

Pursuant to Article 12 paragraph 3 of the Law on Amendments to the Copyright and Related Rights Act ("Official Gazette RS" No. 119/12) and Article 176 of the Copyright and Related Rights Act ("Official Gazette RS" No. 104/09, 99/11, 119/12 and 29/16 – Ruling of the Constitutional Court),

in accordance with the partial Decision 990 No. 2017/27804-05 as of 7 November 2017 made by the Intellectual Property Office, the Managing Board of Sokoje – Serbian Music Authors' Organisation, Managing Board of OPPS – Organisation of Phonogram Producers of Serbia, and the Managing Board of PI – Organisation for Collective Management of Performers' Rights, hereby set the following

T A R I F F

for managing the right to licence fee for the communication to the public of musical works, performances, and sound recordings in restaurant industry facilities and facilities where games of chance are organised (restaurants, cafés, coffee shops, internet cafés, outdoor seating areas, fast-food kiosks with seating area, betting shops, casinos, river raft clubs, discotheques, clubs, and the like)

Article 1

This tariff sets the amount and the manner of determining licence fees and fees for performers and sound recording producers, paid by the users of musical works, performances, and sound recordings in the Republic of Serbia on the basis of:

1. communication to the public of musical works, performances, and sound recordings broadcasted from the repertoires of collective management organisations for copyright and related rights;

2. communication to the public of musical works, performances, and sound recordings from sound carriers and sound and image carriers from the repertoires of collective management organisations for copyright and related rights, i.e. the users whose business activity is restaurant industry and organisation of games of chance (restaurants, cafés, coffee shops, internet cafes, outdoor seating areas, fast-food kiosks with seating area, betting shops, casinos, river raft clubs, discotheques, clubs and the like).

Article 2

The terms used in this tariff will have the following meaning:

1. Communication to the public of musical works, performances, and sound recordings means:
 - a) communication to the public of musical works, performances, and sound recordings which are broadcasted;
 - b) communication to the public of musical works, performances, and sound recordings from sound carriers and sound and image carriers.

2. Collective management organisations for copyright and related rights (hereinafter referred as Organisations) mean: Serbian Music Authors' Organisation – Sokoj, Mišarska 12-14, 11000 Belgrade (hereinafter referred to as Sokoj), Organisation for Collective Management of Performers' Rights – PI, (hereinafter referred to as PI), Majke Jevrosime 38, 11000 Belgrade, Organisation of Phonogram Producers of Serbia – OPPS (hereinafter referred to as OPPS), Masarikova 5/19, 11000 Belgrade.

3. Right holders mean songwriters, lyricists, arrangers, performers, and sound recordings producers, and persons who acquired, by law, the rights of author, performer, and sound recording producer, represented by organisations under the law and contract.

4. Users mean natural persons, entrepreneurs and legal entities, associations, and other forms of organisation which communicate in the Republic of Serbia musical works, performances, and sound recordings from the repertoires of the organisations, pursuant to the Copyright and Related Rights Act (hereinafter referred to as the Act).

5. Licence fee for communication to the public of musical works, performances, and sound recordings (hereinafter referred to as Licence fee for communication to the public) means the amount that each user is obliged to pay for communication to the public of musical works, performances, and sound recordings.

Article 3

The user is obliged to submit to the organisation, pursuant to the Act, information about surface area used for guest reception.

Before starting to use musical works, the users are obliged to obtain a licence from the organisation managing the rights of authors of music, by entering into a contract for non-exclusive assignment of right to use the repertoire of musical works.

During the control of the use of a subject-matter of the protection, the users are obliged to enable any authorised persons from the organisation to view the documentation and data relevant to calculation of licence fee to be paid in accordance with the tariff. The control is carried out once a year for the entire year.

Article 4

The repertoires of the organisations consist of the repertoires of Sokoj, OPPS, and PI. The repertoire of Sokoj comprises musical works of:

1. domestic authors and copyright holders, members of Sokoj, who assigned their rights, by a contract, to Sokoj, pursuant to Article 153 of the Act;

2. authors and copyright holders, members of Sokoj, whose rights are managed by Sokoj pursuant to Article 180 paragraph 1 of the Act.

The repertoire of OPPS comprises published sound recordings of:

1. domestic sound recording producers and holders of related right of sound recording producers members of OPPS, who assigned their rights, by a contract, to OPPS, pursuant to Article 153 of the Act;

2. sound recording producers and holders of related right of sound recording producers, whose rights are managed by OPPS pursuant to Article 180 paragraph 1 of the Act.

The repertoire of PI comprises performances of:

1. domestic performers and holders of the rights in performances, members of PI, who assigned their exclusive authorisations to collect licence fees to PI pursuant to Article 153 of the Act;

2. performers and holders of the rights in performances, whose rights are managed by PI pursuant to Article 180 paragraph 1 of the Act.

Article 5

The amounts of licence fees for communication to the public are expressed in points and on a monthly basis. Full monthly licence fee is paid for each initiated month.

The licence fee is paid regardless of the volume of the use.

The value of one point is RSD 11.00.

The value of the point is expressed VAT excluded.

On the 1st January of each year, the value of the point is brought in line with annual consumer price index, according to official data of the government body competent for statistics.

Article 6

The amounts of licence fees for communication to the public are determined on the basis of:

1. surface area of the facility used by the user for guest reception,
2. geographic location of the user's registered office.

Article 7

On the date this tariff enters into force, the Tariff for managing the right to licence fee for communication to the public of musical works, performances, and sound recordings ("Official Gazette RS" no. 117/13) will cease to be valid in the following parts: Tariff No. 1 – Restaurant industry (river raft clubs, discotheques, clubs, bars, restaurants, cafés, coffee shops, internet cafes, outdoor seating areas, fast-food kiosks with seating area and the like) and Tariff No. 4 (betting shops and casinos).

Article 8

This tariff enters into force from the eighth day of its announcement in the Official Gazette of the Republic of Serbia and will be enforced as of 1 January 2018.

Article 9

Classification of the users into groups, as specified in the table hereof, is shown in line with Article 3, Decree on determining the unique list of the development level of regions and local administrations for the year 2014 ("Official Gazette RS" No. 104/14), Decision on zoning on the territory of the city of Belgrade ("Official Journal of the City of Belgrade" No. 81/15) and Decision on local communal charges ("Official Journal of the City of Novi Sad" No. 56/12, 69/13, 33/14, 35/14, 69/14, 74/16 and 21/17):

Bačka Palanka; Beočin; Bor; Valjevo; Vrbas; Vršac; Kanjiža; Kragujevac; Lajkovac; Niš; Novi Sad; Pančevo; Pećinci; Požarevac; Senta; Stara Pazova; Subotica; Užice; Čačak.	Group 1
Ada; Aleksandrovac; Apatin; Aranđelovac; Arilje; Bačka Topola; Bački Petrovac; Bečej; Vranje; Vrnjačka Banja; Gornji Milanovac; Zaječar; Zrenjanin, Inđija; Jagodina; Kikinda; Kosjerić; Kruševac; Kula; Lapovo; Majdanpek; Novi Kneževac; Piroć; Požega; Rača; Ruma; Smederevo; Sombor; Sremska Mitrovica; Sremski Karlovci; Temerin; Topola; Čajetina; Šabac.	Group 2
Alibunar; Bajina Bašta; Batočina; Bač; Bela Crkva; Bogatić; Boljevac; Velika Plana; Veliko Gradište; Vladimirci; Despotovac; Žabalj; Žitište; Ivanjica; Irig; Kladovo; Knić; Kovačica; Kovin; Koceljeva; Kraljevo; Leskovac; Loznica; Lučani; Ljubovija; Mali Iđoš; Negotin; Nova Crnja; Novi Bečej; Novi Pazar; Osečina; Odžaci; Paraćin; Plandište; Prokuplje; Svilajnac; Sečanj; Smederevska Palanka; Sokobanja; Srbobran; Titel; Trstenik; Čičevac; Čuprija; Ub; Čoka; Šid.	Group 3
Aleksinac; Blace; Brus; Varvarin; Vlasotince; Gadžin Han; Dimitrovgrad; Doljevac; Žabari; Žagubica; Knjaževac; Krupanj; Kučevo; Ljig; Malo Crniće; Mionica; Nova Varoš; Opovo; Petrovac na Mlavi; Priboj; Ražanj; Raška; Rekovac; Sjenica; Crna Trava.	Group 4
Babušnica; Bela Palanka; Bojnik; Bosilegrad; Bujanovac; Vladičin Han; Golubac; Žitorađa; Kuršumlija; Lebane; Mali Zvornik; Medveđa; Merošina;	Devastated areas
Preševo; Prijepolje; Svrlij; Surdulica; Trgovište; Tutin.	
Belgrade zone I	
Belgrade zone II	
Belgrade zone III	
Belgrade zone IV	
Belgrade zone VI	
Belgrade zone VII	
Belgrade zone VIII	
Belgrade zone of special purposes	
Parts of Novi Sad limited by streets Bulevar oslobođenja, Bulevar Jaše Tomića up to Kisačka street, by Kisačka street up to Jovana Cvijića street, by Jovana Cvijića street, Gundulićeva street, Jaše Ignjatovića street, Kosovska street up to Marka Miljanova street, by Marka Miljanova street, Beogradski kej, Kej žrtava racije, Sunčani kej up to bridge Most slobode as well as by Bulevar cara Lazara, Bulevar kralja Petra I, Bulevar Jaše Tomića and in Petrovaradin, Petrovaradin Fortress and Štrosmajerova street	Novi Sad zone I
Parts of Novi Sad and Petrovaradin not included in the Novi Sad zone I and Sremska Kamenica	Novi Sad zone II
Settlements not included in the Novi Sad zone I and Novi Sad zone II	Novi Sad zone III

Tariff Numbers:

Tariff No. 1

Communication to the public of musical works, performances, and sound recordings in the restaurant industry facilities and facilities where games of chance are organised (restaurants, cafés, coffee shops, internet cafes, outdoor seating areas, fast-food kiosks with seating area, betting shops, casinos, river raft clubs, discotheques, clubs and the like facilities regardless of opening hours of the facility).

Surface area (square meter)	0-25	26-50	51-100	101-150	151-200	201-300	for each further 100 m ² or part of that, the amount is increased by
Devastated areas	31	62	73	91	122	243	31
Belgrade zone VIII, Belgrade – special purposes zone	46	92	110	137	182	364	46
Belgrade zone VII	53	106	128	160	213	425	53
Belgrade zone VI Novi Sad zone III	61	122	146	182	243	485	61
Group 4 Belgrade zone V	68	136	164	205	273	546	68
Group 3 Belgrade zone IV	99	198	237	296	394	606	99
Group 2 Belgrade zone III	122	244	292	364	485	667	122
Group 1 Belgrade zone II Novi Sad zone II	137	273	328	409	546	727	137
Belgrade zone I Novi Sad zone I	152	304	364	455	606	1213	152

Tariff No. 2

Communication to the public of musical works, performances, and sound recordings in discotheques, clubs, river raft clubs, and in other similar restaurant industry facilities having opening hours after 1 a.m.

Surface area (square meter)	0-50	51-100	101-150	for each further 100 m ² or part of that, the amount is increased by
Devastated areas	109	137	182	137
Belgrade zone VIII, Belgrade – special purposes zone	164	205	273	205
Belgrade zone VII	191	239	318	239
Belgrade zone VI Novi Sad zone III	218	273	364	273
Group 4 Belgrade zone V	246	307	410	307
Group 3 Belgrade zone IV	355	444	592	444
Group 2 Belgrade zone III	437	546	728	546

Group 1 Belgrade zone II Novi Sad zone II	492	614	819	614
Belgrade zone I Novi Sad zone I	546	682	910	682

No. 30-5171/1

In Belgrade, on 14 December 2017

Managing Board of Sokoj, President

Zoran Radetić, sgd

Managing Board of PI, President

Živorad Ajdačić, sgd

Managing Board of OPPS, President

Branislav Stojanović, sgd