

INSTRUCTIONS AND RATE SCHEDULES FOR THE USE OF VISUAL WORKS (UNDER COMPULSORY LICENSE (OR VAGA/PBS AGREEMENT) in public TV shows first broadcast during the period **JANUARY 1, 2003 - DECEMBER 31, 2007** (VAGA/PBS Agreement rates, which were the same as the rates under the compulsory license from 1992 through 1997, have *not* increased.)

"METHODS OF DISPLAY" AND DEFINITIONS	RATES FOR SUCH USES IN PBS-DISTRIBUTED PUBLIC TV PROGRAMS:	RATES FOR SUCH USES IN PUBLIC TV BROADCAST PROGRAMS <i>NOT</i> DISTRIBUTED BY PBS
<i>"Featured Display of a Work"</i> : A full-screen or substantially full-screen display appearing on the screen for more than three seconds.	\$68.67 (up from \$64.78, the 1998-2002 rate) (except VAGA works, which are still \$61.00)	\$44.47 (up from \$41.95, the 1998-2002 rate) (except VAGA works, which are still \$39.50)
<i>"Background/Montage Display of a Work"</i> : Any display less than full-screen or less than substantially full-screen, OR full-screen or substantially full-screen but appearing on the screen for three seconds or less.	\$33.49 (up from \$31.59, the 1998-2002 rate) (except VAGA works, which are still \$29.75)	\$22.80 (up from \$21.51, the 1998-2002 rate) (except VAGA works, which are still \$20.25)
<i>"Program Identification or Thematic Use of a Work"</i> : The use of the work of one or more artists where the works constitute the central theme of the program or convey a story line.	\$135.37** (up from \$127.71, the 1998-2002 rate) (except VAGA works, which are still \$120.25**) (**For the thematic use of a work in an entire series, double this single-program rate.)	\$90.91** (up from \$85.76, the 1998-2002 rate) (except VAGA works, which are still \$80.75**) (**For the thematic use of a work in an entire series, double this single-program rate.)
<i>"Display of an Art Reproduction Copyrighted Separately from the Work of Fine Art from which the Work was Reproduced"</i> : A transparency or other reproduction of an underlying work of fine art.	\$44.47 (up from \$41.95, the 1998-2002 rate) (except VAGA works, which are still \$39.50)	\$22.80 (up from \$21.51, the 1998-2002 rate) (except VAGA works, which are still \$20.25)

NOTE: The rates of this schedule are for unlimited public TV broadcast use for a period of 3 years from the date of first broadcast. Succeeding broadcast use periods will require the following additional payment: for an additional use of one year, 25% of the initial three-year fee (this new "1-year" provision can be used only if the work is "non-VAGA" and the show was first broadcast during 2003-2007); for a second three-year period of use, 50% of the initial three-year fee (regardless of whether the work is VAGA-controlled or not, and regardless of the show's first broadcast date); for each three-year period thereafter, 25% of the initial three-year fee. (But a 100% additional payment, *made prior to the expiration of the first three-year period*, will cover public TV broadcast during all subsequent broadcast use periods *without limitation*.)

USES YOU SHOULD NOT REPORT ON VISUAL ARTS CUE SHEETS YOU SEND PBS:

1. Uses of public domain works.
2. Uses for which you have negotiated rates (other than the rates prescribed by the Federal government and the VAGA/PBS agreement, listed above) with copyright owners.
3. Uses of works created "in-house" or specially commissioned by the producer for the program.
4. Uses for which copyright owners have granted permission free of charge.
5. Uses of unpublished works (i.e., works, such as personal snapshots, that have not been made available (lawfully) in copies to the general public in the U.S.). Such uses are not covered by the compulsory license or by PBS's agreement with VAGA.
6. Uses of motion picture footage or other audio-visual works. Such uses are not covered by the compulsory license or by PBS's agreement with VAGA.
7. Uses you have deemed "fair uses" or otherwise exempt from clearance and payment.

USES YOU NEED TO REPORT ON VISUAL ARTS CUE SHEETS YOU SEND PBS:

Uses of published pictorial, graphic, and sculptural works for which you paid the copyright license fees listed above (whether directly to copyright owners, to a trust for unknown and unlocatable copyright owners, or to VAGA as agent for certain copyright owners) instead of negotiating separate rates or obtaining permission at no charge. (If there were no such uses in your program, you need not submit a visual arts cue sheet to PBS.)

Please note that only non-profit producers can take advantage of these rates and terms for the use of published visual works on public TV, UNLESS such works are controlled by VAGA (Visual Artists and Galleries Association). "For-profit" producers can use VAGA works at these rates without obtaining prior permission but are responsible for negotiating and obtaining any necessary clearances and permissions for use of other works.

ADDRESS FOR VAGA:

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New York, NY 10118-2820

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PBS's *voluntary* agreement (1988-1997) with the Artists Rights Society Inc. (ARS, online at 'www.arsny.com') terminated effective January 1, 1998 and was not renewed. ARS works can still be used on public TV under the *compulsory* license (17 U.S.C. Sec. 118), however.