

TONO's Distribution Rules for 2021 (year of exploitation)

Concerts - Fee-based distribution

That the concert is fee-based means that the distributed amount depends on the size of the fee invoiced and paid. The fee is paid by the organizer and the size of the fee depends 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 with the number of concerts.

A minimum of 1.000 points and a maximum of 10.000 points are allocated, see the 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
0-1000	1 000
1001-1100	1 100
1101-1200	1 200
1201-1300	1 300
-	etc.
9801-9900	9 900
9901 og mer	10 000

Live dance music at Hotels, restaurants etc.

This is an area with a low-payment tariff where we don't require setlists/music reporting. We still accept setlists from our members and sister societies. Rather than rejecting the setlists, we distribute them with a fixed set of points of 300.

Minimum tariff concerts, performed repeatedly in the same venue, by the same organizer and artist/performer

When the same concert is organized and performed at least four times repeatedly in the same venue within the same year, each concert receives reduced points. The higher number of repetitions, the lower the allocated points will be for each concert. At 60 repetitions, each concert receives 300 points, which is the lower limit of points allocation.

Subsidized distribution

Concerts connected to organizers or performers which generally and mainly represent contemporary classical music, electroacoustic music or related highly sophisticated and complex forms of instrumental music. The concerts are allocated extra funds from non-distributable amounts from previous distributions in various areas. Below you will find a complete list of organizers and performers connected to the subsidized distribution of concerts.

Points are allocated in the exact same way as in the fee-based distribution, but the point value is higher.

Reduction factor for works

It's a limit to how much a work can receive in subsidized funds. This is handled practically by a reduction factor. The value of the reduction factor depends on how many times before the work has been performed and distributed as part of a concert.



Reduction factors are show in the table to the right. Number of times distributed refers to previous distributed concerts which the work has been part of.

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

Organizers/customers connected to subsidized 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 subsidized 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
PINQUINS
POING
SCHEEN JAZZORKESTER
SISU
SJØFORSVARETS MUSIKKORPS
STAVANGER SYMFONIORKESTER
TELEMARK KAMMERORKESTER
TRONDHEIM JAZZORKESTER
TRONDHEIM SINFONIETTA
TRONDHEIM SYMFONIORKESTER
TRONDHEIMSOLISTENE
TØYEN FIL OG KLAFFERI

Music performed in Church Services and sessions of devotion

These performances are by law exempt from economic compensations. However, the Norwegian State, represented by the Ministry of Culture, transfer 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 paid fee after deduction of administration cost and to cultural funds.

Radio og TV

Radio- and TV-channels are required to report every broadcasted musical work to TONO with actual durations. National channels also report data of the radio or TV-program the musical works is used in.

Each music usage receives a number of points, depending on duration, usage category and in some cases whether the usage took place daytime or nighttime, see separate section describing usage categories below.

The distribution value per minute is dependent on the factors mentioned above, but also is dependent on total distributable amount and the total points for the respective channel.

In cases where the fee is a lumpsum covering several channels, an amount per channel or group of channels is calculated, see sections below for each broadcaster.

Usage categories

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

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

Programmed music in and between the radio- or TV-programs, background music or music from archived recordings are not considered live. Included are vignettes, jingles, theme-music, trailers, and logos.

New live performances of the same musical work will be distributed as live one time per performance according to the above also if the new performance happens within the same program. Excerpts are not considered live.

The live value is used regardless of which channel the program is broadcasted, it is the first time of broadcast that matters. If a program is broadcasted simultaneously on more than one channel, the live value is applied on the channel with the highest value per minute. Live performances in program reruns do not receive the live value.

Multiplication factor for live value is 6.

Multiplication factor for vignettes, jingles, trailers, signatures, logos and programmed background music, which is 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 in the nighttime (00 – 06) with a multiplication factor of 0,25.



Duration factor, in relation with 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 work performances with live value are shown in the table to the right based on different intervals of durations.

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 lumpsum 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 lumpsum is divided between the channels on basis of two principles.

1. Make available - one part of the lumpsum is divided between the channels according to the number of minutes performed protected music.
2. Market shares of viewed/listened music – the other part of the lumpsum is divided between the channels according to the consumption.

The principle of making available gives the used musical works a basic payment which is independent of the consumption in the market, in other words how many actually saw or listened to the program. This part strengthens the niche channels.

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

Exactly how to weigh the two principles have not been decided yet, and therefore a transitional decision was made for 2019 and 2020 based on an average of three divisions, 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 between the audiovisual productions according to the product of number of views and the audiovisual production's total music duration. These amounts are then following the productions down to the musical works and the division between rightsholders based on duration.

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 % is distributed on the main channel, while the rest is divided between TV Zebra, TV2 Humor, TV2 Livsstil, TV2 Nyhetskanalen og TV2 sports channels according to points.

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

For TV2 Sumo, C More and HayU, the «channel» amount is divided between the audiovisual productions according to the product of number of views and the audiovisual production's total music duration. These amounts are then following the productions down to the musical works and the division between rightsholders based on duration.

TV Norge

TV Norge consists of only one channel.

P4-group (MTG)

Channel	Factor
P4	Division according to market shares 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 shares 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 lumpsums
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 used for distributing big DSP’s like Spotify, YouTube, iTunes, Apple Music, Google Play, Tidal, Facebook, Soundcloud and the like. (DSP – digital service provider)

The fees in this area are complemented by complete usage logs and the fees are divided and allocated each musical work according to number of usages.

Music streaming is divided between performing rights and mechanical rights in a 70 % / 30 % split.

Work duration is not used in the distribution.



Video on-demand

The description here covers rules for distributing services from Netflix, Altibox, Viaplay, HBO, Amazon Prime, SF Anytime, Blockbuster, Google Play (video on-demand), iTunes (video on-demand) 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, in example subscription service, rental and/or purchase.

Video on-demand streaming is divided between performing rights and mechanical rights in a 70 % / 30 % split

Video on-demand downloading is divided between performing rights and mechanical rights in a 30 % / 70 % split

Distribution method

Step 1 – production level

The fee for the relevant service/period is divided between 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 rightsowner-level

The amounts on production level from step 1 follows the productions down to the musical works included and the rightsowners according to duration.

First performance supplementary payment

A tradition in TONO is to pay a supplementary amount to musical works which has 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 for exploitation in the previous year has been processed and the usages 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 either in broadcast, in concert or in cinema.

First performance supplementary payment is not applied in the following cases

- Music being a part of a dramatic work like opera, musical, ballet or theatre.
- Music which is 100% 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% of the total music duration for a season is used in the calculation of first performance supplementary payment.
- First performance did not take place in either broadcast, concert, or cinema in Norway.
- The work's musical composition is not original, but either an arrangement, version, remix, and the like.



- The work is a vignette, jingle, signature, background, logo, or other related categories of programmed music within a program or between programs.
- 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 with 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 rightsowner per year.

Cinema

The fee equals 1% of the gross ticket revenue. The total distributable amount is divided between the movies/productions according to the level of ticket revenue. The production amounts is then respectively divided between the musical works according to duration.

Private copying

Norwaco receives funds from the government over the state budget. The part which is transferred to TONO is distributed by analogy, reusing distributions from the radio area, TV-area, online-area, 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 rightsowners affiliated with CMOs in the EEA-region is included in the distribution. (CMO-Collecting Management Organization)

