

R.A.A.P SCHEDULE 1

DISTRIBUTION SCHEME

1. Calculation of Performers' Equitable Remuneration

- 1.1 Each performer on a Track shall be treated as making one contribution only per Track and shall be categorised as either a Featured Performer or a Non-Featured Performer.
- 1.2 Notwithstanding the definition of Non Featured and Featured Performers, Performers who make a claim to amend or add to data held on a Track will be categorised according to the evidence provided in accordance with the claims process set out in Schedule II hereto, or as may be varied from time to time. Those providing evidence that they contributed to a Track will be treated as Non-Featured Performers. The claims process shall be published and made available to Performers in a manner to be agreed from time to time. For the avoidance of doubt the provisions of this Clause shall not prevent the application of agreements referred to in Clauses 2.1, 3.4 and 3.5 below.

2. All Performers

- 2.1 Equitable Remuneration shall be allocated in such proportions as all the Performers agree in writing in the Format Supplied provided they are able to certify they were the total number of Performers on a Track. Reasonable efforts will be undertaken to inform Performers' whether by means of the Format Supplied or as otherwise agreed, of the proportions of Performers' Equitable Remuneration that would apply pursuant to Clauses 3 or 4 below in default of any such agreement as referred to in the Clause.
- 2.2 In the event that Clause 2.1 above applies, allocations shall be made as agreed only if the agreement in the appropriate format is received before the deadlines which shall be published in advance.
- 2.3 In the absence of any agreement as provided for in Clause 2.1 above, the allocations shall be made as set out in Clauses 3, 4 and 7, or as may subsequently be agreed pursuant to Clauses 5 or 6 below.

3. Featured Performers

- 3.1 Seventy (70) per cent of the Performers' Allocation shall be allocated to

Featured Performers on a per capita basis, subject to Clauses 3.2 and 3.3 below.

- 3.2 Where all Performers on a Track certify in the Format Supplied that they are the only contributing Performers and all such Performers are Featured Performers (including any Performers to be treated as a Featured Performer pursuant to Clause 3.3) one hundred (100) per cent of the Performers' Allocation shall be allocated to those Performers on a per capita basis.
- 3.3 Where all Featured Performers on a played Track agree in writing in the Format Supplied, a Non-Featured Performer shall be treated for the purposes of this Agreement as a Featured Performer and shall received a share of Performers' Equitable Remuneration pursuant to Clause 3 and not Clause 4 of this Schedule.
- 3.4 Performers' Equitable Remuneration shall be allocated in accordance with the provisions of Clause 3.1 and 4.3 except when all the Featured Performers on a Track unanimously agree in writing in the Format Supplied to vary as between them the proportions of the Performers' Equitable Remuneration payable to them.
- 3.5 In the event that Clause 3.4 above applies, allocations shall be made as agreed only in the appropriate completed declaration form is received before the deadlines which shall be published in advance.
- 3.6 In the event a declaration form or any written agreement referred to in Clauses 2.1, 3.3 or 3.4 above, is received after the deadlines referred to in Clause 2.2 or 3.5 above, the proportions of Performers' Equitable Remuneration stipulated on the relevant declaration form or agreement (as the case may be) will be used to recalculate shares for all subsequent distributions and, if requested by the relevant Performers in the Format Supplied, all previous distributions of Performers' Equitable Remuneration in respect of any Period of the last three (3) preceding Periods.
- 3.7 There shall be full Track level accounting of the amount allocated to each Featured Performer. Any new relevant information received in connection with performances on Tracks may lead to a recalculation of the amount of Performers' Equitable Remuneration allocated to individual Featured Performers in respect of any previous distributions of Performers' Equitable Remuneration made in respect of any Period of the last preceding three (3) Periods and all subsequent distributions.
- 3.8 Performers' Equitable Remuneration shall be distributed to qualifying Featured Performers who have registered and who have made valid claims against Tracks or whose contribution have otherwise been proved.
- 3.9 Performers' Equitable Remuneration which remains undistributed despite reasonable endeavours to pay Featured Performers who are eligible shall be held on account for the Retention Period to pay late claimants.

3.10 At the end of the Retention Period any unpaid Equitable Remuneration set aside to Featured Performers shall be transferred into the Undistributed Performers Fund.

4. Non-Featured Performers

4.1 Thirty (30) per cent of the Performers' Allocation shall be allocated to Non-Featured Performers,

4.2 Each identified Non-Featured Performer shall be allocated a fixed percentage of the Non-Featured Performers' Allocation for each Track on which they have performed. This will be calculated by reference to the number of Non-Featured Performers treated as having performed on the Track. By way of example only: if ten (10) Non-Featured Performers are treated as having performed on a Track then the fixed percentage shall be three (3) per cent i.e.: the standard thirty (30) per cent available to Non-Featured Performers divided by the top of the range. The maximum allocation to a single Non-Featured Performer is seven point 5 per cent (7.5).

4.3 Following the above allocations Performers' Equitable Remuneration shall be distributed to identified qualifying Non-Featured Performers who have registered and who have made valid claims against Tracks or whose contributions has otherwise been proved.

4.4 After distribution referred to in Clause 4.3 above and subject to Clause 4.5 below, the Non-Featured Performers' Allocation will be held for the Retention Period to pay qualifying Non-Featured Performers who have delayed in making a claim.

4.5 It is accepted that on older repertoire which, by way of example only, shall be considered as being Tracks recorded prior to 1980, this shall provide the primary means of distribution to Non-Featured Performers. With respect to more recent repertoire where more information is available on contributions to a Track, it is accepted that the track based distribution system referred to in Clause 4.3 above shall operate as the primary means of paying Non-Featured Performers.

4.6 The claims process required in relation to Clause 4.5 above requires the certification in the Format Supplied of participation in sessions year by year or by reference to main artist.

4.7 Payment as against claims set out in Clause 4.6 above shall be divided among all qualifying Non-Featured Performers who have fulfilled the requirements set out in Clause 4.6 above.

4.8 There shall be no retrospective Track level re-allocation for Non-Featured Performers provided that, for the avoidance of doubt, where there is an

agreement notified under Clauses 2.1 or 3.3 above nothing in this Clause shall prevent a recalculation of shares as between the Featured Performers (including any Non-Featured Performer who is by virtue of such declaration or agreement to be treated as a Featured Performer) and provided further that this Clause shall not affect any allocations made pursuant to Clauses 4.5, 4.6 and 4.7 above.

- 4.9 Notwithstanding anything to the contrary in the Schedule, where any Non-Featured Performers on a recording are all members of an ensemble:

and the ensemble has (or the performers comprising the ensemble have) an amateur or volunteer status, or where, in good faith, it is anticipated that the amounts of Performers' Equitable Remuneration payable over an aggregate of 3 Periods shall not exceed the minimum payment threshold referred to in Clause 7.1 below, then unless the ensemble (or the administrator(s) thereof) object, the aggregate of Performers' Equitable Remuneration due to the Non-Featured Performers comprising that ensemble shall be distributed to the person or entity responsible for the administration of the ensemble as a single point of payment;

In the event that a single point payment is made or arranged with any ensemble pursuant to this Clause, by any individual Performer(s) requires individual payment, such request will be acceded to (subject to the minimum payment threshold referred to in Clause 7.1 below) but this shall not automatically suspend the arrangements for single point payment for the other Performers, but each case shall be considered individually (if necessary by the Mediation Committee) to assess the economic and administrative consequences thereof.

5. Line-Up Complete

The parties hereby confirm that they will enter into good faith discussions to resolve as soon as possible the feasibility of the whole of the Performers' Allocation to be allocated in the case of Tracks which are "line-up complete" where the contributing Performers on such Tracks comprise both Featured Performers and Non-Featured Performers and where Clauses 3.3 and 4.2 do not apply. Those discussions shall also consider the procedures and evidence by which such Tracks may be considered "line-up complete" (i.e. that all contributing Performers are identified by name only or have registered) and the extent to which the provisions of Clause 7 below relating to the distribution of the Undistributed Performers Fund shall apply.

6. Minimum Payment Level / Track Exchange

- 6.1 An individual qualifying Performer or persons or entities, referred to in Clause 4.11 above, will not be entitled to receive a distribution where the minimum payment falls below the sum of €20 . If the amount of monies due

to an individual Performer or such persons or entities referred to in Clause 4.11 above (and for the avoidance of doubt such monies shall in these circumstances include Interest due to be credited to the relevant Performer or Performers if distribution is to be made to a single person or entity under Clause 4.11 above) pursuant to this Scheme falls below this figure, the money will be held on account for the Performer or such persons or entities, referred to in Clause 4.11 above, until it reaches the relevant payment level.

- 6.2 Notwithstanding the allocations set out in Clauses 3.4 (and any other provisions as may be agreed pursuant to Clause 5) herein, where a reciprocal agreement is in force between RAAP and an overseas collecting society which requires RAAP to pay that society where all Performers on a Track are nationals or residents of the Country in question, irrespective of whether they are members of that society, then RAAP shall make a lump sum payment to that other society of Performers' Equitable Remuneration due to such Performers for the relevant Period and that society shall distribute it by agreement with RAAP either in accordance with its own distribution scheme or with the distribution scheme described herein.

7. Undistributed Performers Fund

Monies held in the Undistributed Performers Fund at the end of the Retention Period shall be paid to all Full Members on Qualifying Tracks pro-rata to the total payment of Performers' Equitable Remuneration.

8. Retention Period

The Retention Period to be set at Three Years.

9. Unidentifiable Data

Where it arises that monies cannot for whatever reason be assigned to Performers, it will be assigned to the Undistributed Performers Fund.

Interest on Deposit

- 10.** All interest earned on deposit less D.I.R.T. (Deposit Interest Retention Tax) will be allocated to all Full members on the basis of their pro-rata earnings for that period.

11. Fees

The fee is calculated on the cost recovery principle and is deducted from the domestic earnings details of actual costs are displayed on statements issued directly to all Full Members.

SCHEDULE II

Heading on claim forms to be changed to ‘_Claimed Contributions’.

Performers Share Agreements (PSA):

Forms are available from RAAP for either all Performers or all the Featured Performers on a track to agree how they wish to share the money. Otherwise, the following standard rules will apply.

Definitions of Contributions:

The definitions of F and N remain unchanged but the claims procedure is clarified.

Treatment Rules:

Performers who make a claim will be categorised according to the evidence provided.

Those providing evidence that they contributed to a track will be treated as ‘N’ unless they are able to prove an ‘F’ contribution as set out below.

Non-Featured Performers: (commonly known as session musician or singer)

N A Non-Featured Performer means a performer who has been engaged for one or a number of fixed periods of time, customarily known in the industry as ‘sessions’, specifically to make one or more recorded backing performances which subsequently are included in the sound recording.

Featured Performers:

F The Featured Performer means members of the band/ensemble.

Inaccurate Line-ups:

If a performer believes that the line-up on recording is wrong, the performer should write RAAP and attach the relevant evidence. This will then be reviewed. Adjustments will be made if the claim is proven and not disputed or it will be referred to the disputes procedure.

Supporting Evidence	Suitable for 'N' Claims	Suitable for 'F' Claims
Payslips/Invoices	Yes	Yes
Letter from Record Company confirming contribution category	Yes	Yes
Letter from a Contracted Artist or their Management confirming contribution category	Yes	Yes
Letter from Producer confirming contribution category	Yes	No
Record/Tape/CD Sleeve inlay naming the performer in the main artist section or as a member of the band (which is not a Non-Featured Ensemble)	Yes	Yes
Record/Tape/CD Sleeve inlay naming the Performer as a contributor	Yes	Yes
Published discography/Internet discography	Yes	Yes
Reference Books/Trade Press	Yes	Yes
Royalty Share Agreement	Yes	Yes
Awards	Yes	Yes

Please note:

Where it is indicated that the supporting evidence specified above may provide proof for more than one category of performer claims, this does not mean or imply that such evidence will automatically provide proof of the category claimed. Any evidence submitted will be assessed as to what, if any, proof it provides of performance and the category of contribution in accordance with the definitions more particularly detailed above.