

CMO Regional Regulations

(final version, as adopted on January 30, 2023)

This document comprises the draft regulations pertaining to the governance and operation of collective management organisations in the English- and French-speaking Caribbean. The regulations proposed are the result of findings obtained from the report 'Providing an assessment of the legal and regulatory frameworks related to collective management of copyright and related rights across the Caribbean region. The findings from the report were accompanied by a consensus among the relevant intellectual property offices and collective management organisations that a Caribbean approach to collective management organisations should be adopted.

In furtherance of the desire to adopt a Caribbean approach to collective management organisations, the draft regulations contained in this document were designed to reflect the needs of the region and the concerns raised in both the aforementioned report and a subsequent questionnaire. It should be noted that the proposed regulations offer a minimum level approach so that countries are free to opt for more stringent measures. Furthermore, where obligations are prescribed, the manner in which such obligations are met is left open to the Competent National Authority to specify, except where the regulations themselves indicate a specific format. Additionally, where CMOs are already in compliance with obligations subject to the Regulations, there is no need to alter existing practices unless the Competent National Authority requires a specific form or approach for compliance.

Definitions

‘Annual report’ – The annual report should contain at least the following: a detailed financial report accounting for the assets and liabilities and income and expenditure for the fiscal year; a report of the collective management organisation’s activities for the fiscal year; and a statement of financial transactions conducted with partner organisations.

‘Collective management organisation’ – A collective management organisation is a registered non-profit legal entity that is authorised in accordance with the Copyright Act, to represent its members comprising authors and other right holders, both national and foreign, as well as to collect and distribute rights revenue related to the exploitation of the copyright and/or related rights licensed to the collective management organisation.

‘Competent national authority’ – <To be inserted by implementing country>.

‘Deduction policy’ – The policy according to which collective management organisations can subtract operating expenses and any other authorised deductions from rights revenue collected.

‘Distribution policy’ – The policy according to which collective management organisations determine how much of the rights revenue is paid to each of its members/right holders and how such payments are made.

‘International umbrella organisation’ – An international entity providing standards, support and information to collective management organisations.

‘Member’ – A member of a collective management society is any right holder, whether local or foreign, that licences or assigns their copyright or related rights to a collective management organisation.

‘Partner organisation’ – A foreign collective management organisation or other similar entity that agrees a representation agreement with the domestic collective management organisation for the management of their catalogue of works.

‘Representation agreement’ – Includes unilateral, bilateral and reciprocal agreements signed between collective management organisations or other similar entities, where one entity mandates the other to manage the rights it represents.

‘Right holder’ – Owner of copyright or related rights, including but not limited to authors (writers, composers, painters and photographers), performers (musicians, actors and dancers), producers and publishers.

‘Rights revenue’ – Rights revenue includes all income collected from contractual licences granted for the use of works vested in the catalogue of the collective management organisation and any statutory licences or levies required by relevant legislation.

‘User’ – The ‘user’ is a natural or legal person who uses a copyright work or other subject matter protected by copyright or related rights, whether permitted by contractual licence, exception or limitation, or other legal or statutory requirement.

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1 Role/Function of CMOs

The role/function of a CMO should be clearly articulated. This will help clarify the obligations and responsibilities held by CMOs and create legal certainty especially with regards to the relationships between CMOs, members/right holders and users.

1. (1) Collective management organisations shall:
 - a. conduct their operations with integrity, transparency, efficiency and in a non-discriminatory manner;
 - b. promote, monitor, protect and enforce the use of its catalogue of rights, including pursuing litigation where required and/or permitted;
 - c. use its best efforts to license all uses of its catalogue of rights in accordance with the scope of its mandate as contracted between the right holder and the collective management organisation;
 - d. collect all revenue due under the licences it issues and take all reasonable steps to collect unpaid licensing revenue;
 - e. distribute revenue derived from licences to right holders;
 - f. collect relevant information about works used by its licensees where feasible;
 - g. publish relevant information in a timely manner and accordance with Regulation 14;
 - h. contribute to the development and furtherance of culture with respect to the type of subject matter administered by the collective management organisation;
 - i. promote the development of education and knowledge about the purposes of collective management organisations;
 - j. promote the development of education and knowledge about copyright and/or related rights and its value to society; and
 - k. comply with all applicable laws and regulations.
- (2) The roles and functions specified in subsection (1) do not preclude a collective management organisation from adopting further roles or functions for the interest, benefit and welfare of its members/right holders.

2. A collective management organisation shall conduct its roles and functions in good faith.

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2 Authorisation, Supervision and Monitoring

CMOs should be authorised to ensure compliance with legal and operational requirements. Authorisation facilitates increased accountability as compliance is a continuous exercise. To that extent, a fair, transparent and proportionate monitoring framework should be adopted to ensure that CMOs comply with the obligations placed on them. However, it should be noted that countries can require more stringent measures and choose to require registration of CMOs.

3. A collective management organisation must demonstrate compliance with the requirements for authorisation detailed in this section to the competent national authority, in order to lawfully operate.
4. (1) The authorisation of a collective management organisation is subject to the following:
 - a. identification of the class of rights to be administered, subject matter to be administered and list of existing members;
 - b. provision of evidence substantiating that the collective management organisation has a substantial catalogue of rights;
 - c. provision of clear, objective and non-discriminatory criteria for the purpose of determining membership;
 - d. verification of company registration and any other required business licences;
 - e. demonstration that all relevant documents and procedures governing the collective management organisation comply with the relevant laws and regulations applicable to collective management organisations; and
 - f. where possible, demonstration of membership or affiliation with an international umbrella organisation that covers the same type of subject matter and rights that are being administered.
 - g. any other material deemed necessary by the competent national authority.
- (2) Subject to Regulation 4(1)(f), where a collective management organisation administers multiple types of subject matter or rights, it must demonstrate

membership or affiliation with an international umbrella organisation for each of the types of subject matter and rights that are being administered.

(3) Where a collective management organisation existed prior to the introduction of these regulations, Regulations 4(1)(b), 4(1)(f) and 4(2) will not apply provided that the collective management organisation meets all the other requirements subject to these Regulations.

5. (1) The authorised status of a collective management organisation will be subject to annual inspection and monitoring by the competent national authority with respect to its continued compliance with:
 - a. the authorisation criteria subject to Regulation 4;
 - b. the fulfilment of the roles and functions subject to Regulation 1; and
 - c. any audits conducted by an international umbrella organisation.(2) The competent national authority will publish procedural guidelines pertaining to the operation of the annual inspection process.
6. (1) The competent national authority shall ensure that collective management organisations are operating in compliance with all relevant laws and regulations.
(2) Any costs involved with the compliance and monitoring process for collective management organisations shall be kept to a reasonable level to ensure effectiveness and efficiency.
7. (1) The competent national authority shall ensure that a complaint process is available for parties to report the non-compliance of collective management organisations with regards to the respective laws and regulations.
(2) The complaints collected as part of the complaint process in this Regulation will be used to inform the annual inspection subject to Regulation 5.
(3) The competent national authority shall not be required to adjudicate or resolve complaints made under this Regulation.
8. (1) The competent national authority will have the power to conduct inquiries or investigations to determine if a collective management organisation has not complied with the relevant laws and regulations.
(2) The procedure with which the competent national authority may conduct an inquiry or investigation must be specified and made available to all collective management organisations, including:
 - a. requests for audits;

- b. inspection of documents;
- c. interview processes; and
- d. hosting of confidential information.

(3) Collective management organisations that are under inquiry or investigation shall cooperate with the competent national authority and provide access to all information relevant to the inquiry, as determined by the competent national authority.

(4) Where information relevant to the inquiry or investigation is deemed confidential, such confidential information will be shared with the competent national authority under an obligation of confidence.

(5) The competent national authority will have the power to intervene and make appropriate sanctions or adopt appropriate measures where the collective management organisation has not complied with the relevant laws and regulations.

(6) Where the competent national authority intervenes, prior to the imposition of sanctions or measures on a collective management organisation, the collective management organisation shall be afforded a reasonable amount of time to rectify the lack of compliance with or breach of the respective laws and regulations.

- a. Where the collective management organisation rectifies the lack of compliance with or breach of the respective laws and regulations within the designated time period, the competent national authority shall conclude its intervention.

9. (1) The list of available sanctions and measures include:

- a. written reprimands;
- b. suspension of authorisation; or
- c. cancellation of authorisation.

(2) The imposition of a sanction or measure by the competent national authority on a collective management organisation has to be fair, transparent and proportionate to the nature of the acts or omissions in question.

(3) Where a collective management organisation is subjected to a sanction or measure, it shall notify all of its members/right holders, inclusive of all details of the exact nature of the sanction or measure.

(4) A collective management organisation subjected to a sanction or measure can appeal the decision of the competent national authority to an international arbitration body with expertise in copyright law or alternatively, to the relevant domestic court.

- a. Where a collective management organisation is successful in its appeal of a sanction or measure, the competent national authority shall bear the costs of the arbitration or court appeal process.

(5) The imposition of sanctions or measures do not preclude the ability of members/right holders or users from bringing an action against the collective management organisation.

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3 Disclosure of Information

CMOs must have a legal obligation to be accountable and transparent. Therefore, CMOs must be mandated to maintain records and publish all information relevant to their operations, including: the catalogue of works, membership, standard licence terms, tariffs, and where appropriate financial records. Where possible, the information must be easily accessible by the public, preferably on the CMO's website. In particular, information and practices pertaining to licences should be readily available to members/right holders and users.

- 10.(1) A collective management organisation shall regularly publish and keep up to date on at least an annual basis the following information for users:
- a. contact information including at least a registered postal address, phone number and email address;
 - b. relevant company incorporation and operation documents including, registration certificates, international affiliation documents, or representation agreements and certified copies of licences with right holders;
 - c. by-laws, membership terms, rules on termination of membership, and any other relevant documents governing the operation of the collective management organisation, its members/right holders or users;
 - d. description of the rights and subject matter licensed by the collective management organisation;
 - e. description of the licences on offer and the standard terms for its licences;
 - f. description of tariffs for licences;
 - g. list of the persons who manage the operations of the collective management organisation and the board of directors.
 - h. list of important dates and meetings;
 - i. annual report;
 - j. membership forms; and
 - k. information on any applicable complaint and dispute resolution procedures, based on the applicable legal and regulatory framework.

(2) A collective management organisation shall make available upon request by a user, information relevant to the granting of a licence, particularly:

- a. the scope of the licence;
- b. the rights covered by the licence; and
- c. whether a specific requested work(s) is covered under the licence, where feasible.

(3) Any information provided under this Regulation must be in accordance with the Regulations under Section 8 on Confidential Information.

11.(1) A collective management organisation shall make available to each of its members/right holders on an annual basis the following:

- a. annual report;
- b. the distribution policy;
- c. policy on deductions (such as any administration, social, cultural or educational deductions);
- d. policy on tariffs and list of applicable tariffs;
- e. information pertaining to the organisational and decision-making structure of the collective management organisation, inclusive of voting rights and voting procedures; and
- f. any other non-confidential documents that contain information relevant to the operation of the collective management organisation that members/right holders could reasonably expect to be aware of.

(2) Where a collective management organisation administers both copyright and related rights, separate documentation should be provided in relation to Regulation 11(1)(b), (c) and (d).

12. A collective management organisation shall promptly notify members/right holders of any changes to its bylaws, rules, regulations, policies, practices or any other document that is involved with the governance or operation of the collective management organisation.

13. Where a request is made by members/right holders for information or a document that a collective management organisation has an obligation to make available under Regulations 10 or 11, said information or documents must be communicated to the requesting party within fourteen working days.

14.(1) Where a collective management organisation is obligated to publish documents or share information subject to this regulation, such disclosures

must be made easily available, where possible, on the collective management organisation's website.

(2) Where confidential information is being disclosed, this shall be done in accordance with Regulation 43.

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4 Membership

The rules for joining a CMO must be clear and non-discriminatory. Subsequently, a CMO's mandate should strike a fair balance between a member's freedom to determine how their rights are managed and the legitimate need for CMOs to have a meaningful catalogue of rights to licence to users. CMOs must also be prohibited from registering persons who already hold membership in a competing CMO in the same jurisdiction for the same type or for the same class of subject matter or exclusive rights. Similarly, the rules on termination of membership must be fair and clearly articulated.

15. A collective management organisation shall make available their criteria for membership.
 - a. The criteria for membership of a collective management organisation must be clear, objective and non-discriminatory.
 - b. A collective management organisation shall accept as members all right holders who fulfil the required criteria.
 - c. Where a collective management organisation administers both copyright and related rights, separate membership agreements will be maintained.
16. A collective management organisation shall not discriminate against actual or prospective members, either directly or indirectly, on the basis of:
 - a. nationality, residency or place of establishment, sex, gender, race, religion, disability, age or any other characteristic governed by law.
17. (1) The relationship between a collective management organisation and its members, and the rights vested in members will be guided by the relevant by-laws, direct mandates, contractual agreements or other relevant documents.
(2) A collective management organisation shall ensure that members have the opportunity for fair and balanced participation in the governance structure of the collective management organisation.
18. A collective management organisation shall not discriminate between its members and foreign right holders unless required or permitted by representation agreements.
19. A collective management organisation shall not admit members that are also members of another collective management organisation in the same

jurisdiction representing the same rights in relation to the same type of subject matter, that have not first expressly renounced their membership or limited their mandate.

20. A collective management organisation shall only require the licensing or assignment of the specific exclusive rights that are administered by the collective management organisation and moreover, shall not require the licensing or assignment of all future works produced unless required for the purpose of providing blanket licences or as provided for by the relevant laws or regulations.
21. (1) A collective management organisation shall permit members to terminate or change the scope of their mandate, upon a reasonable notice period not exceeding six months.
- (2) A collective management organisation may require a member's rights to continue to be included, for a reasonable period of time, in licences granted to licensees prior to termination.
- (3) Notwithstanding termination or change of a mandate by a member, the right holder will be entitled to their full share in the rights revenue collected by the collective management organisation. This includes all licence deals agreed by the collective management organisation prior to or during termination proceedings in respect of which the exiting member is due royalties.
- a. The rights revenue due to members who terminate their mandate will be payable until such time that the member's works are no longer included in licences granted by the collective management organisation.
22. The rules governing termination of membership and change of mandate must be clearly articulated in the bylaws, terms of membership or other relevant document.
23. Members can be suspended or expelled from a collective management organisation where appropriate.
- a. The process for suspension or expulsion must be clearly articulated in the bylaws, terms of membership or other relevant document.
- b. Suspension or expulsion from a collective management organisation shall be reserved for serious breaches of the rules governing collective management organisations or any of the obligations under these regulations.

5 Relationship with Members

Members of a CMO must be subjected to fair treatment, informed of the financial and administrative operations of the CMO and included in the decision-making process where relevant. Furthermore, obligations should not be imposed on members that are not necessary or proportional.

24. A collective management organisation shall treat all of its members and right holders fairly and equitably in accordance with its bylaws, terms of membership and any other rules, agreements or laws that are binding on the collective management organisation.
25. A collective management organisation shall not impose obligations, requirements or restrictions on its members or right holders that are unreasonable, disproportionate or unnecessary for the effective management of the collective management organisation.
26. A collective management organisation shall make clear in its bylaws, terms of membership or other relevant documents what role a member or right holder plays within the organisational structure of the collective management organisation, what rights are vested in the member or right holder, and any applicable rules or procedures, in particular:
- a. disciplinary rules;
 - b. voting rights and process;
 - c. eligibility for executive positions;
 - d. responsibilities and obligations of the executive;
 - e. conflict of interest policy;
 - f. suspension or expulsion of membership;
 - g. process for change of mandate; and
 - h. process for voluntary termination of membership.
27. A collective management organisation shall permit its members to communicate with it by electronic means.

6 Relationship with Users

Regulation of CMOs can contribute to instilling public confidence and ensuring fairness in the relationship between CMOs and users/licensees. To ensure that CMOs meet their obligations, users/licensees must also be responsible for the accurate and timely reporting of information to facilitate the licensing process.

- 28.(1) A collective management organisation shall treat users objectively, fairly and equitably, in accordance with these regulations, its by-laws, any other binding agreements and the terms of the relevant licence signed or to be negotiated with the user.
- (2) A collective management organisation, shall not misrepresent to users the subject matter that it administers or the nature of its licences.
- 29.(1) A collective management organisation shall licence rights to users on the basis of objective, fair and non-discriminatory criteria in accordance with the applicable laws and regulations.
- (2) Collective management organisations shall not require users to provide personal information or commercially sensitive data beyond what is reasonably needed to determine the grant of the relevant licence.
- 30.(1) Users shall act in a responsible manner, provide accurate and timely information, and negotiate in good faith with the collective management organisation concerned.
- (2) A collective management organisation may require users that are granted a broadcast or communication to the public licence, to keep current and accurate records detailing the use of works subject to the grant of the licence –
- a. the collective management organisation may detail the format for the records to be maintained and the timeframe for submitting the records.
- (3) Users shall cooperate with collective management organisations to ensure that the terms of the licence granted are not being breached.
31. A collective management organisation shall make available to users the terms of the licence agreement inclusive of the grant of rights and the relevant tariffs prior to payment.

32. (1) A collective management organisation shall provide access to their verified catalogue databases via a search facility allowing potential licensees to search for copyright works or related rights subject to a prospective licence where feasible or appropriate.
- (2) A collective management organisation shall provide where requested, information on the nature of its licences and where applicable further explanation on the terms and conditions in the licences.
33. Where a collective management organisation refuses to grant a user a licence, such refusal must be accompanied by a written reason and the process for appeal.

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7 General and Financial Administration

To ensure accountability and transparency, CMOs must be regulated in how they manage their operations, notably, in relation to the management of finances derived from the licensing of rights on behalf of their members/right holders. This includes regulating the collection and distribution of revenue, the deductions that occur and the frequency of payments made to members/right holders.

34.A collective management organisation shall convene a general meeting of members at least once a year.

a. Issues at the general meeting of members will include, but are not limited to:

- i. approval of any new policies or changes to existing policies, including revenue collection and distribution policies;
- ii. appointment of external auditor to inspect annual accounts;
- iii. approval of the annual report to be published;
- iv. elections as required by the bylaws; and
- v. approval of independently audited financial statements.

35.A collective management organisation shall aim at keeping its administrative costs at a reasonable level.

36.A collective management organisation shall manage and keep separate the rights revenue as apart from any income derived from its investment from its own assets, the income derived from its management services or the income derived from any other activities.

37.(1) A collective management organisation shall where possible annually distribute all collected rights revenue to members/right holders in accordance with its policy on deductions, the general distribution policy and any other contractual agreements.

(2) Any undistributed rights revenue shall be held by the collective management organisation in accordance with its policy on undistributed revenue, which includes:

- a. where the revenue is to be held;
- b. the length of time the revenue will be held for; and

- c. the procedure for distributing the revenue where legitimately claimed.
38. (1) A collective management organisation shall make available at least annually to its members/right holders the following financial documents:
- a. financial records of the collective management organisation including the balance sheet, income and expenditure statements, budget and any other relevant accounting records;
 - b. summary of the income collected for domestic rights revenue;
 - c. summary of the income collected for international rights revenue;
 - d. statement accounting for all activities related to the exercise of all members/right holders' rights;
 - e. statement accounting for all activities related to the exercise of an individual member/right holders' rights to the respective member/right holder;
 - i. the statement must be categorised by subject matter, rights managed and type of use where applicable.
 - ii. the statement must distinguish between national activity and representation rights activity.
 - f. statement accounting for the distribution of income to individual members/right holders to the respective member/right holder;
 - i. the statement must be categorised by subject matter, rights managed and type of use where applicable.
 - ii. the statement must distinguish between national rights revenue and representation rights revenue, where feasible.
 - g. account of management expenses and deductions; and
 - h. account of deductions other than management expenses deductions.
- (2) Where a collective management organisation administers both copyright and related rights, the documents subject to subsection (1) shall differentiate between copyright and related rights where relevant.
- (3) All financial statements subject to this regulation are to be prepared in accordance with the International Financial Reporting Standards or suitable national equivalent.
39. A collective management organisation shall notify members/right holders when any new organisational or financial documents are made available and of any substantive changes.

40. A collective management organisation shall agree to convene a members' meeting where fifty percent or more of its membership requests such a meeting in writing.
41. A collective management organisation shall adopt and make available to members a clear and objective policy governing conflicts of interest –
- a. conflicts of interest include the formation of contracts with family members of persons on the Board of Directors, holding positions at other collective management organisations, or any other action, agreement or employment that would reasonably compromise the objectivity of the person in question.
42. A collective management organisation shall require its directors to declare any conflicts of interest that arise or may foreseeably arise, which may impact on the operation of the collective management organisation.
43. A collective management organisation shall use an effective and functional data management system, which facilitates the collection, identification, storage and sharing of relevant information including catalogue of rights, usage of licensed rights, rights revenue and any other relevant information.

8 Confidential Information

Given that CMOs must be obligated to collect, maintain and publish information related to their members/right holders and the rights managed, the information in question must also be securely stored and held in confidence where required. However, the information must be accessible when required by persons who have the authority to view the information.

44. A collective management organisation shall comply with relevant laws relating to protection of privacy and personal data and its own data privacy policy.

45. (1) A collective management organisation shall adopt reasonable security measures to ensure that any private or personal information collected is held with an obligation of confidence and not disclosed to third parties without authorisation or as required by national legislation or court order.

(2) Reasonable security measures include, but are not limited to: secure physical storage, secure methods of file transfer, secure computer network, password restricted access to files, basic data security training for employees and executives and effective data destruction.

46. A collective management organisation shall publish and regularly update its data privacy policy.

47. A collective management organisation shall keep and regularly update records of each member/right holder it represents.

48. (1) Members of a collective management organisation shall keep all information provided to them by the collective management organisation under an obligation of confidence and not disclose such information to third parties without authorisation, unless required by national legislation or court order.

(2) Subsection 1 does not apply to any information that has been placed into the public domain with permission.

9 Information on Dispute Resolution

In the interest of efficient dispute resolution, the collective management organisation should make available information on complaint and dispute resolution procedures. CMOs are encouraged to adopt an approach to dispute resolution that is clearly articulated and provides an expeditious and efficient means of resolving disputes between itself and members.

49. (1) A collective management organisation shall provide information on complaint and internal dispute resolution procedures for use by its members.

(2) Collective management organisations shall notify their members and users about the complaints process available via the competent national authority.

50. Where issues arising between a collective management organisation and its members cannot be resolved internally, the matter should first be referred to mediation and then arbitration, or alternatively a court of law.

51. (1) A collective management organisation shall ensure that disputes with users concerning licences can be submitted by either party to an independent and impartial dispute resolution body where that body has expertise in copyright law –

a. the independent and impartial resolution body can be the domestic Copyright Tribunal or other statutory equivalent, or alternatively, an international arbitration body with expertise in copyright law;

(2) The availability of alternative dispute resolution does not preclude the user, or the collective management organisation from bringing an action in court where alternative dispute resolution is unavailable or unsuccessful.

10 Cultural, Social and Professional Development

CMOs should play an active role in the development of its employees, members and society. CMOs are expected to be proactive in developing the respective industry(s) from which their catalogue of works is derived. This could include deductions to facilitate social, cultural and professional development, should its members so agree.

52. A collective management organisation shall take steps to ensure that its employees are knowledgeable of all internal procedures and policies, notably procedures and policies for the granting of licences, distribution of rights revenue, handling of complaints and dispute resolution.

53. A collective management organisation shall encourage the development of appropriate skills and knowledge relating to copyright law and related rights for its members, by organising and facilitating social and cultural training and development programmes.

54. A collective management organisation shall organise and facilitate educational outreach activities to make its members and the general public aware of copyright and related rights and moreover, the licensing of copyright and related rights.

55. (1) A collective management organisation is encouraged to deduct and set aside an adequate percentage of its net proceeds, for the purpose of pursuing social, cultural and professional development outlined in Regulations 52 and 53.

(2) A collective management organisation may use any undistributed rights revenue not claimed within 5 years for the purpose of pursuing social, cultural and professional development outlined in Regulations 52 and 53.

(3) A collective management organisation is encouraged to enter into partnerships with third parties to pursue the social, cultural and professional development of its members.

11 Tariff Setting

The tariffs used by CMOs must be clear, objective, fair and reasonable. Furthermore, the rules for the setting of tariffs should be published and accessible to users and members.

56. (1) The tariffs used by a collective management organisation must be:
- a. clear, objective, fair and reasonable;
 - b. made publicly accessible as soon as practical; and
 - c. published on the collective management organisation's website where possible.
- (2) The determination of tariffs should be justifiable accounting for considerations such as: economic research, the market value of rights being licensed, the uses of the rights being licenced, the nature of the domestic market, comparisons with similar regional and/or international tariffs, and any other relevant criteria as determined by the collective management organisation.
- (3) Where a collective management organisation administers both copyright and related rights, a separate tariff structure shall be maintained.

12 Cross-CMO Agreements

CMOs have the responsibility to enter into agreements with foreign CMOs operating in the same area of activity or management.

57. A collective management organisation should, where possible, seek to enter into representation agreements with partner organisations that concern the same type of subject matter and rights that are being administered.

58. Collective management organisations shall treat the right holders of rights administered under representation agreements in the same manner as its own members/right holders, except where otherwise dictated by the relevant representation agreements.

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