

## SCHEDULE 2

### PERFORMANCES

This Schedule sets out what contributions to a Sound Recording amount to a performance under the Distribution Rules (the person making such a contribution being a Performer).

For the avoidance of doubt, for a Performer to qualify for equitable remuneration in respect of their recorded performance, that performance must also be a qualifying performance (see Rule 4.1(3) and Schedule 3).

#### **1. Relevant contributions**

- 1.1 Subject to Clause 2, the contribution of a person to a Sound Recording shall only amount to a performance (and hence that person will only be a Performer on that Sound Recording) if it is an audible contribution (whether vocal or instrumental) that it is recorded as part of that Sound Recording.
- 1.2 For the avoidance of doubt, where a person makes several contributions to a Sound Recording; that person will qualify as a Performer in respect of that Sound Recording if any one of those contributions satisfies the requirements in Clause 1.1. The allocation of the monies for a particular Sound Recording between the Performers on that Sound Recording is set out in Schedule 5 (subject to Rule 12.3).

#### **2. Conductors and Producers**

- 2.1 A person such as an orchestra conductor, bandleader or studio producer who has not contributed an audible performance (such as playing an instrument or singing) to a Sound Recording in accordance with Clause 1 shall nevertheless be deemed to have contributed a performance to that Sound Recording if they conducted or musically directed another Performer's live performance as it was being recorded. For the avoidance of doubt, alterations made to the track after the recording has been made, such as edits or remixes, will not be deemed to be performances (unless these new versions involve new audible performances as in Clause 1.1).

#### **3. Interpretation**

- 3.1 Definitions used in the Distribution Rules shall apply to this Schedule unless stated otherwise.
- 3.2 References to a "Clause" are to a clause in this Schedule unless where indicated otherwise.
- 3.3 The headings in this Schedule are for information only and do not form part of this Schedule.