

Article 13. CD GRAPHICS, etc.

In the event a work is recorded on a CD, a hard disc, a flash memory or other recording media (hereinafter referred to as “CD graphics, etc.”) together with such work associated with lyrics or scores to be shown on a display, excluding the cases where the provisions of Article 2, 3, 5, 6, 7, 8, 10, 11, 14, 15 or 16 apply, the fee for use of a work shall be a sum equal to the amount calculated hereafter, plus an amount equivalent to the consumption tax according to the purpose of reproduction of recorded media (hereinafter referred to as “Record”).

1. Commercial reproduction

(1) Reproduction for sale at a market

The fee for one use of one musical work shall be a sum obtained by multiplying the amount set forth in (A) or (B) below by the number of copies, provided that, for the purpose of calculating the rate for a work whose playing time exceeds 5 minutes, the same amount shall be added to the fee for the use for each additional 5 minutes or part thereof.

(A) If a retail selling price is marked, a sum obtained by dividing 6% of the retail selling price, not inclusive of the consumption tax, of such Record by the number of works contained in such Record or ¥9, whichever is greater, provided that, for the purpose of calculating the rate for a work whose playing time exceeds 5 minutes, each additional 5 minutes or part thereof shall be considered to be one separate work.

(B) If no retail selling price is marked, ¥11.

(2) Reproduction for production or recording of a bridal, etc.

(A) If an annual blanket licensing agreement is executed:

The fee for the use shall be ¥1,500 per work if the number of Records (with the same contents recorded, regardless of type of recording media) is no more than 3.

(B) In cases other than (A)

The fee for the use shall be ¥3,000 per work if the number of Records (with the same contents recorded, regardless of type of recording media) is no more than 3.

Notwithstanding (A) and (B), if the number of Records exceeds 3, the same amount shall be added to the fee for each additional 3 or part thereof.

- (3) Reproduction for purposes other than (1) and (2)

The fee for one use of one musical work shall be a sum obtained by multiplying ¥11 by the number of copies or ¥600, whichever is greater, provided that, for the purpose of calculating the rate for a work whose playing time exceeds 5 minutes, the same amount shall be added to the fee for the use for each additional 5 minutes or part thereof.

2. Non-commercial reproduction

- (1) Reproduction for production or recording of a bridal, etc.

The fee for the use shall be ¥1,500 per work if the number of Records (with the same contents recorded, regardless of type of recording media) is no more than 3. If the number of Records exceeds 3, the same amount shall be added to the fee for each additional 3 or part thereof.

- (2) Reproduction for purposes other than in (1)

The fee shall be a sum obtained by multiplying the amount set forth in 1(3) by 50%.

Notes for CD GRAPHICS, etc.

Term definitions

- (i) For the purpose of calculating the rate for a work whose playing time exceeds 5 minutes, each additional 5 minutes or part thereof shall be considered to be one separate work.
- (A) “Commercial reproduction” refers reproduction performed for a charge by persons whose purpose is making a profit or reproduction performed by persons other than such profit-making person (not including the case in which an amount equal to actual costs is charged) for the purpose of distributing copies to a third party.
- (B) “Non-commercial reproduction” means reproduction other than the reproduction defined in (A) such as reproduction performed for non-commercial purposes by educational institutions, non-commercial entities or private persons in order to distribute copies without charge.
- (C) “Bridal, etc.” shall mean a marriage ceremony, bridal party or other similar events.

Arrangements for usages where this Article is not applicable

- (ii) With respect to the use on CD graphics, etc., in the event the type of use or some specific circumstances prevent the rates under this Article from being applicable, other appropriate rates may be determined within the scope of the rates or the sums set forth in this Article upon negotiation with the user.

Provisional measures

- (iii) In the provisions of 1(2)(A) and 2(1), ¥1,500 shall read ¥600 from October 1, 2019 to March 31, 2022 and ¥1,050 from April 1, 2022 to March 31, 2024.
- (iv) In the provisions of 1(2)(B), ¥3,000 shall read ¥1,200 from October 1, 2019 to March 31, 2022 and ¥2,100 from April 1, 2022 to March 31, 2024.