

DISPUTE HANDLING PROCEDURE

The Ordinance of 22 December 2016 transposing the European Directive on collective management (n°2014/26/EU) provides for a procedure, in the French Intellectual Property Code, for the handling of disputes:

- Relating to the conditions, the effects and the termination of the authorization to manage rights as well as to the management of such rights;
- That are submitted to them by:
 - Their members;
 - Other organisations or entities on whose behalf they manage rights pursuant to a representation agreement;
 - The rights holders that have a direct legal relationship by law or by way of assignment, license or any other contractual arrangement with them but are not their members.

Sacem wishes to address as efficiently and quickly as possible such disputes that are submitted to it and undertakes to handle each one of them as best it can. It therefore set up a procedure to deal with such disputes.

The questions and answers below aim at helping you better understand such procedure.

I. TO WHOM SHOULD YOU SUBMIT YOUR DISPUTE?

All disputes should be submitted to the Membership department:

- Either electronically, using the “My claims” service available in the member account on createurs-editeurs.sacem.fr/en;
- Or by post, to the Département des vérifications de la répartition, 225 avenue Charles de Gaulle, 92528 Neuilly-sur-Seine Cedex.

II. HOW SHOULD YOU SUBMIT YOUR DISPUTE?

To enable Sacem to handle your dispute as quickly as possible, the request must contain all the relevant information: the more information it will contain, the quicker Sacem will be able to handle it.

It is necessary to provide, in particular:

- Your personal information (your family name and your first name or your company name, your contact details and, if you are a Sacem member and know it, your COAD);
- The purpose of your request in detail: e.g., in case of a claim, what periods, countries and types of exploitation are concerned (live show, television, radio, online, CD, etc.) and in case of a live show, where and when did it take place;
- The work(s) concerned, if possible along with their Sacem work code or their ISWC;
- The date of possible letters sent previously to Sacem.

III. WHAT DOES SACEM DO UPON RECEIPT OF A DISPUTE?

Upon receiving your dispute, Sacem acknowledges receipt and allocates a case number.

When the request is sufficiently detailed, the dispute is immediately sent to the competent services of Sacem depending on its object (if it is not sufficiently detailed, Sacem may have to come back to you for further information).

The case number will enable you to follow the handling of the dispute. This number must be kept and recalled in every future correspondence with Sacem.

IV. HOW QUICKLY WILL YOUR DISPUTE BE HANDLED?

Sacem undertakes to answer within a two-month deadline, except of there is a legitimate reason.

Thus, your request may be incomplete and require further information, preventing compliance with such two-month deadline.

Thus again, the answer to brought to your dispute may depend on elements which are not at Sacem's disposal but at a user's or a sister society's disposal. Sacem may therefore need to question such user or society, resulting in an extension of the deadline.

VI. WHAT CAN YOU DO IN CASE OF AN UNSATISFACTORY ANSWER?

If the dispute relates to an online multi-territorial exploitation, you can initiate a mediation procedure with the mediator of the Commission de contrôle des organismes de gestion des droits d'auteur et des droits voisins.

In all cases, you can refer the dispute to the competent Court of law, the referral to the mediator being without prejudice to a referral to a court.

- This procedure is provided for in Article L.328-1 of the French Intellectual Property Code.