

WHAT'S AGEDI?

AGEDI is a non-profit association established by music producers to collectively manage the rights that the Intellectual Property Law (Revised Text of 12th April 1996) grants to phonogram producers.

AGEDI is the collecting management society of phonogram and music video producers.

Among its members are majors, small companies and sole traders, amounting to over 450 members.

A s o c i a c i ó n d e G e s t i ó n d e D e r e c h o s I n t e l e c t u a l e s

PURPOSE & GOALS

AGEDI 's main purpose is the collective management of intellectual property rights granted to music producers, for the use or exploitation that a

large range of companies make of thousands of national and international phonograms and music videos.

AGEDI is authorised by the Spanish Ministry of Culture (Decree of 15th February 1989- Published in Official Gazette 11.03.89) to manage the following intellectual property rights:

- **Public Communication of phonograms and music videos**, which comprises the radio or television broadcasting, included via cable or satellite; retransmission, public dissemination of phonograms and music videos broadcasted on radio or television; their use on commercial or other type of premises, as well as in public transports; simulcasting (simultaneous unaltered transmission via the internet of sound recordings included in original free-to-air broadcasts of radio and/or TV signals); certain categories of non-interactive webcasting (music radio only available via Internet, that allows to listen to songs without downloading to the computer and in which the user cannot decide on the music to be listened to); podcasting (management of recorded programs of radio and TV previously broadcasted, transmitted through the Internet or mobile phone networks) and background music on websites.

The management of rights over simulcasting, webcasting, podcasting and background music on websites is carried out by **AGEDI** by virtue of multilateral reciprocal agreements signed with producer rights collecting societies around the world, so that contracts for these services allow their provision in all signing countries.

- **Reproduction of phonograms and music videos for public communication**, consisting in making fixations of phonograms or music videos in their own carriers for subsequent public communication.
- **Private copying equitable remuneration** of phonograms and music videos.

According to its **Articles of Association**, besides the collective management of certain phonogram and music video producers rights, **AGEDI** has the following purposes:

- The professional representation of its members.
- The protection and promotion of the rights of the phonogram producers.
- The cooperation with organisations and authorities in activities aimed at the implementation or amendment of intellectual property law.
- The conclusion of representation contracts with national or international organisations for the management and collection of such rights.
- The undertaking of promotional activities for the benefit of authors and artists, and welfare activities for the benefit of its members.
- The filing of legal actions in defence of phonogram producers and the claims for damages on their behalf and benefit to ensure effective action of damages.
- The diffusion and promotion of music.

WHY JOINING AGEDI?

As a member of **AGEDI** you will benefit from:

- The **collection** carried out by AGEDI of the abovementioned rights. All categories of members can benefit from it.
- The allocation of an **ISRC Code** to identify all audio and video recordings.
- Access and storage of all information of your catalogue into our **repertoire database** and into **RitmoGestión**.
- Access to information on **sales figures** regarding details on physical and digital sales, radio and streaming compiled into the Official **Promusicae-Agedi Charts**.

WHO CAN BECOME A MEMBER?

There may be members of the Association the **natural persons or legal entities** that regularly engage in the **phonogram producer** activity and **own the rights** granted to them by the Intellectual Property Law.

For the purpose of our Association, the phonogram producer is understood as included in any of the following categories:

- The producer of phonograms and/or music videos that, besides, commercialises them.
- The publisher of the phonograms and/or videograms understood as that which exercises the reproduction and distribution rights transferred to by the phonogram producer.

There are **two categories** of members: full members and non-full members.

- **Non-full members** must meet the following requirements: to be registered with the Spanish tax on economic activities (or equivalent trade tax register); to be the owner of the rights subject to the management of the Association regarding, at least, one phonogram or music video; to pay the minimum fee and not to belong to any other association whose aims are similar, equal, contrary or that may be in conflict with those of **AGEDI**, to which they would have transferred the same rights.
- **Full Members** must have a minimum background of four years as a non-full member and fulfil all other requirements established in Article 10 of **AGEDI** Articles of Association.

ADMISSION PROCEDURE

1. You request information —> **AGEDI** is sending you this informative brochure —>You can obtain **more info** by downloading our Articles of Association from the website.
2. The producer sends the **Application Form** and the supporting **documents**. —> **AGEDI** checks whether the producer qualifies.
3. Your application is presented to our **Board of Directors for approval** —> Approval and admission as a member, if appropriate.
4. Both parties sign a **management contract** and its **schedules**.
5. **YOU ARE A NEW MEMBER OF AGEDI**

COSTS

An **administration fee** of **21,6%*** (twenty one point six per cent) of collected revenues shall be charged to all **AGEDI** members. The Board of Directors has also established a **minimum management discount of 150€** (one hundred and fifty euros) in the case the fixed percentage does not reach that amount. That is to say, that the **annual cost** for each member shall be comprised among 150€ of the minimum fee and the amount resulting from the 21.6% of revenues collected for such members, in case it exceeds the minimum.

*According to 2018 general budgets, it can change.

WANT TO JOIN?

If you want to apply to be a member of our Association, please download the form from the website and return it dully filled **by e-mail**, together with the documents supporting your application. **Besides**, please send a signed copy by fax or post.

If you qualify to become a member, your application will be presented in the next meeting of our Board of Directors. If you don't qualify we will contact you to request further information.

I JUST STARTED AS A PHONOGRAM PRODUCER, CAN I JOIN AGEDI?

- Yes, from the moment you have produced a single phonogram or music video and as far as you qualify according to our requirements.

I DO NOT HAVE MY OWN RECORDINGS, BUT I HAVE LICENSED REPERTOIRE, CAN I JOIN AGEDI?

- Yes, as far as the repertoire rights under mandate of **AGEDI** have been licensed exclusively to you.

HOW WILL AGEDI KNOW MY REPERTOIRE?

- Members enter their recordings into a web-based application called **RitmoGestión**, where they can declare, modify or remove repertoire. Members will then validate information on rights ownership and the repertoire will be moved to **AGEDI**'s repertoire database (also known internally as **BDR**), management tool used for the **distribution of rights**.
- To complement this, there is a register of **record labels** for members to declare the labels they own.

WHY DOES AGEDI COLLECT RIGHTS REVENUES ON MY BEHALF?

- Spanish Intellectual Property Law (Spanish LPI) protects intellectual property rights of different right owners and, among them, those of phonogram producers. To facilitate the management of some of these rights, collecting societies, such as **AGEDI**, were established and authorised by the Spanish Ministry of Culture. In the case of public communication, for instance, it would not be feasible that each producer would contact all of the companies users of their music (radios, clubs, televisions, etc.) to collect their rights individually.
- Members sign a **management contract** with **AGEDI** granting a mandate to manage their rights.

HOW DOES AGEDI DISTRIBUTE MY RIGHTS?

- Rights collected are distributed among our members on a per-track basis in general, although in certain cases there is also a distribution based on record labels.
- You can see **distribution rules** (in Spanish) on **AGEDI**'s website.

MORE INFORMATION?

Visit AGEDI's website at www.agedi.es