

## **VdFS LICENSE TO OPERATE**

in version of the notification of KommAustria, KOA 9.102/08-021 dated June 30<sup>th</sup>, 2008, of the notification of the Supervisory Authority of Collecting Societies (Aufsichtsbehörde für Verwertungsgesellschaften), AVW 9.119/13-003 dated April 18<sup>th</sup>, 2013, of the notification of the Supervisory Authority of Collecting Societies (Aufsichtsbehörde für Verwertungsgesellschaften), AVW 9.119/15-004 dated June 2<sup>nd</sup>, 2015 and of the notification of the Supervisory Authority of Collecting Societies (Aufsichtsbehörde für Verwertungsgesellschaften), AVW 9.119/16-013 dated May 11<sup>th</sup>, 2016

### **I.**

VdFS Verwertungsgesellschaft der Filmschaffenden Genossenschaft mbH  
(Collection Society for Filmmakers) has the license to operate for

#### **Works of cinematic art and motion pictures**

provided a film maker or a radio operator is not entitled to exercise or assert

#### **rights, participation and/or compensation claims**

1. The license to operate shall apply for the following:
  - a) the rental or leasing of work pieces pursuant to Section 16a UrhG (Austrian Copyright Act);
  - b) the reproduction on picture storage mediums and/or sound storage mediums (data mediums) for private or other personal use, pursuant to Sections 42, 42a and 42b (1) UrhG (Austrian Copyright Act (storage media remuneration));
  - c) the reproduction, distribution and making publicly available for people with disabilities, pursuant to Section 42d UrhG (Austrian Copyright Act);
  - d) the reproduction and making publicly available for the purposes of lessons or teaching at schools, universities and other educational institutions, pursuant to Section 42g UrhG (Austrian Copyright Act);
  - e) the use of picture storage mediums or sound storage mediums (data mediums) in other institutions that are accessible to the public (library, picture storage medium- or sound storage medium collections and the like) pursuant to Section 56b UrhG (Austrian Copyright Act);
  - f) the public reproduction in educational settings, pursuant to Section 56c UrhG (Austrian Copyright Act);
  - g) the public reproduction in tourist accommodation establishments, pursuant to Section 56d UrhG (Austrian Copyright Act);

- h) the retransmission of radio broadcasts including satellite broadcasts with the help of cables pursuant to Section 59a UrhG (Austrian Copyright Act) as well as the participation claims pursuant to Article VI (3) UrhGNov 1996 (1996 amendment of the Austrian Copyright Act) and Section 38 (1)a UrhG (Austrian Copyright Act);
- i) the assertion of the compensation claims in the event of the extension of the terms of protection of copyright and/or neighbouring rights including protection period extensions, which have already taken place, pursuant to article VIII UrhGNov 1996 (1996 amendment of the Austrian Copyright Act) and/or Section 116 (6) in connection with para.3) UrhG (Austrian Copyright Act).

2. The license to operate shall also apply in the following cases of secondary use:

- a) the reproduction and/or distribution on image and/or sound mediums (data mediums) pursuant to Sections 15 and 16 UrhG (Austrian Copyright Act), namely
    - 1. in connection with usage generally allowed, due to limitation of copyright,
    - 2. for purposes of reproduction for own use or the private use of third parties, as long as these are not included in Section 42a UrhG (Austrian Copyright Act);
    - 3. for purposes of broadcast by cable (Sections 17 ff UrhG (Austrian Copyright Act), including broadcast sent via a network,
    - 4. for purposes of availability according to Section 18a UrhG (Austrian Copyright Act).
  - b) broadcast by cable (Sections 17 ff UrhG (Austrian Copyright Act), including transmission via a network;
  - c) the performance and presentation (public reproduction) pursuant to Section 18 UrhG (Austrian Copyright Act), provided these occur with the help of commercially produced image and/or sound mediums (data mediums) or with the help of radio broadcasts;
  - d) publicly making available pursuant to Section 18a UrhG (Copyright Act), including making it available in schools, educational and teaching institutions;
3. According to point I. 1. and 2, the license to operate also refers to the rights of the performers, who contribute to the works of cinematic art and/or motion pictures and perform literary works or choreographic and/or pantomime works in connection with works of music or recite or perform without such, insofar as they are entitled to corresponding rights, participation- and/or remuneration claims.
4. According to points I.1. and 2., the license to operate also applies to posthumous works of cinematic art and/or motion pictures pursuant to Section 76bUrhG (Austrian Copyright Act).

5. Excluded from the licence to operate,
  - a) according to points I. 1. and 2., are works of cinematic art which are viewed as works of visual arts or parts of works of visual arts.
  - b) according to point I. 3. ,are (recorded and/or broadcast) theatre- or concert performances;
  - c) according to section I. 3., are music videos, i.e. cinematographic works and/or motion pictures with a playing time of less than 10 minutes, in which musical works with and without text, and their physical performance (recital) are presented cinematically provided the performance is published on sound storage mediums which are produced for trading purposes, or the performance is intended for publishing;

## II.

VdFS Verwertungsgesellschaft der Filmschaffenden Genossenschaft mbH (Collecting Society for Filmmakers - Cooperative with limited liability) also has the operating license to manage or assert

1. all further rights, including the moral rights in the field covered by section I., but limited to the event of infringement;
2. all further rights, participation and/or compensation claims in the fields covered by section I., on behalf of foreign companies with similar business purposes;
3. the collection of rights, participation and/or compensation claims in the fields covered by section I., on behalf of and in the interest of other domestic collecting societies in their own name or in the name of third parties;
4. independent rights to information and claims for accounts pursuant to Sections 87a, 87b and 90a (5) UrhG (Austrian Copyright Act).

## III.

1. In the event of amendments to the Austrian Copyright Act, this license to operate includes the amended regulations corresponding to the aforementioned provisions.