

## Extract taken from the UK's 'Collective Management of Copyright (EU Directive) Regulations 2016'

### **Particular obligations of collective management organisations in relation to right holders**

#### **4. A collective management organisation must ensure that—**

- a. right holders have the right to authorise a collective management organisation of their choice to manage—
  - i. the rights,
  - ii. categories of rights,
  - iii. types of works, and
  - iv. other subject matter,
  - v. of their choice, for the territory of their choice irrespective of the member State of nationality, residence or establishment of either the collective management organisation or the right holder;
- b. it manages the matters referred to in paragraph (a)(i) to (iv) provided that the management of these matters falls within the scope of its activity or unless it has objectively justified reasons to refuse management;
- c. right holders have the right to grant licences for non-commercial uses of any of the matters referred to in paragraph (a)(i) to (iv) that they may choose;
- d. right holders have the right—
  - i. to terminate the authorisation to manage the matters referred to in paragraph (a)(i) to (iv) granted by them to a collective management organisation, or
  - ii. to withdraw from a collective management organisation the matters of their choice referred to in paragraph (a)(i) to (iv) for the territory of their choice,upon serving reasonable notice not exceeding six months unless the collective management organisation decides that such termination or withdrawal is to take place at the end of its financial year;
- e. if there are amounts due to a right holder for acts of exploitation which occurred, or under a licence granted, before the time when termination or withdrawal under paragraph (d) took effect, the right holder retains the rights under regulation 11 (deductions), 12 (distributions), 17 (information), 19 (information on request), 27 (payment) and 31 (complaints);
- f. it does not restrict the exercise of rights referred to in paragraphs (d) and (e) by requiring, as a condition for the exercise of those rights, that the management of the matters referred to in paragraph (a)(i) to (iv) which are

- subject to the termination or the withdrawal are entrusted to another collective management organisation;
- g. where a right holder authorises a collective management organisation to manage that right holder's rights—
    - i. the right holder gives consent specifically for each of the matters referred to in paragraph (a)(i) to (iv) which the right holder authorises the collective management organisation to manage; and
    - ii. that consent is evidenced in documentary form;
  - h. it informs a right holder of their rights under paragraphs (a) to (g) and any conditions attached to the right in paragraph (c) before obtaining the right holder's consent to its managing the matters set out in paragraph (a)(i) to (iv);
  - i. by 10th October 2016 it informs right holders who have authorised it by 9th April 2016 of their rights under paragraph (a) to (g) as well as of any conditions attached to the right set out in paragraph (c); and
  - j. the rights under paragraphs (a) to (i) are set out in the statute or membership terms of the collective management organisation.

For more information on any of the aforementioned points, please get in touch with a member of the ACS team [here](#).