

**Distribution Plan  
for Revenue  
from Cable Retransmission  
According to Section 20b UrhG (German Copyright Law)  
of December 2, 2009  
in the revised version dated May 9, 2011(as amended)**

This distribution plan governs the distribution of revenue from cable retransmission according to Section 20b UrhG for proceeds paid out by GEMA as a collection company to VFF for the area of broadcasters. The distribution plan for revenue from the cable retransmission fee of November 13, 1990, for the area of commissioned production remains valid and in force without change.

This distribution plan for revenue of broadcasters enters into force as of January 1, 2007, initially for disbursement year 2007.

**§ 1  
Provision for disbursements**

Of the sum available for disbursement each year, an amount to be determined by the Advisory Board will be transferred to the provisions for disbursements for broadcasters who have not yet made a rights and claims protection agreement but for whom an exemption declaration was submitted.

**§ 2  
Social fund**

Of the sum available for disbursement each year, an amount equaling 1 percent will be transferred to a social fund, initially for disbursement year 2009. Separate guidelines may be made for disbursement of this amount. If no separate guidelines were made for this purpose, the guidelines for disbursement of resources in the social fund shall be applicable according to Section

2 of the distribution plan for revenue from the blank cassette and equipment fee according to Section 54 UrhG in its currently valid version.

The Advisory Board is entitled to suspend the supply to the Fund.

### **§ 3 Promotional fund**

Of the sum available for disbursement each year, an amount equaling 4 per cent will be transferred to a fund to promote culturally significant works and achievements, initially for disbursement year 2009. Separate guidelines may be made for disbursement of this amount. If no separate guidelines were made for this purpose, the guidelines for use of the resources in the promotional fund shall be applicable according to Section 3 of the distribution plan for revenue from the blank cassette and equipment fee according to Section 54 UrhG in its currently valid version.

The Advisory Board is entitled to suspend the supply to the Fund.

### **§ 4 Disbursement principles**

The disbursement amount remaining after deduction of the provisions for distributions according to §1 to 3 shall be distributed according to the following principles:

#### **1. Principle**

Distribution is determined according to the technical range of cable programming; furthermore, distribution takes into account the acceptance of a program and the contribution of cable programming to cultural diversity and its balance. The proportion of domestic to foreign programming also reflects the higher cable fees in other countries in the interest of harmonizing cross-border feeds.

Paying special attention to the principle of the contribution by foreign programming to diversity and balance of a cable system's content, and in light of the currently inadequate distribution amount in comparison to other European countries, the audience market shares of individual programs are only considered for the factor “viewers per day” in the distribution rule in item 7.

For regional and local content, the disbursement amount is limited to a total of 4 percent of each year's disbursement amount, due to its broadcast duration and the limitation of broadcast area.

## 2. Distribution of revenue between television and radio

The following distribution is made on the basis of the principles named in item 1 and taking into account the total cable content:

85 percent to retransmission of television programming

15 percent to retransmission of radio programming

## 3. Weighting

### 3.1 Coefficients

The following coefficients are used for calculating points for the disbursement according to §5:

#### 3.1.1 Viewers per day

From %	To %	Factor
0 -	1	1
1	3	2
3	5	3
5	10	4
10	15	5
15	20	6
20	100	12

#### 3.1.2 Technical range

From %	To %	Factor
0	1	1
1	10	2
1	50	5
50	90	8
90	100	10

An additional 40-percent deduction is applied to local programs.

### 3.1.3 Programming

Factor for full programming	=	3
Factor for specialized programming	=	1
Factor Tele shopping	=	1

### 3.1.4 Language

German-language programming	receives factor	2
English-language programming	receives factor	1.5
Other Programms		1

### 3.1.5 Weighting

The above criteria are weighted in the amount of 55 percent for “viewers per day” and 15 percent each for the criteria technical range, language, and full/specialized programming.

3.2 The weighting system above is examined every three years with regard to the weighting criteria by the Advisory Board.

## § 5

### Performance of the disbursement

5.1 Each broadcaster is required to notify VFF regarding the regions or parts of the Federal Republic of Germany where cable redistribution takes place and the extent to which programming is distributed nationwide. It must also be indicated in what language the programming is broadcast and whether it is specialized or full programming.

- 5.2 For members who are also members of the APR and have added their rights to the VFF through the APR's exchange, disbursement is made centrally to the APR on request by such members. This assures that disbursements not reaching the minimum level of 1,000.00 Euros—according to the principle in the VFF distribution plan for revenue from the blank cassette and equipment fee under Section 54 UrhG—do not come to be applied for this area.
- 5.3 Disbursement is made to an account specified by the member. If no account information is provided to the VFF by the member, the disbursement will be made by crossed check. Amounts less than €1000 are not distributed, with the exception of the rule in item 3.2.

## § 6

### Points for disbursement television

Disbursement is made on the basis of the criteria in §4 and the weighting system shown there, taking into account the total minutes in each case. The factors Viewers per day and Range are determined on the basis of the recognized market research figures (currency of the industry-recognized market research institutes).

The distribution is made on the basis of the following percentage-based factor evaluation according to the above disbursement principles and the following classification:

A: Domestic programming content factor

	Program factor	Language
ARD collaborative programming	3	2
ARD third-channel programming		
BR3	3	2
BR alpha	1	2
HR3	3	2
S3	3	2
N3	3	2
West3	3	2
MDR3	3	2
RBB	3	2
ZDF	3	2
3sat	1	2
KiKa	1	2
Phönix	1	2
Das Vierte	1	2
De Luxe TV	1	2
Eurosport	1	2
Euronews	1	2

B: Foreign German-language programming content

ORF1	3	2
ORF2	3	2
TW 1	1	2
SRG SF1	3	2
SRG SF2	3	2
SRG Info	1	2
ARTE	3	2
Red Bull TV/Servus TV (2011)	3	2

C: Foreign-language programming content

SRG TSI/TSR	3	1
CNN	1	1,5
BBC Worldnews Limited	1	1,5
France Television (France 2, France 3, France 5, France 0)	3	1
France 4	1	1
NOS – Nederlandse Omroep Stichting (Niederl. 1, 2 und 3)	3	1
RTBF – Radio Television belge de la communauté française, RTBF 1, 2	3	1
TV5 Monde	3	1
VRT 1 Vlaamse Radio-NEN Televisieomroep	3	1
VRT 2 Vlaamse Radio-NEN Televisieomroep	3	1

France 24 (as from 2010)	1	1
Bloomberg (as from 2010)	1	1,5
Al Jazeera (as from 2010)	1	1

D: Regional television programming

TV München	1	2
TV Baden	1	2
Oberfranken TV	1	2
Oberpfalz TV	1	2
TVA Ostbayern	1	2
Donau TV	1	2
In-TV	1	2
RFL Landshut	1	2
RFO Rosenheim	1	2
TRP 1	1	2
TV touring SW, WÜ, AB	1	2
TV Franken	1	2
AfK-Ausbildungs- und Fortbildungskanal	1	2
Augsburger Fernsehfenster/TV Augsburg	1	2
Allgäu Fernsehen	1	2
Regionalfenster Böblingen	1	2
Regio TV Euro 3	1	2

Regio TV Schwaben	1	2
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## § 7

### Distribution in the radio area

1. The distribution in radio is done in the amount of
  - 37% for radio content from private vendors
  - 53,36% for radio content from public broadcasters, with disbursement being done centrally to the WDR.
  - BRF 0,38%
  - VRT 1,01%
  - RTBF 0,29%
  - SRG 1,41%
  - NOS 3,46%
  - ORF 3,09%
  
2. Distribution is determined according to the technical range of content in the cable systems of the Federal Republic of Germany, particularly as indicated by the reports from cable network operators for the accounting years.