

# Procedures for Assignment of ISRCs by Third Party Applicants

## 1 DEFINITIONS

For the purposes of these procedures, the following definitions apply:

Recording:	A sound recording or music video recording to which an ISRC can be assigned.
Small Producer:	A producer that does not itself wish to assign ISRCs to its Recordings. A Small Producer may be an Independent Artist or a Small Label.
Independent Artist:	A Small Producer which wishes to have ISRCs assigned on its behalf using an ISRC Registrant Code shared with other producers. It should normally:  (i) not be signed to a label, other than a label set up purely to own the rights in its own Recordings, (ii) produce its own Recordings and (iii) not expect to create more than about 50 Recordings per year.
Small Label:	A Small Producer which wishes to have ISRCs assigned on its behalf using an ISRC Registrant Code allocated to it exclusively.  Note: Although it is expected that these arrangements will be most attractive to small companies, they are available to any producer.
ISRC Manager:	An entity assigning ISRCs on behalf of more than one Small Producer in any 12 month period, that has been approved as such by a National ISRC Agency.
Producer's Representative:	An entity assigning ISRCs on behalf of only one Small Producer in any 12 month period, that has been approved as such by a National ISRC Agency.
Third Party Applicant:	An ISRC Manager or a Producer's Representative.

## 2 OTHER DOCUMENTS

The following procedures shall be read in conjunction with the International Standard Recording Code (ISRC) Handbook and the ISRC Bulletins, which are available at [www.ifpi.org/isrc](http://www.ifpi.org/isrc).

### 3 APPLICATIONS TO ASSIGN ISRCs ON BEHALF OF SMALL PRODUCERS

A Third Party Applicant may apply to a National ISRC Agency to be approved to assign ISRCs to Recordings on behalf of a Small Producer under the following conditions:

- 3.1 The Third Party Applicant and the Small Producer enter into a formal agreement that authorizes this. Note: this may be a formally signed contract, a click-through agreement or part of standard terms of business. In any case, the terms of the appointment must be completely clear to both parties.
- 3.2 The agreement appoints the Third Party Applicant exclusively with respect to some well defined part of the Small Producer's repertoire (the Nominated Repertoire). For instance, the appointment may cover the entire repertoire, "all recordings made since 1 January 2001" or "all classical recordings." It is also acceptable to nominate only that part of a label's repertoire which is licensed to the Agent for other purposes.

Note: The appointment as a Third Party Applicant for ISRC assignment is to be considered entirely separate from any other appointment as licensee or distributor of repertoire. Other appointments may be exclusive or non-exclusive, and may not be connected with the appointment as a Third Party Applicant.

- 3.3 The Small Producer commits to ensure that no other Third Party Applicant is appointed to assign ISRCs to Recordings in the Nominated Repertoire and that the Small Producer does not itself assign ISRCs to Recordings in the Nominated Repertoire.
- 3.4 The Third Party Applicant commits to inform the Small Producer of the ISRCs that have been assigned to the Recordings.
- 3.5 The Small Producer commits to use the ISRCs assigned by the Third Party Applicant in future exploitation of the Recordings.
- 3.6 The Third Party Applicant commits to keep good records and to make relevant records available to the Small Producer on demand.
- 3.7 The Third Party Applicant and the Small Producer may agree such other terms (including financial terms) with respect to the appointment as agent as they desire, provided they do not conflict with this Procedure.
- 3.8 If an agreement to act as the Third Party Applicant for a Small Producer is terminated or expires, then all records must be transferred to that Small Producer.
  - 3.8.1 The ISRC Manager must also commit to transfer control of the Registrant Code, if the Small Producer is a Small Label.

Note: This will allow the Small Label to continue to allocate ISRCs without fear of duplication. Alternatively, it will allow a subsequently appointed ISRC Manager to do so.

- 3.9 If an Independent Artist who has previously used the services of a Third Party Applicant establishes a relationship with a new Third Party Applicant, the ISRCs assigned by the previous Third Party Applicant should continue to be used. No new ISRCs should be allocated to tracks that have already had one allocated.

Note: The Third Party Applicant may, of course, use the previously assigned ISRCs in managing the Independent Artist's repertoire but this would be outside the scope of their appointment as a Third Party Applicant.

- 3.10 If a Small Label which has previously used the services of a Third Party Applicant establishes a relationship with a new Third Party Applicant, the previous Third Party Applicant should transfer to the new Third Party Applicant (i) all records obtained from the old Third Party Applicant and (ii) control of its Registrant Code. The new Third Party Applicant should continue to use this Registrant Code for the Nominated Repertoire.

Note: Where a label has had different Third Party Applicants for different Nominated Repertoires, then the arrangements for new Third Party Applicants should ensure (i) that each Registrant Code is under the control of a single Third Party Applicant or of a Small Producer and (ii) that no more Registrant Codes are issued than is necessary.

#### 4 USE OF REGISTRANT CODE AND COUNTRY CODE BY ISRC MANAGERS

The ISRC Manager must use an appropriate Registrant Code as follows:

- 4.1 If the ISRC Manager deals with Small Producers who are Independent Artists, then the ISRC Manager shall obtain for its own exclusive use, a single Standing Registrant Code from the National ISRC Agency in the territory where the ISRC Manager is based. The ISRC Manager shall use this Registrant Code in conjunction with the Country Code appropriate to the National ISRC Agency from which it obtained the Registrant Code. The ISRC Manager shall inform its National ISRC Agency that the Standing Registrant Code is to be used by an ISRC Manager on behalf of Independent Artists.
- 4.1.1 It shall use this Standing Registrant Code and Country Code in respect of all Independent Artists for which it acts.
- 4.1.2 The ISRC Manager shall ensure that Recordings to which an ISRC is assigned are registered together with appropriate metadata in the industry database relevant to the Independent Artist, i.e., the database that they would have registered with if they had done so themselves. If the territory of residence of the ISRC Manager and the Independent Artist are different, the choice of database will require careful consideration and probably consultation between the parties.
- 4.1.3 It is permissible for an ISRC Manager to apply for Standing Registrant Codes from several National ISRC Agencies only if this reflects the way the ISRC Manager's business is organized, but not merely to reflect the territory of residence (or target territory for distribution) of the Independent Artists for which it acts.

Note: If the ISRC Manager and the Independent Artist are based in different territories, then the ISRCs assigned will, as a result of the provisions in 3.1, carry the Country Code (see ISO3901 and ISRC Handbook) of the ISRC Manager, not the Independent Artist. This is NOT a concern because, once assigned, the ISRC is a "dumb number" and no inference should be made from

the Country Code about the territory where the recording was made or is owned.

4.2 If the ISRC Manager deals with Small Producers who are Small Labels, then the ISRC Manager shall, for each such Small Label, obtain a Registrant Code on behalf of the Small Label from the National ISRC Agency in the territory of residence of the Small Label. The ISRC Manager shall inform the National ISRC Agency that the Registrant Code is being requested by an ISRC Manager on behalf of a Small Label that has authorized it for this purpose.

4.2.1 It shall use this Registrant Code for all Recordings from the Nominated Repertoire of the Small Label.

4.2.2 The ISRC Manager shall ensure that Recordings to which an ISRC is assigned are registered together with appropriate metadata in the industry database relevant to the Small Label. This will normally be the database associated with the territory of residence of the Small Label.

## 5 USE OF REGISTRANT CODES BY PRODUCER'S REPRESENTATIVES

The Producer's Representative must use an appropriate Registrant Code as follows:

5.1 If the Small Producer already has a Registrant Code, the control of this code should be passed to the Producer's Representative, together with sufficient records to prevent duplication of ISRC.

5.2 The Producer's Representative shall obtain a Registrant Code on behalf of the Small Producer from the National ISRC Agency in the Small Producer's territory of residence. The Producer's Representative shall inform the National ISRC Agency that the Registrant Code is being requested by a Producer's Representative on behalf of a Small Producer that has authorized it for this purpose.

5.2.1 It shall use this Registrant Code when it assigns an ISRC to any Recordings from the Nominated Repertoire of the Small Producer.

5.2.2 The Producer's Representative shall ensure that each Recording to which an ISRC is assigned is registered together with appropriate metadata in the industry database relevant to the Small Producer.

5.2.3 After an ISRC is assigned, all records must immediately be transferred to the Small Producer. Control of the Registrant Code must be transferred to the Small Producer when no more ISRCs remain to be assigned.