



Standard Terms and Conditions “Direct Licensing”

CONTRACT CLAUSES

MUSIC RIGHTS INCLUDED IN THE FEE

The Festival is licensed to use music by SUISA. If the Artist / Company controls their own repertoire of songs and is (or is planning to) undertake direct licensing, and/or the music to be performed is not controlled by or registered to a recognised performing right organisation, the Festival has no mechanism to make any additional payment or receive any rebate from SUISA. Any music rights payment **MUST** be included in the agreed fee and the Artiste must indemnify the festival against any third-party claims for the use of the music performed by the Artist.

CANCELLATION AND INDEMNITY

(a) The Promoter reserves the right to cancel this engagement in its sole discretion and without any liability to the Artiste (and the Artiste shall repay any deposit or any other payment already made by the Promoter to the Artist at the date of such cancellation) in the event that the Promoter is notified that any musical and/or lyrical works which will be performed by the Artist and has one or more members of the Artist credited as a songwriter of any of such works will be subject to so called 'direct licensing' or otherwise outside of the control of the local collection society in the country of performance by the Artist.

(b) Notwithstanding the right of cancellation set out in (a) above, the Promoter may in its sole discretion present the performance by the Artiste but will:

(i) require the Artiste to warrant that all works that will be performed will be controlled by the local collection society in the country of performance and/or

(ii) require an indemnity from the Artiste that the Artiste will immediately and on demand reimburse the Promoter for any additional claim, invoice, cost and/or expense that is suffered by the Promoter should any works be performed by the Artiste by virtue of the fact that such musical and/or lyrical works are not controlled by the said local collection society, or the Promoter shall be entitled to set off any claim, invoice, cost and/or expense against the Fee(s) otherwise due to the Artist