

The Official New Zealand Music Charts

Recording Industry Association of New Zealand
New Zealand Recorded Music Retailers

CHART RULES

August 2010

The Official New Zealand Music Charts

Contents

1. Introduction	3
2. Sales Data	4
2.1 Genuine Sales	4
2.2 Sales Data Confidentiality	5
2.3 Direct To Consumer Sales	5
3. The Charts	6
3.1 Top 40 Album Chart	6
3.2 Top 40 Singles Chart	7
3.3 Top 10 Compilation Chart	8
3.4 Top 10 Music DVD Chart	8
4. Product Definitions	9
4.1 Albums	9
4.2 Singles	9
4.3 Compilations	10
4.4 Music DVDs	10
4.5 Hybrid Products	11
5. Criteria for Combining Sales	12
5.1 Criteria for Combining Sales for the Top 40 Album Chart	12
5.2 Criteria for Combining Sales for the Top 40 Singles Chart	13
6. Valued Adding, Data Capture, Competitions & Pre-order Incentives	15
6.1 Value Adding	15
6.2 Database Card or Data Capture Incentives	15
6.3 Competitions	15
6.4 Pre Order Incentives	16
7. Determining Chart Eligibility	16
7.1 Eligibility and Assessment	16
7.2 Disputes and Clarifications	16
8. Data Manipulation, Tampering or Other Breaches	17
8.1 Definition	17
8.2 Penalties	18
8.3 Non-Submitting Information Provider	18
9. Review of the Chart Rules	18
10. Governing Bodies	19
11. Contact	19
Appendix	20
1. Notes on Venue Settlement Form	20
Venue Settlement Form	21

The Official New Zealand Music Charts

1. Introduction

The Official New Zealand Music Charts represent the broad interests of all record companies and recorded music retailers. A set of Chart Rules has been developed to ensure a consistent, fair and responsive industry-wide approach to important issues that affect our industry from time to time.

These Chart Rules have been adopted to ensure that all participants in the New Zealand music charting process are aware of the basis on which the charts are formulated and published.

In producing the Official New Zealand Music Charts it is recognised that the New Zealand music industry is highly competitive. The Chart Rules enhance competitiveness and seek to ensure that the New Zealand music charts are reliable and credible, consistent with the objective of assisting competition (by giving relevant information about the musical popularity of albums, singles and other recorded music products to consumers) to promote and improve customer choice.

The Official New Zealand Music Charts are compiled and published weekly. They will be distributed in electronic format to recorded music retailers nationwide for display and distribution to their customers, as well as being offered to the wider media for dissemination to the general public.

The Official New Zealand Music Charts reasonably reflect consumer preferences at the time the relevant sales information is collected. As the charts are based on a sample of the nation's recorded music retailers, they should only be taken as a close approximation of the actual market and, while checks for accuracy are made, there may be errors in some of the data from which the charts are compiled.

Product definitions and eligibility criteria apply to each chart. This helps ensure recordings of the same broad description are included in the relevant chart.

RIANZ membership is not a prerequisite for inclusion of a label's recordings in the Official New Zealand Music Charts, but is encouraged.

All record companies and distributors remain free to package and market their recordings in any way they choose, but products that do not comply with these rules will not be eligible for inclusion in the Official New Zealand Music Charts.

2. Sales Data

Contributing recorded music retailers or "Information Providers" must provide sales data to the Chart Compiler (see point 10) on a weekly basis for the compilation of the Official New Zealand Music Charts. All sales data must, wherever possible, be compiled and provided electronically to the Chart Compiler. Where sales cannot be supplied electronically, the Chart Compiler will make arrangements with the Information Provider for manual delivery of the sales data.

The data supplied must strictly reflect sales achieved from midnight on the preceding Monday morning to 11:59pm on Sunday night and must be provided to the Chart Compiler by 9:00am on the Tuesday for inclusion in the chart for that week.

For pre-order and mail order sales the sale is deemed to have taken place when the customer actually receives the product they have purchased.

The full list of Information Providers can be found on the Official New Zealand Music Charts website.

2.1 Genuine Sales

All sales information used to compile the Official New Zealand Music Chart must be recorded as a result of a genuine purchase by a genuine consumer. No record company, distributor, retailer, artist, promoter or other party should act or encourage others to act in any way designed to distort, or which has the effect of distorting the Chart by achieving a higher or lower Chart position for a record than it would otherwise achieve.

Actions which will be considered a breach of these rules include:

- (a) promoting the sale of any record by supplying a dealer with records by another artist free of charge or upon terms more favourable than would be the case but for that promotion;
- (b) purchasing records or causing records to be purchased other than as a genuine consumer purchase;
- (c) multiple purchases of records on behalf of other persons,
- (d) interference with the operation of sales recording machines or other equipment or computer software used to compile the Charts or collect or collate its information or in any other way being a party to the submission of false or inaccurate data to the Chart compiler;
- (e) offering money or other benefits to a dealer contingent upon a record entering any of the Charts or attaining a minimum chart position;
- (f) procuring the sale of a record in conjunction with a non-related gift, i.e. which gives the consumer a product, voucher or benefit or anything else which is either unrelated to the record concerned ;

- (g) any other activity intended unfairly to influence Chart positions

2.2 Sales Data Confidentiality

While the Chart's total sales figures by title will be made available to all Information Providers and record companies, the Chart Compiler will under no circumstances disclose, publish or otherwise reveal Information Provider-specific sales figures or other confidential information to any third party.

The Chart Compiler will not disclose, publish or otherwise reveal any chart, report or other analysis which allows Information Provider-specific sales figures or other confidential information to be directly determined.

In situations where the chart cannot be compiled without revealing an Information Provider-specific figure (e.g. an exclusive track, single or album) the Chart Compiler will not be required, or able to keep that title's total sales confidential. In these cases the Information Provider should, if necessary, ask the relevant record company to apply to the Chart Administrator, in advance, to have the title concerned ruled ineligible for the chart.

2.3 Direct To Consumer Sales

Sales made directly to the consumer are eligible for inclusion in the chart but the sales data will be accepted under strict conditions and subject to stringent auditing processes.

- (a) Direct to consumer sales will be considered from three key areas:

- Direct to consumer digital sales

This includes sales of digital products made from artist websites, label websites and third party websites provided the sales are reported to the Chart Compiler by an existing Information Provider, a RIANZ member or an accredited direct to consumer information provider

- Direct to consumer physical sales

This includes sales of physical products made through web and mail order channels provided the sales are reported to the Chart Compiler by an existing Information Provider, a RIANZ member or an accredited direct to consumer information provider

- Sales made at live touring venues

This includes sales of physical products made at live venues provided the sales are reported to the Chart Compiler by an existing Information Provider, a RIANZ member or an accredited direct to consumer information provider. Sales reported at live venues must be certified by the artist representative, the live venue owner and the record label on the Venue Settlement Form set out in Appendix 1.

- (b) All direct to consumer sales must meet the eligibility criteria set out in this document and special attention must be paid to the date the sales were made or delivered to the consumer
- (c) RIANZ members who wish to submit direct to consumer sales to the chart should in the first instance apply to the Chart Administrator to become a direct to consumer information provider. The Chart Administrator will refer the application to the Chart Compiler for compliance approval. The Chart Compiler will make checks to ensure the information the RIANZ member will supply is reliable and auditable.
- (d) To become an accredited direct to consumer information provider, application should be made to the Chart Administrator who will refer the application to the Chart Compiler for compliance approval. The Chart Compiler will make checks to ensure the information the provider will supply is reliable and auditable. If approved by the Chart Compiler, the application will be sent to the Chart Committee for approval.
- (e) For the avoidance of doubt, bulk sales made by an existing Information Provider, a RIANZ member or an accredited direct to consumer information provider to a third party who will on-sell the product directly to the consumer will not be eligible for inclusion in the charts. However sales made directly to the consumer by an existing Information Provider, a RIANZ member or an accredited direct to consumer information provider on behalf of a third party will be eligible for inclusion in the chart.

3. The Charts

3.1 Top 40 Album Chart

The main purpose of the Top 40 Album Chart is to list those recordings that are top contemporary music hit products. In a majority of instances such product will be new release mainstream, popular music recordings but in some cases it may be a re-released, remarketed or repackaged version of a previous Top 40 recording (e.g. a qualifying older album may be subject to an advertising campaign to coincide with a tour by the performer of the title).

The Top 40 Album Chart seeks to rank the sales performance of such hit products on an as common a basis as possible. Save for any exclusions detailed in point 3.1.1, eligibility for the Top 40 Album Chart requires that the Product:

- meets the Album definition criteria as outlined in point 4.1
- must not be a compilation album
- must be less than eighteen (18) months old (from its first New Zealand release date) unless in a continuing Chart run or the album is re-released,

remarketed or re-packaged or it enjoys a spike in sales due to a significant external event e.g. a tour by the artist or the death of the artist.

An album will no longer be eligible, and consequently removed from survey, if it falls below a predetermined chart rank threshold (currently No.100) and does not recover within a reasonable period (currently 4 weeks).

When an older album is likely to re-chart due to re-marketing, re-release or significant event, the record company must advise the Chart Compiler to ensure the album is eligible and included in the chart. If there is any concern about a product's eligibility due to age it will be referred to the Chart Committee for review. The Chart Committee's decision will be final.

3.1.1 Exclusions

- A NZ rights owner/licensee may request to the Chart Administrator to exclude an album from the Album Charts where the record is not generally available from the owner's normal distributor (for example deleted titles, or pre-release sales caused by distribution leaks).

The Chart Administrator may at its absolute discretion exclude an album from the Album Chart in such circumstances. An Album that otherwise meets all eligibility criteria will not be excluded from the chart.

- Any promotional (free to the consumer) physical product or digital product will not be eligible for inclusion in the chart

3.2 Top 40 Singles Chart

The main purpose of the Top 40 Single Chart is to list those recordings that are top contemporary music hit products. In a majority of instances such product will be new release mainstream, popular music recordings but in some cases it may be a re-released, remarketed or repackaged version of a previous Top 40 Single (e.g. a qualifying older recording may be used in an advertising campaign or television show).

The Top 40 Singles Chart seeks to rank the sales performance of such hit products on an as common a basis as possible. Save for any exclusions detailed in point 3.2.1, eligibility for the Top 40 Singles Chart requires that the Product:

- meets the single definition criteria as outlined in point 4.2
- must not be a Product comprised of multiple previously released Singles packaged together.

3.2.1 Exclusions

- A NZ rights owner/licensee may request to the Chart Administrator to exclude a single from the Single Chart where the record is not generally

available from the owner's normal distributor (for example deleted titles, or pre-release sales caused by distribution leaks).

The Chart Administrator may at its absolute discretion exclude a single from the Singles Chart in such circumstances. A single that otherwise meets all eligibility criteria will not be excluded from the chart.

- Any promotional (free to the consumer) physical product or digital product will not be eligible for inclusion in the chart

3.3 **Top 10 Compilation Chart**

This has the same rules, objectives and purpose as set out for the Top 40 Album chart but in relation to multiple artist compilations not otherwise eligible for the Top 40 Album Chart and the relevant exclusions in clause 3.1.1. Eligibility is also governed by the rules outlined in section 4.3.

3.4 **Top 10 Music DVD Chart**

This has the same rules, objectives and purpose as set out for the Top 40 Album chart but in relation to Music DVDs. Save for any exclusions detailed in point 3.4.1, eligibility for the Top 40 DVD Chart requires that the Product:

- meets the DVD definition criteria as outlined in point 4.4
- must be less than 18 months old (from its first New Zealand release date) unless in a continuing Chart run or the album is re-released, remarketed or re-packaged or it enjoys a spike in sales due to a significant external event e.g. a tour by the artist or the death of the artist.

An DVD will no longer be eligible, and consequently removed from survey, if it falls below a predetermined chart rank threshold (currently No.50) and does not recover within a reasonable period (currently 4 weeks).

When an older DVD is likely to re-chart due to re-marketing, re-release or significant event, the record company should advise the Chart Compiler to ensure the DVD is eligible and included in the chart. If there is any concern about a product's eligibility due to age it will be referred to the Chart Administrator for review. The Chart Administrator's decision will be final.

3.4.1 **Exclusions**

- A NZ rights owner/licensee may request to the Chart Administrator to exclude a DVD from the DVD Charts where the DVD is not generally available from the owner's normal distributor (for example deleted titles, or pre-release sales caused by distribution leaks).

The Chart Administrator may at its absolute discretion exclude a DVD from the DVD Chart in such circumstances. A DVD that otherwise meets all eligibility criteria will not be excluded from the chart.

- Any promotional (free to the consumer) physical product or digital product will not be eligible for inclusion in the chart

4. Product Definitions

To qualify for inclusion in the Official New Zealand Music Charts all product must comply with the following criteria:

4.1 Albums

An album is a recording that satisfies the following criteria:

- (a) An album must have a playing time of over 25 minutes OR have five songs or more where the format does not qualify as a single as defined by the singles eligibility rules.
- (b) An EP or Mini Album must have a minimum of five songs and a maximum of eight songs and a playing time over 25 minutes and less than 35 minutes.
- (c) Recordings performed by a single (or common) Artist, Act or Orchestra (including "Best Of" compilations).
- (d) Original movie soundtracks, cast recordings and television programme theme albums on which at least 50% of tracks are included in the programme. It is up to the company requesting the inclusion of the product to attest that it meets this criterion.
- (e) Concept albums featuring at least 80% of new recordings where the songs have been specially recorded for the project (even where the recording is by various artists). For the purpose of the chart, DJ mixed albums are not considered to be "new" recordings.

4.2 Singles

A single is a recording that satisfies the following criteria:

- (a) A single is a recording containing four different tracks or less, and of not more than 25 minutes duration. Any number of versions of any of those tracks is admissible, but the total running time (including all mixes) cannot exceed 40 minutes. The duration of the longest version of each mix is to be used in determining the 25 minute limit. Any formats of product found to be in violation of this rule will be ineligible for the chart. The time limits relate to the music content of the single.
- (b) Multiple pack singles are ineligible.

- (c) The featured song of a Top 40 single cannot be released as a B-side or extra title on a subsequent chart eligible single bundle until the former has dropped out of the Top 40.
- (d) The technology used to convey the tracks is discretionary but any format (eg CD-ROM) **must** comply with all other singles criteria.
- (e) Provided the valued added rules detailed in point 6.1 are met, multimedia items such as games, screensavers and video material are permitted if they are contained on the single and they relate to the Artist or the music contained on the single.
- (f) Video Downloads and DVD singles not featuring the featured song as an audio only track are ineligible for the chart.

Examples of DVD singles and their classifications:

- Avril Lavigne, 'Losing Grip & Complicated': DVD single composed of three video clips + behind the scenes footage + photos.
Product Classification: DVD single.
Chart Classification: Ineligible for any chart
- U2, 'Window In The Skies': DVD single composed of the lead audio track of Window In The Skies and two video clips
Product Classification: DVD single.
Chart Classification: Top 40 Singles Chart

4.3 **Compilations**

Compilations are defined as all multi-artist or orchestral albums deemed ineligible for album chart inclusion.

This includes movie soundtracks, cast recordings and television programme theme albums on which less than 50% of tracks are included in the programme, film or show. It is up to the company requesting the inclusion of the product to attest that it meets this criterion.

The compilation and album charts are mutually exclusive (product can not simultaneously appear in both).

4.4 **Music DVDs**

Classification is based solely on content as percentage of total running time.

The content must be at least 50% visual as a percentage of the product's total running time. The images must refer to conventional music video relating to music and musical artists. Music content may also include material such as video clips, live performances, and interviews with the artist, etc. that is not classified as promotional material.

4.5 Hybrid Products

Hybrids are products that combine two or more media in one single package/product; where audio, multimedia, enhanced material and music video content have been consolidated into one product. Hybrids products may only appear in one chart and can take the form of a combination of different storage media in one package (e.g. one single product containing a CD and a DVD) or two different dimensions in one carrier format (e.g. two-layered discs).

Products falling under this category should be classified on the basis of the majority of content present in the carrier under audio or music video product; and/or by what is promoted as the primary content on the packaging or marketing of the product. For example, if the majority of content contained in a carrier is in the audio format, the product should be classified as audio.

However there will be cases where the majority content rule will fail:

- i) When the product has an equal share of audio and video content and is packaged and marketed accordingly.
- ii) When the majority content is placed in the secondary product but the primary product is the feature of the packaging or marketing.

In those cases the product should be referred to the Chart Committee for classification. The classifications previously applied by the Chart Committee can serve as a guide.

Examples of hybrid products and their classification:

- Zwan, 'Mary Star of the Sea': CD album + 35 minutes of bonus footage + interviews.
Product Classification: Audio CD.
Chart Classification: Top 40 Album Chart
- 50 Cent, 'The New Breed': two-hour DVD with performances + interview + videos + documentary + three track bonus audio CD.
Product Classification: DVD video.
Chart Classification: Top 10 DVD Chart
- Avril Lavigne, 'Let Go': DVD-Audio with full album + five bonus tracks + behind the scenes footage + five music videos.
Product Classification: DVD-Audio.
Chart Classification: Top 40 Album Chart
- Annie Lennox, 'Bare': CD album + bonus DVD with live performances, interviews and two bonus tracks.
Product Classification: Audio CD.
Chart Classification: Top 40 Album Chart

- Coldplay, 'Coldplay Live 2003': DVD with performance clips + 40 minute Tour Diary documentary + 70 minutes live audio CD.
Product Classification: DVD video.
Chart Classification: Top 10 DVD Chart

5. Criteria for Combining Sales

To qualify for inclusion in the Official New Zealand Music Charts all products must comply with the following criteria when combining formats for the Album and Singles charts:

5.1 Criteria for Combining Sales for the Top 40 Album Chart

Sales of an unlimited amount of physical and digital album formats may be combined for a chart placing on the Top 40 Album chart provided that 80% of the featured tracks are common to all formats and that each format adheres to all chart eligibility rules.

(a) Permitted Formats

LP Vinyl
 CD or Enhanced CD
 Limited Edition CD
 CD/DVD Sets
 Dualdisc
 Cassette
 SACD
 Mini Disc
 Removable Storage Devices (USB Sticks/Flash Drives/SD Cards etc)
 DVD Audio or Enhanced DVD Audio
 HD DVD Audio
 Blu Ray DVD Audio
 Digital Album Bundle – permanent Digital Download
 Limited Edition Digital Album Bundle – permanent Digital Download
 Deluxe Edition Digital bundle – permanent Digital Download

(b) Limited Edition CD and CD/DVD Sets

Sales of two CD versions of an album, where one version is a limited edition featuring additional material or an additional disc to the standard album version, may be combined provided:

- The limited edition contains 80% of the tracks as featured on the standard version, and;
- The additional material on the limited edition CD or CD/DVD format has not been previously available for purchase in its entirety as a separate product

Please note that the 80% rule only applies one way from the stand alone CD to the bonus CD or DVD version. This means that 80% of the tracks as

featured on the standard version of the CD must appear on the main CD that is packaged with the bonus CD or DVD

(c) **Remix Albums and Tracks**

Sales of remix albums will not be combined with sales of the original version. Remixed, extended, live, demo versions of featured tracks are exempt from the 80% rule which only applies to formats which feature additional track titles.

(d) **Digital Albums & Limited Edition/Deluxe Digital Bundles**

Digital variants of a physical album will be eligible to be combined for one chart position on the Album Chart provided the digital and physical variants of an album have an 80% crossover of tracklisting across all variants.

Sales of two digital versions of an album, where one version is a limited edition featuring additional material to the standard album version, may be combined provided:

- The limited edition contains 80% of the tracks as featured on the standard version, and;
- The additional material on the limited edition digital format has not been previously available for purchase in its entirety as a separate product

Please note that the 80% rule only applies one way from the standard digital album to the bonus or deluxe version of the album. This means that 80% of the tracks featured on the standard version of the digital album must appear on the deluxe digital album that is bundled with the additional or bonus material.

To be combined together for the Official Combined Album Charts all digital and physical variants of an album must have an 80% crossover of tracklisting across all variants. Sales of digital variants will only be eligible for the combined chart in the week of the official release date. Digital pre order sales are eligible provided they are delivered to the consumer after the official release date and counted as sales in the week of delivery.

(e) **DVD Audio Albums**

DVD Audio formats included in the Top 40 Chart are not eligible for inclusion in the Top 10 Music DVD chart.

5.2 **Criteria for Combining Sales for the Top 40 Singles Chart**

Sales of a maximum of 3 Physical formats and 3 digital bundle formats may be combined for a chart placing on the Top 40 singles chart provided that the various formats can reasonably be held to be variants or alternative formats of the same piece of product.

Sales of different formats and variants of a single are combined for chart purposes where each format contains the featured song(s), and not the featured song(s) from any other chart single.

In addition to 3 physical formats and 3 digital bundles, an unlimited number of digital variants of the featured song may be combined for a chart position.

The featured song across all formats of a single need not be identical for their sales to be combined, but should be substantially the same - that is, an identical OR extended OR remixed OR live OR alternative version of the basic song.

Each individual format must adhere to all chart eligibility rules.

(a) **Permitted Formats**

- 7" Vinyl
- 12" Vinyl
- CD Single or Enhanced CD Single
- DVD Audio Single or Enhanced DVD Audio Single
- Cassette Single
- Removable Storage Devices (USB Sticks/Flash Drives/SD Cards etc)
- Digital Audio Track – Permanent Download
- Digital Single Bundle – Permanent Download
- Digital Single Bundle (Digital Audio Track and Digital Video Track) – Permanent Download

(b) **Double A Side Singles/Bundles**

In the case of a double A side single where one physical single or digital single bundle has two featured songs, both of which are selling as individual digital tracks; the physical sales and digital single bundle sales will be combined with the individual digital track sales of the first featured song on the single to determine the total sales and chart ranking.

If individual digital track sales are sufficient, the second featured song will be eligible to chart in its own right.

Please note this only applies to first release double A side singles and the rule outlined in 4.2 (c) prevails.

(c) **Simultaneous Availability**

When the same record (or combinable variant) is available on New Zealand release from two different record companies, sales will not be combined except at the request of both companies. The other rules for combination as outlined in 5.2 also apply in all such cases.

6. Valued Adding, Data Capture, Competitions & Pre-order Incentives

6.1 Value Adding

Value adding is defined as any attachment, voucher, gift or inclusion that has a commercial value independent of the album or single to which it applies. Value adding is also deemed to apply when proof of purchase of an album or single entitles the purchaser to other goods, discounts or services or exclusive access to same either from the retailer or a third party. With some limited exceptions, albums, singles or DVDs sold with value added content are ineligible for the Charts. Albums, singles and DVDs sold with the following added value content are eligible for the Charts:

- multimedia enhancements (e.g. games, screensavers) or video material provided that the material relates to the artist or the music contained on the album, single or DVD;
- badges, buttons, sew-on patches, posters, postcards or unstapled printed material provided that the material relates to the artist or the music contained on the album, single or DVD;
- a promotional offer of only nominal value provided that the promotional offer relates to the artist or the music contained on the album, single or DVD;
- data capture incentives, competitions and pre-order incentives provided the offers meet the conditions of clauses 6.2, 6.3 and 6.4.

For the avoidance of doubt, albums sold with bonus CDs and DVD's as described in 5.1 (b) and digital bundles with additional tracks as described in 5.1 (d) are permitted, provided the whole package has unique catalogue number and is packaged so that the component parts are unable to be sold separately.

6.2 Database Card or Data Capture Incentives

Standard generic company/record label reply cards or data capture mechanic that offer a small incentive in exchange for consumer details do not make a product ineligible for the chart. The card/incentive should not be advertised externally on the packaging.

6.3 Competitions

Competitions based on the purchase of an album, single or DVD are permitted (subject to relevant consumer protection laws) provided the probability of winning is reasonably small. Competitions, which offer a high chance of winning, are considered to add value to the product and will be subject to the value adding rules detailed in clause 6.1.

6.4 **Pre Order Incentives**

Information Providers may conduct pre order incentives on physical or digital products providing they comply with all other chart rules.

7. Determining Chart Eligibility

All suppliers of records are eligible to have their records included in the Official New Zealand Music Charts subject to minimal ground rules of eligibility that are necessary to conduct a credible and reliable charting system of this kind.

7.1 **Eligibility and Assessment**

In the event that a record supplier has any doubt regarding the eligibility (or potential eligibility) of any of its intended releases it is recommended that prior to release it submit the product or a mock-up of the intended product to the Chart Administrator (see point 10) for assessment and advice.

Sales made by Information Providers "off site" (e.g. at shows or shopping centre appearances) are eligible for chart inclusion, providing:

- (a) The sales meet all other chart eligibility criteria, and
- (b) The Chart Administrator is notified in advance of the event (by the record company concerned)

However, product taken from Information Providers on consignment by third parties to be sold elsewhere is not eligible.

Sales made at or through the activities of one retail store (whether or not they are an Official New Zealand Music Charts Information Provider) may not be included in the chart return of any other store.

Product purchased in bulk from retail(ers) to be dispersed (either by sale or otherwise) elsewhere at a later date is ineligible for the chart. Examples of this kind of activity would be bulk sales to Jukebox operators, bulk sales from Information Providers to third parties to be on-sold at festivals or gigs and product bought by unrelated companies for promotional purposes.

Where a question of eligibility arises, it will be determined by the Chart Administrator in the first instance.

7.2 **Disputes and Clarifications**

Where a dispute arises between either a record supplier or an Information Provider and the Official New Zealand Music Charts on an issue of eligibility the matter will be referred to the Chart Committee (see point 10).

7.3 Procedure to Apply

Any objections or complaints about eligibility must be made in writing to the Chart Administrator. When an objection or complaint is received, the following procedure will apply. The complaint/issue will be circulated to all members of the Chart Committee.

If the complainant is from one of the members of the Chart Committee that member will stand down, whilst the decision about the complaint is made.

Each of the members will receive a copy of the objection or complaint, together with any explanatory documents or samples from the complainant company. Where requested, the record supplier must supply sufficient quantities of product for review by Committee members. The above information includes a question dealing with the issue at hand in the format that members need respond to simply with a yes or no answer. This information will be forwarded to members on a "Chart Criteria Decision Voting" form.

The Chart Administrator acts as the facilitator of this process.

Chart Committee members will have a maximum of 48 hours to respond in either the negative or the positive.

These responses and any further decisions are to remain confidential unless release is authorised by the Chart Committee.

The review process applies to all charts produced by The Official New Zealand Music Charts.

8. Data Manipulation, Tampering or Other Breaches

8.1 Definition

The Official New Zealand Music Charts have procedures in place aimed at identifying and rectifying reporting anomalies in data provided by Information Providers for the official New Zealand music charts including regular auditing and formal complaint procedures.

Any objections or complaints about reporting or the charts must be made in writing to the Chart Administrator. The complaint/issue will be circulated to all members of the Chart Committee who will investigate and adjudicate on the complaint. If the complainant is from one of the members of the Chart Committee that member will stand down, whilst the decision about the complaint is made.

The status of "Information Provider" is not to be used by either retailer or record supplier as leverage for any personal or commercial demands.

In the event that any such reporting anomalies are found to be deliberate, the matter will be referred to the Chart Committee for consideration of penalties, as set out below. Parties found in breach by the Chart Committee could have their product penalised (in the case of record suppliers or artists) whilst offending Information Providers may have their Information Provider status revoked for a period deemed appropriate by the Committee. Both record suppliers and Information Providers could also be subject to a penalty.

8.2 Penalties

Experience has shown that penalties for non-compliance with these Chart Rules and the Members Code are highly advisable if the official New Zealand music charts are to remain reliable and credible. The guiding principle is that breaches of the important rules relating to data manipulation and tampering will be penalised to the extent reasonably necessary in each particular case. The objective is to deter breaches and to maintain the integrity of the Official New Zealand Music Charts system.

Any information providers found to be involved in data falsification of any kind will immediately be removed from the Information Provider listing for a period commensurate with the severity of the breach (first exclusion will usually be for one month). Repeat offenders (initially treated leniently) will incur higher penalties, with the ultimate sanction being permanent removal as an Official New Zealand Music Charts Information Provider.

Record suppliers or artists found in breach of these rules, face the prospect of their sales numbers being reduced in the chart calculations for the relevant product in the current or future weeks (e.g. by disregarding the false sales reported or all sales completely) or being excluded from chart consideration for a period of time, depending on the nature of the offence.

For Information Providers, record company suppliers and artists, in addition to the products chart penalty or the Information Provider's suspension, public censure may be imposed for each breach.

8.3 Non-Submitting Information Provider

If an Official New Zealand Music Charts Information Provider fails to transmit sales data for four consecutive weeks it will be notified by the Chart Administrator that it is on "probation". After eight consecutive weeks of non-submission the store will be removed from the chart store provider list.

9. Review of the Chart Rules

Comments and suggestions for the progressive improvement of the Chart Rules are welcome. Chart Committee will review the Rules from time to time. Suggestions should be sent to the Chart Administrator.

10. Governing Bodies

Chart Compiler – the person or organisation appointed to manage the collection of sales data and compilation of the charts.

Chart Administrator – The CEO of RIANZ who will consult with the Chart Compiler.

Chart Committee – A body comprising a minimum 2 RIANZ board members and chaired by the Chart Administrator

11. Contact

Chart Administrator

Chief Executive Officer

The Recording Industry Association Of New Zealand

2A Hakanoa Street,

Private Bag 78850,

Grey Lynn

Auckland,

New Zealand

Appendix

1. Notes on Venue Settlement Form

- Before submitting this form to the Chart Compiler, application to become an accredited direct to consumer information provider must be made to the Chart Administrator as per Clause 2.3 (c) of The Official New Zealand Music Chart Rules.
- When completing the Venue Settlement Form please ensure all fields are completed and it is signed by the artist representative, the venue representative and the label representative before sending to the Chart Compiler
- Incomplete forms will not be considered by the Chart Compiler
- The performance date will be considered the date of sale to the consumer.
- All sales must meet the eligibility criteria of The Official New Zealand Music Chart Rules. Special attention must be made to the date the sale was made and the price of the product sold.
- Sales not submitted in a previous chart week cannot be carried over and be submitted in the following chart week.
- It is recommended that the record label should be the last party to sign the form and should be the party that submits the completed form to the Chart Compiler
- Please take notice of the penalties that will be incurred for falsifying sales information on this form. The penalties are detailed in 8.2 of The Official New Zealand Music Chart Rules.
- By submitting a Venue Settlement Form, you acknowledge that the information you are providing is correct, you have abided by the Official New Zealand Music Chart Rules and you accept the Recording Industry Association of New Zealand and/or its agents has the right to undertake an audit of the information you have provided.

The Official New Zealand Music Charts Venue Settlement Form

Please Fill Out All Fields

Venue Name: _____

Venue Address: _____

City: _____

Venue Phone: _____

Venue Capacity: _____ Performance Date: _____

Artist: _____

Title #1: _____ Title #2: _____

Cat No.: _____ Cat No: _____

Total No. Sold: _____ Total No. Sold: _____

Price Per Unit: _____ Price Per Unit: _____

Artist Representative (Printed): _____

Signature: _____ Phone: _____

Venue Representative (Printed): _____

Signature: _____ Phone: _____

Label Representative (Printed): _____

Signature: _____ Phone: _____

**Either fax to (07) 888 4340 or e-mail a signed scan to paulkennedy@radioscope.co.nz
by 9:00am Tuesday**

By submitting this Venue Settlement Form, you acknowledge that the information you are providing is correct, you have abided by the Official New Zealand Music Chart Rules and you accept that RIANZ and/or its agents has the right to undertake an audit of the information you have provided.