

Contract - Offering music on KEBmusic

between

KEBmusic – Leimgruber Georg, Werkstrasse 17, 4913 Bannwil, Switzerland

(hereinafter referred to as “KEBmusic”)

and

Surname, name:

Alias/Artist’s name on KEBmusic:

Company/label (if available)

Street, house number:

Postal code,city:

Country:

(hereinafter referred to as “**contractual partner**”)

1. Contractual item

KEBmusic is the online music portal of KreisEckBeats, Swiss Trance-Productions. The sole proprietorship’s purpose is the distribution of electronic music. KEBmusic grants the contract partner the opportunity to distribute his music via the portal. This agreement governs the form of cooperation.

2. Requirements of cooperation

KEBmusic only distributes music which is not registered with a collecting society such as for example GE-MA, SUIZA, ASCAP, RAO, AMCOS, SPACEM, JASRAC. Distribution takes place through the sale of files. KEBmusic has a contractual guarantee from this artist, that his/her songs on KEBmusic are not registered with any collecting society.

The contractual partner is able to deliver a piece of music in at least one of the following file formats: WAV (WAVE), Stem.MP4, Logic Pro X. However, a maximum of 10 pieces of music are possible in all three formats.

The contractual partner must provide KEBmusic with a contractual guarantee that they are the holders of all rights, including, in particular, the necessary intellectual property rights of the respective music files.

3. Music to be distributed

The contractual partner's musical pieces are distributed by KEBmusic at the following sales prices per file. The sales prices can be changed at any time, when an agreement is made between the parties.

Total amount of musical pieces in this contract (1-max. 10): _____ pc..

Musical piece (name)	WAV (WAVE)	Stem-MP4	Logic Pro X
1.	EUR	EUR	EUR
2.	EUR	EUR	EUR
3.	EUR	EUR	EUR
4.	EUR	EUR	EUR
5.	EUR	EUR	EUR
6.	EUR	EUR	EUR
7.	EUR	EUR	EUR
8.	EUR	EUR	EUR
9.	EUR	EUR	EUR
10.	EUR	EUR	EUR

The additional information that KEBmusic needs to describe the files on the Website must be filled in completely on the enclosed supplementary sheets (1 document per piece of music).

These supplementary sheets also form part of this contract.

The contractual partner delivers the musical pieces as files to KEBmusic via ZIP or Dropbox. KEBmusic checks the files for any defects and then offers them for purchase to third parties via the portal. A direct upload of the files by the contractual partner to the portal is excluded.

The contractual partner must notify KEBmusic if he/she is liable for VAT.

4. Payment

KEBmusic will pay the contractual partner a fee of _____% of the amount stated under no.3 for each successfully sold file. This percentage applies to all musical pieces and their file formats according to no. 3. If the contractual partner is subject to VAT, it is understood that the fee includes said VAT.

KEBmusic will issue a billing statement for the successfully sold files every three months, and will transfer the contractual partner the amount owed in "Euros" to the following account:

Bank details: _____

(Transfer is done from Switzerland so please state all the bank details...)

5. Intellectual property rights

The contractual partner must provide KEBmusic with a contractual guarantee that they are the holders of all rights, including, in particular, the necessary intellectual property rights of the respective music files.

The contractual partner grants the purchasers access to his/her music, whereby the licences are defined on KEBmusic. The scope of the licence varies depending on the file format. The exact licensing scope for each file format can be found in the document "Licence and Scope of Services", which forms an integral part of this contract.

6. Warranty and liability

The contractual partner must provide KEBmusic with a contractual guarantee that they are the holders of all rights, including, in particular, the necessary intellectual property rights of the respective music files.

KEBmusic has a contractual guarantee from this artist, that his/her songs on KEBmusic are not registered with any collecting society.

The contractual partner shall indemnify KEBmusic from all claims of third parties resulting from an infringement of the present contract. The indemnity includes, among other things, taking over legal and procedural costs in connection with the defence against such third-party claims, the assumption of compensation for damages in the comparative settlement of disputes or in the case of judicial condemnation and the reimbursement of the contractual partner's share, provided that KEBmusic is liable to reimburse the buyer the purchase price according to the contractual provisions.

The contractual partner shall ensure the functionality of his musical pieces as files. The contractual partner has to reimburse KEBmusic the fee, provided KEBmusic has to refund the purchase price to the client due to deficient file quality.

KEBmusic can not guarantee its contractual partner a minimum sales amount.

7. Duration and termination of the contract

The contract has been concluded for an indefinite period of time.

The parties may terminate the contract at any time and without reasoning, by means of a registered letter and with three-weeks' notice.

After expiry of the notice period, KEBmusic will remove the contractual partner's songs from its offer and compile a final invoice.

If the contractual partner only wishes to have specific pieces of music removed, he/she is to notify KEBmusic, stating the music pieces concerned, in a manner which makes it possible to prove by text, e.g. by email. KEBmusic will remove the corresponding pieces of music after having received the notification. The validity of the contract shall remain unaffected regarding the pieces of music not in question.

8. Final provisions

If a provision of the present contract proves to be unfulfillable, invalid or ineffective, the fulfilment, validity and effectiveness of the remaining provisions shall not be impaired thereby.

In this case, the parties undertake to replace the unfulfillable, invalid or ineffective provision with a valid or effective provision that is the closest to the original intentions of the parties in terms of content and economy as possible.

The contractual relations between the parties are governed by Swiss law, with the exception of the Viennese purchase law (CISG). Jurisdiction is at the registered office of the sole proprietorship KEBmusic - Leimgruber Georg.

Supplementary contractual components

- Logic Pro X projects, which are distributed on KEBmusic, are not allowed to contain any external instruments in the tracks. If a provider works with external instruments, he/she must convert these tracks to audio tracks before submitting them to KEBmusic to be uploaded.
- Logic Pro X projects on KEBmusic are not allowed to contain any external hardware. If necessary, the provider solves this issue by using a comparable plug-in.
- All plug-ins of the Logic Pro X projects must be up-to-date on KEBmusic with regard to the realisation date.
- Artists on KEBmusic create their own music. Therefore, in a Logic Pro X project on KEBmusic, a maximum of 2 tracks may be made up of purchased external loops. Since the resale of these files (if you can filter them out in their original state) is not allowed in most cases, you **MUST** modify them with plug-ins or hardware, bounce them into an audio track again and then irrevocably delete the original track. These tracks are to be labelled "External1" and "External2" in the project. The supplier and the name of the loop are also mentioned in the KEBmusic song description, and the corresponding website is linked. This data is listed in the "Supplementary sheet" by the contractual partner, so that they can be integrated into the KEBmusic Website.
- Mastered file formats, which are given to KEBmusic to upload, such as Stem.MP4 and Master project-Wav, may be rendered to a maximum of 0.1 DB **in total**. The files must also contain balanced transients and may not contain any audible clippings.
- Providing a cover is a matter for the contractual partner and is desired, but not mandatory.
- The contractual partner receives a supplementary sheet, together with the contract, for each song, in which he/she enters the necessary information so that KEBmusic can describe the song on its portal. These supplementary sheets are to be filled in completely and truthfully; this contract shall be deemed void in the case of intentional or unintentional misconduct.
- After receiving the signed contract, KEBmusic will upload the files. At the same time, a version of the contract signed by KEBmusic will be sent back to the contractual partner immediately by email, as well as the original by post.
- This agreement is irrevocably linked to the documents "Licence and Scope of Services" and "General Terms and Conditions" on KEBmusic. By signing this contract, the contractual partner confirms that he/she has read and accepted these terms and conditions.

Supplementary sheet 1

- 1. Song name - _____
- 2. Realisation date - _____
- 3. Logic Pro X-external loops (max. 2 pc.):
 - Provider/Website of external track 1 - _____ / _____
 - File name from provider's website - _____
 - Provider/Website of external track 2 - _____ / _____
 - File name from provider's website - _____
- 4. Logic Pro X-external plug-ins:
 - Provider/plugin - _____ / _____
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5. Duration of musical piece: _____ Min/Sec

6. BPM of musical piece: _____ BPM

Supplementary sheet 2

1. Song name - _____
2. Realisation date - _____
3. Logic Pro X-external loops (max. 2 pc.):
 - Provider/Website of external track 1 - _____ / _____
 - File name from provider's website - _____
 - Provider/Website of external track 2 - _____ / _____
 - File name from provider's website - _____
4. Logic Pro X-external plug-ins:
 - Provider/plug-in - _____ / _____
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5. Duration of musical piece: _____ Min/Sec

6. BPM of musical piece: _____ BPM

Supplementary sheet 3

1. Song name - _____
2. Realisation date - _____
3. Logic Pro X-external loops (max. 2 pc.):
 - Provider/Website of external track 1 - _____ / _____
 - File name from provider's website - _____
 - Provider/Website of external track 2 - _____ / _____
 - File name from provider's website - _____
4. Logic Pro X-external plug-ins:
 - Provider/plug-in - _____ / _____
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Supplementary sheet 4

1. Song name - _____
2. Realisation date - _____
3. Logic Pro X-external loops (max. 2 pc.):
 - Provider/Website of external track 1 - _____ / _____
 - File name from provider's website - _____
 - Provider/Website of external track 2 - _____ / _____
 - File name from provider's website - _____
4. Logic Pro X-external plug-ins:
 - Provider/plug-in - _____ / _____
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5. Duration of musical piece: _____ Min/Sec

6. BPM of musical piece: _____ BPM

Supplementary sheet 5

1. Song name	- _____
2. Realisation date	- _____
3. Logic Pro X-external loops (max. 2 pc.):	
- Provider/Website of external track 1	- _____ / _____
- File name from provider's website	- _____
- Provider/Website of external track 2	- _____ / _____
- File name from provider's website	- _____
4. Logic Pro X-external plug-ins:	
- Provider/plug-in	- _____ / _____
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5. Duration of musical piece:	- _____ Min/Sec
6. BPM of musical piece:	- _____ BPM

Supplementary sheet 6

1. Song name - _____

2. Realisation date - _____

3. Logic Pro X-external loops (max. 2 pc.):

- Provider/Website of external track 1 - _____ / _____
- File name from provider's website - _____
- Provider/Website of external track 2 - _____ / _____
- File name from provider's website - _____

4. Logic Pro X-external plug-ins:

- Provider/plug-in - _____ / _____
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5. Duration of musical piece: _____ Min/Sec

6. BPM of musical piece: _____ BPM

Supplementary sheet 7

1. Song name - _____

2. Realisation date - _____

3. Logic Pro X-external loops (max. 2 pc.):

- Provider/Website of external track 1 - _____ / _____
- File name from provider's website - _____
- Provider/Website of external track 2 - _____ / _____
- File name from provider's website - _____

4. Logic Pro X-external plug-ins:

- Provider/plug-in - _____ / _____
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5. Duration of musical piece: _____ Min/Sec

6. BPM of musical piece: _____ BPM

Supplementary sheet 8

1. Song name - _____

2. Realisation date - _____

3. Logic Pro X-external loops (max. 2 pc.):

- Provider/Website of external track 1 - _____ / _____
- File name from provider's website - _____
- Provider/Website of external track 2 - _____ / _____
- File name from provider's website - _____

4. Logic Pro X-external plug-ins:

- Provider/plug-in - _____ / _____
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5. Duration of musical piece: _____ Min/Sec

6. BPM of musical piece: _____ BPM

Supplementary sheet 9

1. Song name - _____
2. Realisation date - _____
3. Logic Pro X-external loops (max. 2 pc.):
 - Provider/Website of external track 1 - _____ / _____
 - File name from provider's website - _____
 - Provider/Website of external track 2 - _____ / _____
 - File name from provider's website - _____
4. Logic Pro X-external plug-ins:
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5. Duration of musical piece:	- _____	Min/Sec
6. BPM of musical piece:	- _____	BPM

Supplementary sheet 10

1. Song name - _____
2. Realisation date - _____
3. Logic Pro X-external loops (max. 2 pc.):
 - Provider/Website of external track 1 - _____/_____
 - File name from provider's website - _____
 - Provider/Website of external track 2 - _____/_____
 - File name from provider's website - _____
4. Logic Pro X-external plug-ins:
 - Provider/plug-in - _____/_____
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5. Duration of musical piece: _____ Min/Sec

6. BPM of musical piece: _____ BPM

The signatory confirms that this contract of 26 pages has been read, understood, accepted and truthfully filled in.

Contractual partner, Place, Date, Signature

KEBmusic, Place, Date, Signature

(in the case of fewer than 10 pieces of music, the remaining supplementary sheets must be marked with an "X" across the entire sheet)