

10. Performances, etc. at music classes

Notwithstanding the provisions of 1 to 9 of this Article, when instruments classes, singing classes and other facilities that teach their students how to play musical instruments, sing songs, etc. (hereinafter referred to as “music classes”) perform works in the course of their business, the fee for the use of works shall be a sum equal to the amount obtained by adding to the amount calculated hereafter, the amount equivalent to the consumption tax.

- (1) When an annual blanket licensing agreement is concluded, the annual fee for one facility shall be $\frac{2.5}{100}$ of the amount calculated based on the total tuition income.
- (2) In the event above (1) does not apply, the fee shall be as follows.
 - (i) The monthly fee for one facility is shown on the following table:

Number of students Monthly tuition rate	Not exceeding 30	Not exceeding 50	Not exceeding 75	Not exceeding 100	Not exceeding 150
Not exceeding ¥4,000	¥6,000	¥10,000	¥15,000	¥20,000	¥30,000
Not exceeding ¥6,000	¥9,000	¥15,000	¥22,500	¥30,000	¥45,000
Not exceeding ¥8,000	¥12,000	¥20,000	¥30,000	¥40,000	¥60,000

In the event of the monthly tuition rate exceeding ¥8,000, the fee shall be a sum equal to the amount obtained by adding to the applicable fee for charge “Not exceeding ¥8,000,” $\frac{50}{100}$ of the applicable fee for charge “Not exceeding ¥4,000” for each additional ¥2,000 or part thereof.

In the event of the number of students exceeding 150, the fee shall be a sum equal to the amount obtained by adding to the applicable fee for charge “Not exceeding 150,” the applicable fee for charge “Not exceeding 50” for each additional 50 students or part thereof.

In the event of the number of students not exceeding 10, the fee shall be a sum equal to $\frac{80}{100}$ of the applicable fee for charge “Not exceeding 30.”

(ii) In the event above (i) does not apply, the fee shall be determined on a per-work and per-performance basis as follows.

(a) The fee for a performance not exceeding 5 minutes is shown on the following table.

Tuition rate per lecture	Number of students		Not exceeding 30	Not exceeding 50	Not exceeding 75	Not exceeding 100	Not exceeding 150
	Not exceeding ¥1,000		¥150	¥250	¥370	¥500	¥750
Not exceeding ¥2,000		¥300	¥500	¥750	¥1,000	¥1,500	
Not exceeding ¥3,000		¥450	¥750	¥1,120	¥1,500	¥2,250	

In the event of the tuition rate per lecture exceeding ¥3,000, the fee shall be a sum equal to the amount obtained by adding to the applicable fee for charge “Not exceeding ¥3,000,” the applicable fee for charge “Not exceeding ¥1,000” for each additional ¥1,000 or part thereof.

In the event of the number of students exceeding 150, the fee shall be a sum equal to the amount obtained by adding to the applicable fee for charge “Not exceeding 150,” the applicable fee for charge “Not exceeding 50” for each additional 50 students or part thereof.

In the event of the number of students not exceeding 10, the fee shall be a sum equal to $\frac{80}{100}$ of the applicable fee for charge “Not exceeding 30.”

(b) The fee per work per performance whose playing time exceeds 5 minutes shall be a sum equal to the amount obtained by adding to the fee for a playing time not exceeding 5 minutes, the same fee for each additional 5 minutes or part thereof.

Notes for Performances, etc. at music classes

General Performances, etc.

- (i) Performance refers to performing, exhibiting (this excludes exhibitions using theatrical films), or communicating (this excludes communication to which the provisions of Article 12 Background music are applied) works.

Fiscal year

- (ii) The fiscal year applicable to the provisions of (1) shall be one year commencing in April and ending in March of the following year.

Tuition rate

- (iii) Tuition rate shall be a fee (exclusive of the consumption tax) usually required for a student to take a lecture, regardless of its name. However, such fee excludes the costs on special educational materials, facilities used and musical instruments used, where such cost burden is separately indicated.

Where a tuition rate per lecture is not fixed and alternatively a membership fee, etc. is charged, the tuition rate shall be determined within the scope of income from such membership fees, etc., with due regard to usage conditions and other factors.

Tuition income

- (iv) The tuition income means the total amount of tuition rates for lectures.

Sum calculated based on the total tuition income

- (v) The sum calculated based on the total tuition income shall be the tuition income received for the lectures which were held at the relevant facility during the previous fiscal year using the works under the administration of the Society. If the lectures using the works under the administration of the Society cannot be identified, such amount shall be $\frac{50}{100}$ of the tuition income received for all the lectures which used the music.

Monthly tuition rate

- (vi) The monthly tuition rate shall be a monthly fee for a course of lectures held at the relevant facility. Where such tuition rate is classified into categories, such tuition income shall be the arithmetic mean, and where there are both charged and free-of-charge lectures, the latter is excluded. Where the tuition rate is paid per lecture, the total tuition rates for four lectures shall be deemed to be the monthly tuition rate.

Tuition rate per lecture

- (vii) The tuition rate per lecture shall be the tuition rate paid per lecture. Where the tuition rate per lecture is not fixed, it shall be a charge obtained by dividing the tuition rates for a course of lectures by the number of lectures held. Where such tuition rate is classified into categories, such tuition income shall be the arithmetic mean, and where there are both charged and free-of-charge lectures, the latter is excluded.

Number of students

- (viii) The number of students shall be the total number of persons to be admitted for the courses of lectures held at the relevant facility, excluding Notes (xii).

Fee per work per use

- (ix) The fee per work per use means the fee required to pay for entire or partial use of a work per performance.

Special rules for fee calculation

- (x) In the event the provisions of (1) shall apply, the fee for the first year of the business shall be determined based on the sum calculated based on the total tuition income with due regard to usage conditions and other factors, within the scope of the total tuition income during a certain period of time since the opening of the first lecture, converted to its equivalent of the tuition income during the period from the opening of the lectures to the end of the fiscal year.
- (xi) In the event the provisions of (1) shall apply, where the period of business operation by the relevant facility in the fiscal year preceding to the fiscal year for which the fee is calculated is less than one year, the fee shall be determined based on the sum calculated based on the total tuition income with due regard to usage conditions and other factors, within the scope of the total tuition income during the above period of business operation, converted to its equivalent of the total tuition income for the year.

Performances, etc. at singing classes

- (xii) Notwithstanding (1) and (2) above, where the relevant facility exclusively teaches the students how to sing songs and an annual blanket licensing agreement is concluded, the monthly fee for one facility shall be as follows:

Average number of students per lecture	Monthly fee
Not exceeding 5	¥4,500
Not exceeding 10	¥9,000
Not exceeding 30	¥18,000
Not exceeding 50	¥27,000

In the event of the number of students exceeding 50, the fee shall be a sum equal to the amount obtained by adding to the applicable fee for charge “Not exceeding 50,” the applicable fee for charge “Not exceeding 10” for each additional 50 students or part thereof.

Others

- (xiii) For performances, etc. at music classes, in the event the type of use or some specific circumstances prevent the rates under this Article from being applicable, the fee shall be determined within the scope of the amounts provided in this Article upon negotiation with the user.