

TONO's Distribution Rules for 2020 (year of exploitation)

Concerts

Fee-based distribution

The distributed amounts from fee-based concerts depend on the size of the fee paid by the concert promoter to TONO, which is based on the size of the audience or the ticket revenue. Each concert is allocated a number of points related to the concert fee. If the concert is part of a periodic agreement, an average number of points may be calculated based on the total revenue divided by the number of concerts.

A minimum of 1,000 points and a maximum of 10,000 points is allocated, see table to the right.

If the concert fee is higher than NOK 25,000, the concert may be distributed as a major concert, where the distributed amount equals the paid amount after deductions for administration and cultural funds.

Concert fee (NOK)	Points
0-1,000	1,000
1,001-1,100	1,100
1,101-1,200	1,200
1,201-1,300	1,300
...	etc.
9,801-9,900	9,900
9,901 and above	10,000

Live background music at hotels, restaurants etc.

This is an area with a low-payment tariff where TONO does not require setlists/music reporting, since the music is usually performed in the background as opposed to being the main attraction. We still accept setlists from our members and sister societies. Rather than reject the setlists, TONO distributes them with a fixed set of points of 300.

Minimum-tariff concerts, performed repeatedly at the same venue, by the same promoter and artist/performer

When the same concert is organised and performed at least four times at the same venue within the same year, each concert performance receives reduced points. The more times a concert is performed in the same year, the lower the allocated points will be for each concert performance. If a concert is performed 60 times or more, each performance receives 300 points, which is the lower limit of points allocation.

Subsidised distribution

Concerts connected to promoters or performers who generally and primarily represent contemporary classical music, electroacoustic music or related highly sophisticated and complex forms of instrumental music are allocated extra funds from non-distributable amounts from previous distributions in various areas.

Below you will find a complete list of promoters and performers connected to the subsidised distribution of concerts. Points are allocated in the exact same way as for the fee-based distribution, but the point value is higher.

Reduction factor for works

There is a limit to how much a musical work can receive in subsidised funds. This is based on a reduction factor. The value of the reduction factor depends on how many times the work has been performed and distributed as part of a concert.

Reduction factors are shown in the table to the right.

The number of times distributed refers to previously distributed concerts in which the work has been performed.

No. of times distr.	1	2	3	4	5	6	7	8	9	10	>10
Reduction factor (%)	100	50	33	25	20	17	14	13	11	10	10

Promoters/customers connected to subsidised concert distribution

AKSIOM ENSEMBLE

BERGEN FILHARMONISKE ORKESTER

BIT20 ENSEMBLE

BLACK BOX TEATER

BOREALIS FESTIVALEN

DET NORSKE BLÅSEENSEMBLE
DET NORSKE KAMMERORKESTER
DET NORSKE SOLISTKOR
EDVARD GRIEG MUSEUM
ELECTRIC AUDIO UNIT
FESTSPILLENE I BERGEN
FESTSPILLENE I ELVERUM
FESTSPILLENE I NORD-NORGE
FORSVARETS REGNSKAPSADMINISTRASJON
HARDANGER MUSIKKFEST
KILDEN TKS (KRISTIANSAND SYMFONIORKESTER)
KLASSISK
KON-TIKI KAMMERMUSIKKFESTIVAL
LOFOTEN INTERNASJONALE KAMMERMUSIKKFEST
NORD-NORSK OPERA OG SYMFONIORKESTER
NORSJØ KAMMERMUSIKKFEST
NRK KRINGKASTINGSORKESTRET
NORSKE SYMFONIORKESTRES LANDSFORBUND
NOTAM
NY MUSIKK
OSLO KAMMERMUSIKK FESTIVAL
OSLO SINFONIETTA OG CIKADA
RISØR KAMMERMUSIKKFEST
SONJA HENIE OG NIELS ONSTAD STIFTELSE
STAVANGER SYMFONIORKESTER
STIFTELSEN INTERN. CHAMBER MUSIC FESTIVAL
STIFTELSEN OSLO-FILHARMONIEN
TRONDHEIM KAMMERMUSIKK FESTIVAL
TRONDHEIM SYMFONIORKESTER
ULTIMA OSLO CONTEMPORARY MUSIC

Performers connected to subsidised concert distribution

AKSIOM ENSEMBLE
ARKTISK SINFONIETTA
AVGARDE
ASAMISIMASA
BERGEN DOMKOR
BERGEN FILHARMONISKE ORKESTER
BIT20 ENSEMBLE
CIKADA
DET NORSKE BLÅSEENSEMBLE
DET NORSKE KAMMERORKESTER
DET NORSKE SOLISTKOR
ELECTRIC AUDIO UNIT
ENSEMBLE ALLEGRIA
ENSEMBLE DENADA
ENSEMBLE ERNST
ENSEMBLE NEON
FORSVARETS MUSIKKORPS NORD-NORGE
FORSVARETS STABSMUSIKKORPS
KONGELIGE NORSKE MARINES MUSIKKORPS
KORK (KRINGKASTINGSORKESTERET)
KRISTIANSAND SYMFONIORKESTER
LUFTFORSVARETS MUSIKKORPS
MIN ENSEMBLET
NORDIC VOICES
OJKOS

OSLO FILHARMONISKE ORKESTER
OSLO SINFONIETTA
Pinguins
POING
SCHEEN JAZZORKESTER
SISU
SJØFORSVARETS MUSIKKORPS
STAVANGER SYMFONIORKESTER
TELEMARK KAMMERORKESTER
TRONDHEIM JAZZORKESTER
TRONDHEIM SINFONIETTA
TRONDHEIM SYMFONIORKESTER
TRONDHEIMSOLISTENE
TØYEN FIL OG KLAFFERI

Music performed at worship services

These performances are by law exempt from financial compensation. However, the Norwegian Ministry of Culture transfers an annual amount to TONO for distribution of music used on such occasions.

Received setlists are allocated 1,000 points.

Major concert, revue, exhibition, theatre and grand rights

The principle is to distribute the paid fee after deducting administration costs and payments to cultural funds.

Radio and TV

Radio and TV channels are required to report every broadcasted musical work to TONO with actual durations. National channels also provide data on the radio or TV programme in which the musical work features.

Each music usage is allocated a number of points, depending on the duration, usage category and in some cases whether the usage took place during the day or night. See separate section describing usage categories below.

The distribution value per minute depends on the factors mentioned above, as well as on the total distributable amount and the total points for the respective channel.

In cases where the fee is a lump sum covering several channels, an amount per channel or group of channels is calculated. See details below for each broadcaster.

Usage categories

Live performances on national channels are allocated a higher value per minute when the programme is broadcast in real-time or a recording is broadcast for the first time. The higher value is used regardless of whether the broadcaster produced the programme itself or not.

“Live” means that the musical work is performed live. For example, a performer can be seen playing or singing live on TV, a musical work is performed live in a radio studio, or a concert is broadcast live. Music videos are regarded as pre-recorded music and do not receive the live value.

Programmed music played during or between radio or TV programmes, background music or music from archived recordings are not considered live. These include vignettes, jingles, theme-music, trailers and logos.

Additional live performances of the same musical work will be distributed as live once per performance as described the above. This includes any repeated live performance that takes place during the same programme. Excerpts are not considered live.

The live value is used regardless of which channel broadcasts the programme. What matters is the first time the music is broadcast. If a programme is broadcast simultaneously on more than one channel, the live value is applied to the channel with the highest value per minute. Live performances in programme reruns do not receive the live value.

The multiplication factor for the live value is six (6).

Vignettes, jingles, trailers, signatures, logos and programmed background music – which are not considered commissioned music for TV series, documentaries and the like – receive a reduced value with a multiplication factor of 0.5.

NRK radio channels use reduced values during nighttime hours (00:00–06:00) with a multiplication factor of 0.25.

Duration factor, in relation to live values

The duration factor relates to the actual duration of the performance of the musical work and only applies to the channels NRK P2 and NRK Klassisk.

Multiplication factors for single performances of a work with live value are shown in the table to the right, based on different duration intervals.

Duration	Factor
0-0.59 min	0.5
1-3.59 min	0.8
4-6.59 min	1.2
7-9.59 min	1.7
> 10 min	2.5

NRK

New rules for dividing the lump sum payment from NRK was implemented from 2019 (year of exploitation).

NRK's music usage on radio, TV and online was merged into one distribution pool. The rules were carried over to 2020.

The lump sum is divided between the channels on the basis of two principles:

1. Make available – part of the lump sum is divided between the channels based on the number of minutes protected music is performed.
2. Market share of viewed/listened-to music – the other part of the lump sum is divided between the channels based on consumption.

The “make available” principle gives the used musical works a basic payment that is independent of the consumption in the market, in other words how many people actually saw or listened to the programme. This part strengthens the niche channels.

Official market shares are provided by Kantar TNS and Nielsen Media Research. These market shares are adjusted according to the music shares for each channel so that market shares reflect the listening to/viewing of music content and not the channel as such.

Exactly how to weigh the two principles has not yet been decided, which is why an interim decision was made for 2019 and 2020 based on an average of three calculations: the division between the channels for 2018, the division between the channels if the weighting between the principles was 30/70 make available/market shares, and the division between the channels if the weighting between the principles was 50/50.

For NRK's internet player the “channel” amount is divided among the audiovisual productions according to the product of the number of views and the audiovisual production's total music duration. These amounts for each production are then divided among the rightsholders based on the duration of each musical work used in that production.

Share division between channels for 2020:

Platform	Channel	Share
Radio	P1 national	16.81%
	P1 regional	7.67%

	P1+	8.36%
	P2	3.94%
	P3	8.78%
	Klassisk	1.43%
	MP3	3.68%
	Folkemusikk	0.81%
	Jazz	2.49%
	Super	2.74%
	P13	3.30%
	Nyheter	0.07%
	Sapmi	1.65%
	Sport	1.76%
	Urort	2.04%
TV	NRK 1	18.34%
	NRK 2	5.72%
	NRK 3	2.27%
	NRK Super	4.83%
	NRK regional TV	0.01%
Online	NRK net player	3.28%

TV2

For the linear TV channels, 80 per cent is distributed on the main channel, while the rest is divided among TV Zebra, TV2 Humor, TV2 Livsstil, TV2 Nyhetskanalen and TV2 sports channels according to points.

Before distribution among the linear channels, an amount is set aside for TV2 Sumo, C More and HayU according to market shares provided by Kantar TNS.

For TV2 Sumo, C More and HayU, the “channel” amount is divided among the audiovisual productions according to the product of the number of views and the audiovisual production’s total music duration. These amounts for each production are then divided among the rightsholders based on the duration of each musical work used in that production.

TV Norge

TV Norge consists of only one channel.

P4 group (MTG)

Channel	Factor
P4	Division according to market share on quarterly basis
P5 Hits	
P6 Rock	
P7 Klem	
P8 Pop	
P9 Retro	
P10 Country	
NRJ Norge	

Bauer Media

Channel	Factor
BIG Hip Hop & R&B	Division according to market share on quarterly basis
Radio Norge	
Kiss	
Radio Vinyl	
Radio Norsk Pop	
Radio Rock	

Radio Topp 40	
Kisstory	
P24-7 Mix	
P24-7 Kos	
Radio1	

Local radio

Channel	Factor
Jaerradioen	Individual amounts – no lump sums
Radio Atlantic	
Radio Grenland	
Radio Horten	
Radio Kragero	
Radio Nordsjo	
Radio Sandefjord	
Radio Sandnes	
Radio Tonsberg	
Radio Alesund	
1 FM Molde	
1FM Gull	
1FM Rock	
1FM Jazz	
P7 Kristen Riksradio	
Mediehuset KSU 247	
Radio Ost	
Nea Radio	
Radio 102	
Radio 3,16	
Radio Metro	
Radorakel	
Radio pTro	

Music streaming

The description here covers rules for distributing services from big DSPs (digital service providers) like Spotify, YouTube, iTunes, Apple Music, Google Play, Tidal, Facebook, Soundcloud and the like.

Based on complete usage logs, fees in this area are divided and allocated to each musical work according to the number of usages.

Music streaming is divided between performing rights and mechanical rights in a 70:30 per cent split.

Work duration is not used in the distribution.

Video on Demand (VoD)

The description here covers rules for distributing services from Netflix, Altibox, Viaplay, HBO, Amazon Prime, SF Anytime, Blockbuster, Google Play (VoD), iTunes (VoD) and the like. For rules concerning NRK net player or TV2 Sumo, see description for TV above.

Fees in this area are specified per digital service provider and type of service, such as subscription service, rental and/or purchase.

VoD streaming is divided between performing rights and mechanical rights in a 70:30 per cent split.

VoD downloading is divided between performing rights and mechanical rights in a 70:30 per cent split.

Distribution method

Step 1 – production level

The fee for the relevant service/period is divided among the productions according to the following rules:

- Subscription service: division according to number of streams/views.
- Rental: division according to the product of number of rentals and price per rental.
- Purchase: division according to the product of number of purchases and sales price.

Step 2 – work and rights owner level

The amounts for each production level from step 1 are then divided among the rightsholders based on the duration of each musical work used in that production.

First performance supplementary payment

A tradition in TONO is to pay a supplementary amount to musical works that have been performed for the very first time. This special distribution is always scheduled for the December distribution the year after the first performance took place. At this time, all reports on usage in the previous year have been processed and the usages have been distributed so that we can determine which usage was actually the first.

There are some conditions for a work to qualify for first performance supplementary payment. The first performance of the work must have taken place in Norway via a broadcast, concert or film screening.

First performance supplementary payment does not apply in the following cases:

- The music features in a dramatic work such as opera, musical, ballet or theatre.
- The music is completely improvised.
- For commissioned music in series on radio or TV, a season is considered as a whole. Only newly written material qualifies. A basis of 50 per cent of the total music duration for a season is used in the calculation of first performance supplementary payment.
- The first performance did not take place in a TV or radio broadcast, concert or cinema in Norway.
- The work's musical composition is not original, but rather an arrangement, version, remix or the like.
- The work is a vignette, jingle, signature, background, logo or other related category of programmed music featured during a programme or between programmes.
- The work is a medley.
- The music is non-protected.

The supplementary payment is based on the ordinary distributed amount for the musical work. The basis amount is multiplied by a so-called first-performance factor, which varies from year to year depending on how much money has been allocated for first performances and the total ordinary amounts related to the qualifying works.

There are special calculations related to first performances in the cinema area.

There is a limit of NOK 75,000 to be paid per work and NOK 150,000 per rights owner per year.

Cinema

The fee equals 1 per cent of the gross ticket revenue. The total distributable amount is divided among the movies/productions according to the level of ticket revenue. The production amount is then divided among the musical works according to duration.

Private copying

Norwaco receives funds from the government via the state budget. The portion transferred to TONO is distributed based on analogy, reusing distributions from radio, TV, online and NCB (physical medium).

Vignettes and jingles are not included, and any multiplication effects related to usage categories are reset in the distribution basis. Only rightsholders in the EEA region are included in the distribution.