissions by e-mail alone are insufficient and will not be accepted. **This declaration will be treated as confidential and will only be used for the purpose of distributing the remuneration collected by SWISSPERFORM.**

This is not an official translation. In case of contradictions between the official version (German) and the English version of the Sales Report/Turnover Declaration, the official versions shall prevail.

We would be happy to assist you and answer any queries you may have.

Kind regards,
SWISSPERFORM

Sales Report/Turnover Declaration

Registration for producers of phonograms

SWP membership no.: Usage period:

Name/Company: VAT-No.:

Website:

Contact person:

Address:

Post code/city: E-mail:

Country: Phone:

1. LABEL INFORMATIONS

1.1. Please list all labels owned by your company under which you are selling any products directly in Switzerland:

Label name: _____ (ISRC: CH- _____ LC-No.: _____ if known)

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Label name: _____ (ISRC: CH- _____ LC-No.: _____ if known)

► Please list any further labels in a separate attachment.

1.2. Please provide information on your Swiss and foreign third party labels:

1.2.1. Do you represent any third party labels?

NO → Continue with 2.

YES → Continue with 1.2.2.

1.2.2. Are any of the third party labels members of SWISSPERFORM?

NO → Continue with 2.

YES / PARTICULARY → According to section 6 of SWISSPERFORM's General Terms for the Administration of Rights, third party labels which are members of SWISSPERFORM can only assign their rights upon SWISSPERFORM's written consent. Please attach a copy of SWISSPERFORM's written consent to this form. Continue with 2.

2. TURNOVER DECLARATION

2.1. Does your company distribute all labels directly?

- NO** → Continue with 2.2., 2.3. and 2.4.
- YES** → Continue with 2.3. and 2.4.
- SOME** → Continue with 2.2., 2.3., 2.4. and 3.

2.2. What is the turnover resulting from the sales of your music products via distribution partners in Switzerland and Liechtenstein?

- ▶ **Note:** Remuneration to foreign producers will always be paid out to their Swiss distribution partners.

2.2.1. List your distribution partner(s) for physical music products:

| | | |
|---------------|-------------------------------|--------------------------|
| _____ | _____ | CHF* _____ |
| Label name(s) | Distribution partner 1 (name) | Net sales based on PPD** |
| _____ | _____ | + CHF* _____ |
| Label name(s) | Distribution partner 2 (name) | Net sales based on PPD** |

2.2.2. List your distribution partner(s) for digital music products:

| | | |
|---------------|-------------------------------|--------------------------|
| _____ | _____ | + CHF* _____ |
| Label name(s) | Distribution partner 3 (name) | Net sales based on PPD** |
| _____ | _____ | + CHF* _____ |
| Label name(s) | Distribution partner 4 (name) | Net sales based on PPD** |

| | |
|-----------------|--------------------|
| Total 1: | = CHF _____ |
|-----------------|--------------------|

2.3. What is the turnover resulting from direct sales of your physical and digital music products in Switzerland and Liechtenstein?

| | | |
|---------------|--|---|
| _____ | Direct sales of <u>physical</u> music products to dealers/resellers (no distribution revenues see 2.2.) | CHF* _____ |
| Label name(s) | | Net sales based on PPD** |
| _____ | Direct sales of <u>physical</u> music products to end customers*** | + CHF* _____ |
| Label name(s) | | Net sales based on PPD** |
| _____ | Direct sales of <u>physical</u> music products to artists (bands) | + CHF* _____ |
| Label name(s) | | Net sales based on effective sales |
| _____ | Digital sales in Switzerland (non physical phonograms like download or streaming) (no distribution revenues see 2.2.) | + CHF* _____ |
| Label name(s) | | Net sales based on effective sales |

| | |
|-----------------|--------------------|
| Total 2: | = CHF _____ |
|-----------------|--------------------|

* Annual average exchange rates 2024 acc. to DDF: 1 EUR = CHF 0.95238254; 1 USD = CHF 0.88013929; 1 GBP = CHF 1.12509806
 ** Published price to dealer (PPD)
 *** Direct sales to end customers in this declaration must be reduced to the PPD (generally, sales price to end customers less 35%)!

2.4. Interim result of the turnover declaration

| | |
|--|--------------------|
| Total 1 (point 2.2.) + Total 2 (point 2.3.) | = CHF _____ |
|--|--------------------|

3. THIRD PARTY LABELS

3.1. Does the interim result (section 2.4.) include sales of third party labels?

- NO** → Continue with 4.
- YES** → Continue with 3.2. for Swiss third party labels.
Continue with 3.3. for foreign third party labels.

3.2. List the turnovers of Swiss third party labels.

| Name of the Swiss third party label | Your turnovers in CHF with their phonograms* | Are you entitled to receive remuneration? ** |
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► Please provide further information in an attachment to this form.

* Annual average exchange rates 2024 acc. to FDF: 1 EUR = CHF 0.95238254; 1 USD = CHF 0.88013929; 1 GBP = CHF 1.12509806
 ** It is mandatory for you to indicate whether you have the contractual entitlement to collect remuneration on behalf of third party labels.

3.3. List the turnovers with your foreign third party labels in Switzerland and Liechtenstein.

| Name of the foreign third party labels | Your turnovers in CHF with these phonograms* | Are you entitled to receive remuneration? ** |
|--|--|--|
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► Please provide further information in an attachment to this form.

* Annual average exchange rates 2024 acc. to FDF: 1 EUR = CHF 0.95238254; 1 USD = CHF 0.88013929; 1 GBP = CHF 1.12509806
 ** It is mandatory for you to indicate whether you have the contractual entitlement to collect remuneration on behalf of third party labels.

4. RESULT - Final result turnover declaration

Final result (= base for the market share calculation) = CHF _____

5. WARRANTY

The undersigned explicitly represents and warrants that:

- the turnover figures they provided are true and correct,
- the turnover figures they provided for commercially available phonograms, including digital sales (download, streaming, etc.) only relate to sales in Switzerland and Liechtenstein,
- the turnover figures they provided only relate to phonograms they are entitled to and that they are therefore entitled to receive remuneration collected by SWISSPERFORM,
- the turnover figures they provided do not exclusively relate to sales of DVDs, books, blank media or other similar products,
- the turnover figures they provided are calculated on the basis of the net published price to dealer [PPD] (this does not apply to direct sales to artists (groups) and to digital sales [downloads, streaming, etc.]),
- the turnover was only generated on the basis of sales of legally protected phonograms (i.e. still within protection according to Art. 39 of the Swiss Federal Copyright Act (URG) and that the requirement of reciprocity according to Art. 35(4) URG is met),
- the turnover was only generated on the basis of sales of legally produced phonograms (i.e. the repertoire used is based on self-produced recordings or on undisputed licences),
- the turnover figures they provided do not include VAT,
- no licence fees or override income are included in the provided turnover figures,
- the turnover figures they provided include deductions for any returned phonograms which were included in previous turnover declarations,
- they agree that SWISSPERFORM may use the data provided by him/her so that it can determine any and all remuneration payments in the course of its distributions to producers in the phono sector,
- in case they distribute Swiss third party labels, they only included the respective sales in this form where they are authorized by the Swiss label to receive the remuneration collected by SWISSPERFORM,
- in case they include sales which are based on distribution of third party labels, they shall indemnify SWISSPERFORM against any and all claims by such third parties (other labels, original rights holders, etc.),
- they have read and understood the distribution regulations of SWISSPERFORM. The distribution regulations are published at www.swissperform.ch, under the heading "Service".
- they are particularly familiar with the provisions of the distribution rules according to which SWISSPERFORM may deduct audit expenses if the auditing effort is excessively high or if the audited turnover deviates from the defined turnover by more than 5%.

The exclusive place of jurisdiction for all disputes arising from or in connection with this declaration shall be Zurich (Switzerland).

Place, date

Signature