



**CHART RULES (as at November 2023)**

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## **1. INTRODUCTION**

The Official New Zealand Music Charts represent the broad interests of all record companies and services delivering music to New Zealanders.

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 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 charts are reliable and credible, consistent with the objective of assisting competition (by giving relevant information about the 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, at 4pm each Friday, based on aggregate information received from contributing Information Providers and venue sales by artists and labels. They are published online and also made available to Recorded Music NZ members, the wider music industry, participating data providers and the wider media for dissemination to the general public.

The Official New Zealand Music Charts reasonably reflect consumer preferences at the time the relevant data is collected. As the charts are based on a sample of the nation's music consumption choices, they should be taken as a close approximation of the actual market and while checks for accuracy are made, the possibility of errors in supplied data should be recognised.

Product definitions and eligibility criteria apply to each chart. This helps ensure recordings of the same broad description are included in the relevant chart. All record companies and distributors remain free to package, market and distribute their recordings in any way they choose, but products which do not comply with these rules will not be eligible for inclusion in the Official New Zealand Music Charts.

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

## **2. CHART DATA**

Contributing Information Providers must sign the Chart Members Code and be approved by the Chart Compiler prior to their first data submission.

All data must be submitted by an Information Provider electronically and must be sent directly to the chart compiler. No data will be accepted if it is received via an intermediary.

Wherever possible, data should be sourced directly from the Information Provider's point of sale / stock control system without manual re-typing or writing of data by hand. Where manual re-typing is unavoidable, the Information Provider must be able to provide additional transaction evidence if asked by the Chart Compiler prior to any submission being included in the Chart.

Artists and labels may provide information on sales made in live venues using the Venue Settlement Form referred to in clause 2.3. For the avoidance of any doubt, approved Information Providers may not provide data using the Venue Settlement form.

The data supplied must strictly reflect music consumption between midnight on the preceding Friday morning to 11:59pm on Thursday night and must be provided to the Chart Compiler by 11:00am on the Friday for inclusion in the chart for that week.

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

## **2.1 Genuine Consumption**

All information used to compile the Official New Zealand Music Chart must be recorded as the result of genuine consumption by a genuine consumer in New Zealand.

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 may be considered a breach of these rules include:

- (a) knowingly being party to the submission of false or inaccurate data to the Chart compiler;
- (b) purchasing records or causing music to be purchased or consumed by other in ways which do not reflect genuine consumer choice;
- (c) effecting multiple purchases of music on behalf of other persons,
- (d) interference with the operation of equipment or software used to compile, collect or collate chart information,
- (e) offering money or other benefits to a data provider contingent upon a record entering any of the Charts or attaining a minimum chart position;
- (f) procuring the sale or consumption of music by offering non-related gifts or incentives,
- (g) including sales to off-shore consumers,
- (h) any other activity outside recognised industry practice, not pre-approved by the Chart Compiler, that gives one product an unfair advantage over competing products and / or is intended to deliberately distort the chart.

## **2.2 Data Confidentiality**

While the Chart's total 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 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 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 data confidential. In these cases the Information Provider may, if they wish, ask the Chart Compiler, in advance, to have the title concerned ruled ineligible for the chart.

## **2.3 Direct To Consumer Sales**

Sales made directly to the consumer by an artist or their label are eligible for inclusion in the Official New Zealand Music Charts, but data will only be accepted using the Venue Settlement form under strict conditions and subject to stringent auditing processes.

Any third party selling music directly to the consumer must be an approved Information Provider in order for those sales to be Chart eligible and must submit their data directly to the Chart Compiler in the manner outlined in clause 2.0. No data will be accepted from a third party Information Provider using the Venue Settlement Form.

i. Direct to consumer sales will be considered from three key areas:

**(i) 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 Recorded Music NZ member or an accredited direct to consumer Information Provider

**(ii) 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 Recorded Music NZ member or an accredited direct to consumer Information Provider

**(iii) 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 artist or their label. 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 and the sales were made or delivered to the consumer and that the relevant products were delivered to consumers in New Zealand.

(c) Recorded Music NZ members who wish to submit direct to consumer sales to the chart should in the first instance apply to the Chart Compiler to become a direct to consumer Information Provider. The Chart Compiler will make regular checks to ensure the information the Recorded Music NZ member will supply is reliable and auditable.

(d) Bulk sales made by an existing Information Provider, a Recorded Music NZ member or an accredited direct to consumer information provider to a third party who will on-sell the product directly to the public will not be eligible for inclusion in the charts.

**2.4 Certification**

Gold and Platinum status will be awarded to Albums, Singles and Compilations based on all chart-eligible consumer consumption, as verified by the Chart Compiler. Where a distributor may have legitimate justification for non-chart-eligible consumption (including sales by non-chart-contributing entities, bundled titles or value-added offers) to be considered for inclusion in certification calculations, these may be submitted to the Chart Compiler for consideration with clear supporting evidence, such as receipts, manufacturing or delivery records.

Certification updates will be carried out on a weekly basis and apply immediately. The same base streaming Conversion Rate and calculations used for chart positions shall apply for certification determination. However, the neutralising step (reducing the top two singles to the average of the next eight) shall not be applied.

The following certification thresholds, expressed in either sales or paid stream equivalent terms, shall apply:

<b>Format</b>	<b>Gold Status</b>	<b>Platinum Status</b>
Single	15,000 points (sales equivalent)	30,000 (sales equivalent)
Album	7,500 points (sales equivalent)	15,000 (sales equivalent)
Compilation	7,500 points (sales equivalent)	15,000 (sales equivalent)

<b>Format</b>	<b>Gold Status</b>	<b>Platinum Status</b>
Single	1,500,000 points (paid stream equivalent)	3,000,000 (paid stream equivalent)
Album	750,000 points (paid stream equivalent)	1,500,000 (paid stream equivalent)
Compilation	750,000 points (paid stream equivalent)	1,500,000 (paid stream equivalent)

### **3. THE CHARTS**

#### **3.1 Top40 Album Chart**

The main purpose of the Top40 Album Chart is to list top contemporary music products. Inclusion in this chart is limited to titles no greater than 18 months from first appearance in any Official chart. Upon first entry, a 78-week (18 month) eligibility timer will begin on each title. When 78 weeks are reached, a title will no longer be eligible for Top40 charts. It will instead appear in the Catalogue Chart (3.3). Any title which is still charting inside the Top40 when the 78-week threshold is reached will automatically leave the Top40 regardless of position.

The Top40 Album Chart seeks to rank the sales and consumption of eligible products on an as common a basis as possible, save for any exclusions detailed in point 3.6

Eligibility for the Top40 Album Chart requires the product meet the definitions of an "album" as outlined in point 4.1.

Automatic monitoring of all products' eligibility will be carried out by the Chart Compiler in the first instance. Where requested, eligibility may be reviewed by Chart Committee. The Chart Committee's decision will be final.

#### **3.2 Top40 Singles Chart**

The main purpose of the Top40 Singles Chart is to list top contemporary music products. Inclusion in this chart is limited to titles no greater than 18 months from first appearance in any Official chart. Upon first entry, a 78-week (18 month) eligibility timer will begin on each title. When 78 weeks are reached, a title will no longer be eligible for Top40 charts. It will instead appear in the Catalogue Chart (3.3). Any title which is still charting inside the Top40 when the 78-week threshold is reached will automatically leave the Top40 regardless of position.

The Top40 Singles Chart seeks to rank the sales and consumption of eligible products on an as common a basis as possible, save for any exclusions detailed in point 3.6.

Eligibility for the Top40 Singles Chart requires the product meet the definitions of a "single" as outlined in point 4.2.

Automatic monitoring of all products' eligibility will be carried out by the Chart Compiler in the first instance. Where requested, eligibility may be reviewed by Chart Committee. The Chart Committee's decision will be final.

#### **3.3 Catalogue Charts**

The main purpose of the Album Catalogue and Single Catalogue Charts is to list all product no longer eligible for the Top40 Album or Singles Charts based on weeks since first appearance, as described in points 3.1 and 3.2.

No exclusions other than those detailed in 3.6 will apply.

All products appearing in the Catalogue Charts for the first time will carry with them any positional history (such as Peak and Weeks In data) earned while appearing in the Top40 Album or Singles charts. This means a title which has spent multiple weeks in the Top40 Chart before moving to the Catalogue Chart will have that history credited to it in full when it first appears on the Catalogue Chart. This way the total lifetime chart performance of all titles remains intact and visible.

Continuing success on the Catalogue Chart (which has no ultimate eligibility end date) can therefore be perpetual, allowing titles to match or surpass previous longevity records over time.

### **3.4 Hot Singles Charts**

The Hot40 and Hot20 NZ Charts have the same rules, objectives and purposes as set out in 3.2. These charts will use the same base methodology and weighting as the Top40 Singles and rank songs according to the greatest growth achieved (measured as the largest gain in combined sales, streams and airplay in the seven days between charts). This gain may be from a base of zero (ie. a brand new track) OR as an increase from the last chart week to the next. Tracks may not chart as a result of airplay alone.

### **3.5 Top20 NZ Albums and Singles / Te Reo Māori Chart**

These charts are subject to the same rules, objectives, eligibility and exclusions as set out for the Top40 Album and Singles charts (3.1 and 3.2) but are filtered to just contain New Zealand artists and titles containing at least 50% Te Reo Māori.

### **3.6 Exclusions**

- (i) A NZ rights owner / licensee may request the Chart Compiler exclude a product from either the Top40 or Catalogue Charts where it is not generally available from the owner's normal distributor (for example deleted titles, embargo breaks or distribution leaks).
- (ii) Promotional (free to the consumer) product is not eligible for inclusion in the chart.

### **3.7 Eligibility Dispensation**

In special circumstances, a title no longer normally eligible for the Top40 Charts due to age may be given special dispensation to appear there for a limited time (no more than 10 weeks), after which it returns to the Catalogue Chart.

Criteria for dispensation may include the death of an artist or the physical or digital reissue of an older title (where the reissued product clearly features new content elements, such as additional music, new cover art, enhanced audio quality or is available for the first time in a new medium).

For the avoidance of doubt, an artist simply being present or performing in New Zealand will not be considered sufficient for their back catalogue to become eligible.

Should an ineligible title receive sufficient consumption that it would, without age-related restriction, otherwise appear in the top half of the Official Album or Singles Chart, the content owner may submit a case for temporary re-inclusion in the Top40. The chart compiler shall inform the owner when this option is triggered, after which the submitter has 48 hours to clearly identify the explanations and contributing factors driving a resurgence or renewed consumer attention.

Some examples of situations in which temporary eligibility might be applied include clearly identifiable viral social media moments or memes, especially high-profile film, television or advertising placement or significant coverage in national media. Submitters are expected to supply specific links and, where possible, engagement statistics from the relevant media (eg, Tik Tok view stats, television ratings etc).

In each case, a high threshold will be applied to ensure that special eligibility dispensation is reserved for unusually significant, consumer-driven phenomena or late-blooming breakout hits.

At the end of the 10-week temporary eligibility period, the title will return to the Catalogue Chart and no subsequent application for temporary eligibility will be accepted for a period of 12 months. Any further application after that period would be expected to present a new case, with additional justification and supporting material.

## **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) Recordings performed by a single (or common) Artist, Act or Orchestra (including "Best Of" compilations).
- (c) 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.
- (d) 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 mix albums are not considered to be "new" recordings.
- (e) Provided the valued added rules detailed in point 6.1 are met, multimedia content such as games, screensavers and video material are permitted within a product if they relate directly to the artist or the music contained on the product.

### **4.2 Singles**

A single is a recording that satisfies the following criteria:

- (a) A single is a recording containing no more than four different tracks and of not more than 25 minutes duration. Any number of versions of the lead track is admissible so long as the duration limit is adhered to.
- (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 must comply with all other singles criteria. A list of pre-approved formats can be found in point 5.2 (a).
- (e) Provided the valued added rules detailed in point 6.1 are met, multimedia content 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.

### **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 cannot simultaneously appear in both).

## **5. PERMITTED FORMATS AND CRITERIA FOR INCLUSION**

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 Inclusion in the Top 40 Album Chart

Consumption of an unlimited number 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

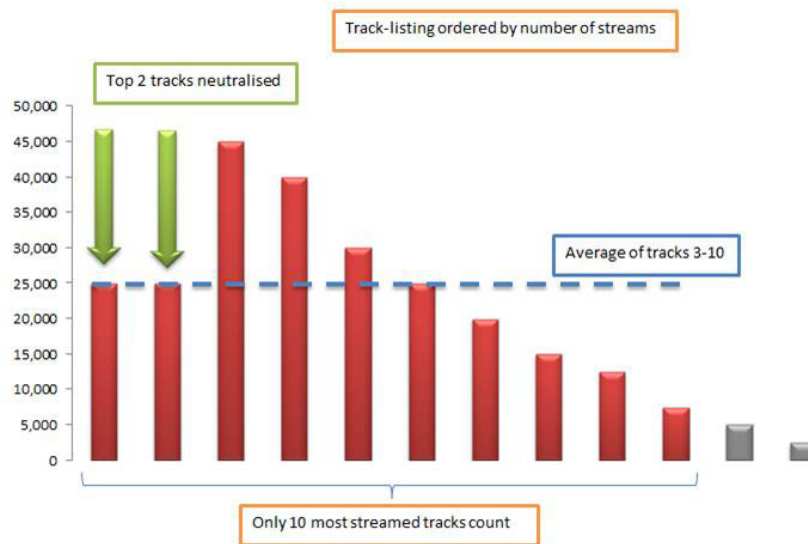
LP Vinyl  
CD or Enhanced CD  
Limited Edition CD  
CD/DVD Sets  
Dualdisc  
Cassette  
SACD  
Mini Disc  
Removable Storage Devices (USB Sticks/Flash Drives/SD Cards etc)  
DVD Audio or Enhanced DVD Audio  
HD DVD Audio  
Blu Ray DVD Audio  
Digital Album Bundle – permanent Digital Download  
Limited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

### (b) Combining of Sales, On-Demand Audio and On-Demand Video Streams

To determine rankings for the Top 40 Albums Chart, streaming of songs off an album will be combined to produce a Stream Equivalent Album (SEA) value for that album which can then be included in the Top 40 Album Chart alongside physical and digital sales.

To establish a SEA score:

- i. Firstly, the conversion rate used for the Singles Chart (ref 5.3) will be applied to streaming data which establishes a ratio that values a certain number of streams as equal to one song sale.
- ii. Secondly, a neutralising factor will be applied to the two most streamed tracks off an album in the charting week. Points for those two tracks will be reduced to the average of the next eight titles on the album. This is to ensure that albums with one or two hit singles are not unfairly propelled up the Album Chart due to the consumption of just a couple of tracks.
- iii. Finally, the combined value of the top 10 tracks off an album are aggregated and divided by a factor of 10 (this being a widely used industry ratio intended to reflect that a standard album will contain, on average, 10 tracks).
- iv. Only albums available in their entirety are eligible to gain SEA points. Albums which restrict consumers from streaming some tracks will automatically have any SEA points earned re-set to zero.



**(c) Limited Edition / Hybrid Sets**

Consumption of two versions of an album, where one version is a limited edition featuring additional material or an additional disc to the standard 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 format has not been previously available for consumption in its entirety as a separate product.

Please note that the 80% rule only applies one way from the standard album to the bonus version. This means that 80% of the tracks as featured on the standard version must appear on the bonus version.

**(d) Remix Albums and Tracks**

Consumption 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.

**(e) Movie / Game Plus Soundtrack Packs**

For a hybrid video and audio packs (such as CD/DVD releases) to qualify for the Album Chart, the video component must relate directly to the same artist (or artists) appearing on the audio component and must primarily comprise live performance, interview or documentary material. Packages in which the video is primarily acted / scripted story, whether the associated artist (or artists) appear on screen or not, are ineligible for the Album Chart.

Video game soundtracks bundled with the game are not eligible for the chart, except in cases (covered in point 6.1) where the product is primarily an audio release and the game is a minor value-add.

**5.2 Criteria for Inclusion in the Top 40 Singles Chart**

Consumption of an unlimited number of physical and digital 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 song. Variants - including duets with additional performer(s), remixes, clean / censored edits or live recordings - must be performed by the same primary performer as the original. If a variant does not meet these criteria, it will be treated as a separate unique release. Where a newly released variant contributes more chart points to the combined chart position than the original release, the song will retain the chart history of the original but will be renamed on the published chart to

reflect the popularity / prominence of the variant.

#### **(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)

HD DVD Audio

Blu Ray DVD Audio

Digital Audio Track – Permanent Download

Digital Single Bundle – Permanent Download

Digital Vingle Bundle (Digital Audio Track and Digital Video Track) – Permanent Download

On-Demand Audio Streams – Subscription

On-Demand Audio Streams – Ad-Supported

On-Demand Video Streams – Subscription

On-Demand Video Streams – Ad-Supported

#### **5.3 Combining of Sales, On-Demand Audio And On-Demand Video Streams**

To determine rankings for the Top 40 Singles Chart, a conversion rate is required before combining sales and on-demand audio and on-demand video streams. This conversion rate is calculated using both premium and ad-supported stream data which produces a combined sale to stream ratio.

Depending on the number of ad-supported to premium streams the combined ratio will vary. This is set at the discretion of the Chart Committee, taking account of international standards regarding the relative value and volume of streams versus downloads to the recording owner. These ratios will be reviewed on a quarterly basis to ensure it continues to accurately reflect those standards.

##### **5.3.1 Exclusions**

- i. Non-interactive and passive consumption (eg. algorithm-based pre-programmed delivery of songs) are not eligible for the chart.
- ii. Streams that play for less than 30 seconds or any type of sampling activity (e.g. retail store samples) is not eligible as this does not reflect genuine consumption but rather a listener's intent to consume / buy a track or not.

##### **5.3.2 Combining Data for Double A Side Singles / Bundles**

In the case of a double A side single or bundle (where one product contains two or more featured songs, both of which are also available for sale or consumption as individual tracks) data for the bundle plus the lead (ie. **first** featured) song on the single may be combined to determine chart ranking. If individual consumption is sufficient, the second featured song will be eligible to chart in its own right. Please note rule 4.2 (c) takes precedence in such cases.

## 5.4 Simultaneous Availability

When the same product (or combinable variant) is available on New Zealand release from two different record companies, data 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.

## 6.1 Album Value Adding And Up Selling

The Official NZ Music Charts seek to allow flexibility in how an artist, label, retailer or DSP chooses to offer music or encourage consumer interest. However, it is critical the chart remains a measure of the genuine popularity of music releases (the primary chart product) themselves, not be skewed by desire for other products or offers in which the music release itself is a secondary factor in a consumer's decision to buy or consume.

Two main forms of incentivising the purchase or consumption of music require examination before the data relevant to that release will be deemed eligible for chart inclusion.

**Value Adding** is defined as "the bundling of any non-music attachment, voucher, gift or inclusion which has a commercial value independent of the music release (the primary chart product)". This covers any "buy this and get this free!" style offer, bundle or scenario (typically presented as a combination deal e.g. a Vinyl + T-shirt or CD + stickers etc).

**Up Selling** is defined as "the unlocking of discounts or options to purchase additional goods or services after a consumer buys or consumes a music release (the primary chart product)." This covers any "would you also like to buy this?" style offers or scenarios (typically presented as 'Buy the CD, get the ticket at half price' or similar).

(i) **Value Adding** offers must comply with these rules:

a. **Music Association** - each component must relate directly to the artist or music release in such a way that, in isolation, the attachment would still be associated with that release or artist via branding, naming, labelling, likeness or extremely specific connection. Bundling of products which in isolation bear no obvious association with the artist or music release will cause that consumption data to become ineligible for chart inclusion.

b. **Valuation** – To remain chart-eligible, all non-music components must be of "equal to or lesser retail value" to that of the music release (primary chart product). Bundling of an item which clearly has a greater dollar value than the music release itself means the release itself is no longer the primary item being consumed (it has instead become the secondary 'bonus' or 'extra' tied to the other item) and therefore not eligible for chart inclusion.

Values are all deemed to be the retail point of an item, or similar item. This includes concert tickets where a music release and a concert ticket or show entry are bundled together.

c. **Pre-Approved Items** – For standard full-price albums, a number of common standard offers and scenarios are already pre-approved for chart inclusion as part of any offer without requiring specific application to the chart compiler. Standard T-Shirts. Standard Hats / Caps / Beanies.

Tote / Carrier Bags. Badges, Buttons, Transfer Tattoos and Simple Printed Material (eg. postcards, stickers, wall posters, trading cards).

Simple Digital Enhancements (eg. screensavers, wallpaper, skins, short video, simple games).

Printed Material (either text or graphic) which specifically constitutes the combined presentation or packaging of an overall artistic work.

Experiences of no clear monetary value (eg. signings, artist interaction, meet-and-greets,).

Concert ticket / entry to small one-off events (eg. release gigs) provided the ticket value meets clause 6.1 (b).

Competitions, fan club membership and preorder incentives provided these meet clauses 6.2, 6.3 and 6.4.

Any item listed above deemed by the chart compiler to be "non-standard" (whether in design, material, scarcity or some other regard) may be subject to a request for evidence from the parties involved in the offer as to valuation (6.1 b).

d. **Approval** - Any other offer, incentive or bundled product not listed above must be submitted to the chart compiler for eligibility consideration. Applications should be made to Paul Kennedy at [data@recordedmusic.co.nz](mailto:data@recordedmusic.co.nz) and outline details of the proposal, timings and valuation of each component. Parties must be able to demonstrate the "equal to or lesser

retail value" nature of music vs non-music components. If this cannot be shown, data for the combined bundle will be ruled ineligible for inclusion.

Applications must be made at least 10 days prior to chart inclusion. Where necessary, eligibility decisions will be referred to the chart committee, taking into account past rulings, comparison with similar products, valuation evidence, the potential for undesirable precedent setting and the degree to which the music component remains the primary attraction to the consumer.

e. **Box Sets / Combined Music Releases** - For avoidance of doubt, products or offers which are entirely music in nature (eg. box sets, multi-disc packs or bundles) and contain no additional nonmusic component do not fall directly under the Value Adding Rules. These are considered elsewhere in the rules (5.1, 2,3 and 4).

(ii) **Up Selling** differs from Value Adding in that an initial purchase or consumption does not come with any additional component by default, however it may unlock the option to then make a further purchase. The additional purchase may be at a favourable rate or be exclusively available only if you have already made the first purchase. For this data to be chart-eligible though, it must satisfy the following conditions:

1. The consumer has a choice to take up the offer or not,
2. As with other value-add scenarios, the value of the second product, offer or benefit received is of equal to or lesser value to that of the music component,
3. The consumer pays a clearly stipulated additional price for the second product or offer.

#### **6.1 (iii) Package Deals containing Streaming Music Subscriptions**

Where the purchase of a non-music product or service (including, but not limited to, mobile phone or telco package) grants a consumer access to a streaming music service, any resulting data submitted to the chart compiler may be included in the chart so long as the monthly fees to use the service continue to be paid – whether by the consumer or the product seller.

### **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 description of the intended product to the Chart Compiler for assessment and advice.

Sales made by Information Providers 'off site' (e.g. at shows, shopping centres or 'pop-up' stores) are eligible for chart inclusion, providing the sales meet all other chart eligibility criteria.

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

Product purchased in bulk from Information Providers 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 insurance claimants, third parties who will on-sell or give away the product and sales to any third party who will use the product for promotional purposes.

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

## **7.2 Disputes and Clarifications**

Where a dispute arises between any party involved in the submission of chart data or use of the Official Music Charts regarding eligibility or rule interpretation, 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 on 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 Recorded Music NZ who will consult with the Chart Compiler.

### **Chart Committee**

A body comprising a minimum 2 Recorded Music NZ board members and chaired by the Chart Administrator

## **11. CONTACT**

### **Chart Administrator**

Chief Executive Officer

Recorded Music New Zealand

2A Hakanoa Street

Private Bag 78850

Grey Lynn, Auckland

#### **APPENDIX: 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 that Recorded Music New Zealand Limited and/or its agents has the right to undertake an audit of the information you have provided.