

TV BROADCAST LICENSING FEES

1. Opening Remarks

The licence granted authorize the TV broadcaster to disseminate the works belonging to the repertoire managed by SPA in programs that are to be broadcast on TV pursuant to article 68 (2) (e) of the Portuguese Copyright and Neighbouring Rights Code (approved by Decree-Law no. 63/85 of March 14th and amended by Law no. 45/85 of September 17th, by Law no. 114/91 of September 3rd, by Decree-Law no. 332/97 and Decree-Law no. 334/97, both of November 27th, by Law no. 50/2004 of August 24th, by Law no. 24/2006 of June 30th and by Law no. 16/2008 of April 1st), and it exclusively concerns copyright – any other permission is therefore excluded.

2. Minimum Annual Licensing Fee

The minimum annual licensing fee for the use, on TV broadcasting, of intellectual works that are protected under the terms of national and international copyright law in effect, and whose rights are managed by SPA, is determined according to the following **Table**:

Type of Channel	Use of Protected Works	Licensing Fee
News, Sports	0% to 25%	0.50%*
General Interest	25% to 75%	2.25%*
Music, Movies	75% to 100%	4.00%*

* Percentage to be applied to the operating income.

According to these terms, the applied fee can never be less than the minimum fee mentioned in **paragraph 3**.

3. Minimum Fees

For small and micro TV broadcasters whose business model is not based mainly on profit, the licensing fee may be invoiced on a monthly basis, but it can never amount to less than €6,000 (six thousand euros) per annum. The respective payment shall be determined according to the percentage of protected works used.

4. Territory and License Coverage

The permission granted covers the distribution of TV transmissions, regardless of the technical means used for this purpose, namely terrestrial or satellite broadcasts, cable distribution systems, or any other type of primary broadcast sent from and/or received in Portugal.

5. Permission Exclusions

This license does not include:

- i) reproduction of works in advertising spots;
- ii) synchronization of musical compositions in audiovisual works;
- iii) reproduction of works from uses by third parties;
- iv) any type of public communication of the authorized transmissions;
- v) manufacture, pressing, sale, rental or public lending of videograms or phonograms featuring works by authors represented by SPA.

6. Entry Into Force of These Fees

These licensing fees shall enter into force on January 1st, 2012, and SPA reserves the right to make any changes and/or updates to them.