

Declaration regarding the supply of digital samples to ARD broadcasting organisations

The phonogram producer hereby agrees to the following rules regarding the supply of samples to the broadcasting organisations of ARD ("ARD"):

The objective is for all music editors within the ARD broadcasting organisations to be supplied with samples of all new releases. The supply of samples will take place digitally via Phononet GmbH ("Phononet") through the use of the MPN. The phonograms are lodged on a central ARD server or with the broadcasting organisations.

The phonogram producer undertakes to provide Phononet their new phonogram releases, in each case up to date, correct (with regard to audio, metadata, background information) and as complete as possible, for forwarding to the broadcasting organisations.

The audio files must be made available without any data reduction; delivery may be in compressed form, in wav format, at least 44.1kHz (16-bit sample). All additional files, e.g. front and back covers, insert etc. shall be delivered in full, correct and up to date, together with the associated audio, to the following specifications: 1200 x 1200 pixels for front and back pages, 2400 x 2000 pixels for double-sided inserts, front and back covers each at 1200 x 1200 pixels/jpg, additional information in txt./ASCII and XML trigger file in flac.xml/XML.

The MPN metadata for each music title must be available in a uniform, standard dataset with the following data elements:

individual title, phonogram title, title: time, artist, authors, genre, company, label, label code, EAN, order number, publisher, ISRC, CD set number, track number.

The phonogram producer shall ensure that it is authorised to dispose over all rights in the phonogram content to the extent necessary to conclude a GVL rights administration agreement, as available on the GVL website at <https://www.gvl.de/wahrnehmungsvertrag-tontraegerhersteller> and grants the broadcasting organisations all rights of use in the scope of their broadcasting remit for television, radio and online services. The phonogram producer hereby acknowledges that the ARD broadcasting organisations do not apply geoblocking to their services and declares its agreement in that respect. All other content and/or phonogram data made available via the MPN will also be made available to the broadcasting organisations for use in the scope of their broadcasting remit.

The phonogram producer shall also ensure that the phonogram content provided does not contain any copy-protection measures or indications of origin which would impair the broadcasting organisations' permitted use of the phonogram content. The parties to the MPN process agree that this provision constitutes an agreement within the meaning of Sec. 95(b)(2) second sentence UrhG [*German Copyright Act*].

The phonogram producer will inform Phononet as to which of its labels are participating in supplying samples to ARD via the MPN and will notify Phononet of any changes. The broadcasting organisations can obtain this information from Phononet on request.

The phonogram producer shall no longer be bound by this declaration if the phonogram contract on the supply of samples (supply of samples for archiving) is terminated by the broadcasting organisations.

Place , der

Date:

Company



Signature