

At its session held on 18 December 2019 the General Assembly of Zavod za uveljavljanje pravic avtorjev, izvajalcev in producentov avdiovizualnih del Slovenije, k.o. (Collecting Society of Authors, Performers and Producers of Audiovisual Works of Slovenia, hereinafter: AIPA) based on the provisions of Item 3 of Paragraph 1 of Article 25 of Collective Management of Copyright and Related Rights Act (hereinafter: CMCRRA) adopted the following

**RULES ON THE DISTRIBUTION OF REMUNERATIONS
FOR MAKING SOUND OR VISUAL FIXATIONS,
DONE UNDER THE SCOPE OF PRIVATE OR OTHER INTERNAL USE**

I. GENERAL PROVISIONS

Introductory provisions

Article 1

- (1) These Rules (hereinafter: Rules) define the distribution of remunerations for the right to an equitable remuneration for making sound or visual fixations:
- of audiovisual (hereinafter: AV) works,
 - of performances used in AV works on videograms (hereinafter: performances), and
 - of AV works on videograms (hereinafter: videograms),
- done under the scope of private or other internal use (hereinafter: the Right).
- (2) AIPA receives the remunerations from the previous Paragraph from the responsible collective management organisation (hereinafter: responsible CMO).
- (3) These Rules shall be equally applied to all rights holders of the Right, which are entitled to the remuneration for this Right (hereinafter: the remuneration) irrespective of membership in AIPA.
- (4) The persons entitled to the remuneration are citizens of the Republic of Slovenia or member states of the European Union or the European Economic Area, or persons with permanent residency or seat in the Republic of Slovenia. Foreign natural persons and legal entities may also be entitled to the remuneration, but only if this entitlement is based on an international treaty, the Copyright and Related Rights Act (hereinafter: CRRA), or because of factual mutual recognition of entitlement regarding this Right.
- (5) The distribution of remuneration means the allocation and pay-out of collected remunerations in accordance with the CMCRRA and these Rules.

General distribution principle

Article 2

Since it is impossible to ascertain actual usage of individual AV works, performances, or videograms, the collected remunerations shall not be distributed according to actual usage by making sound or visual fixations, done under the scope of private or other internal use (hereinafter: private copying).

Original right holder

Article 3

- (1) The remunerations from this Right belong only to the following original right holders of this Right:
- the original co-author of an AV work (hereinafter: original co-author), or
 - the original performer of a performance used in an AV work (hereinafter: original performer),
- or

- the original film producer of a videogram of an AV work (hereinafter: original film producer).
- (2) For the purposes of these Rules the heirs or universal legal successors shall also be considered original right holders, provided that they submit evidence of their inheritance or universal legal succession to AIPA.

Distribution fund

Article 4

- (1) The basis for defining the distribution fund for individual category of original right holders of this Right is the sum of remunerations received by AIPA for these right holders.
- (2) The distribution fund shall be defined separately for each individual category of original right holders of this Right:
- the original co-authors,
 - the original performers, and
 - the original film producers.
- (3) The distribution fund for a particular financial year and for a particular category of right holders shall be defined by taking the sum of the received remunerations for this Right and subtracting from them the business costs and expenses of AIPA, in accordance with the rules on business expenses adopted by the General Assembly, and potential dedicated funds in accordance with General Assembly decisions.

Distribution shares

Article 5

The distribution fund for each financial year belonging to each individual category of right holders of the Right from the previous Article shall be further distributed in the following manner:

- 40% of the distribution fund shall be distributed according to the data on individual retransmissions of AV works in the same financial year of analysed TV programmes as was established during distribution of royalties for the right to cable retransmission (hereinafter: used AV works) according to the Rules on the distribution of royalties collected for the right of rebroadcasting in case of cable retransmission of audiovisual works, adopted by the General Assembly (hereinafter: Rules on the distribution for cable retransmission),
- 10% of the distribution fund shall be distributed in equal nominal amounts among all original right holders of the Right, which are members of AIPA on the 31 December of the financial year for which the remunerations are being distributed, and
- 50% of the distribution fund shall be distributed among all original right holders of the Right, which are members of AIPA on the 31 December of the financial year for which the remunerations are being distributed, according to the No. of seconds of their particular claimed repertoire, reported at AIPA on the 31 December of the financial year for which the remunerations are being distributed.

Calculation of gross remuneration of the original right holder according to the claimed repertoire

Article 6

The gross remuneration of each individual right holder of the rights on an AV work (in EUR) shall be calculated by taking the gross remuneration, which is allocated for distribution according to the claimed repertoire, reported at AIPA on the 31 December of the financial year for which the remunerations are being distributed, as stipulated in Item 3 of Article 5 of these Rules, and divided

by the sum of all seconds of the entire claimed repertoire of the original right holders of the Right, which are members of AIPA on the 31 December of the financial year for which the remunerations are being distributed. The resulting sum is the value of 1 second of the claimed repertoire in EUR. Then the sum of all seconds of an individual original right holder shall be multiplied by the value of 1 second in EUR.

<p>gross remuneration of the original right holder on an AV work (in EUR)</p> <p style="text-align: center;">=</p> <p>(gross distribution fund of the remuneration allocated for distribution according to the repertoire (in EUR) : sum of all seconds of the claimed repertoire reported at AIPA) x the sum of all seconds of individual AV works of an individual original right holder</p>
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Distribution according to the used AV works

Article 7

- (1) A list of individual retransmissions for a particular financial year (hereinafter: the List) shall be defined by removing individual retransmissions of AV works from the analysed TV programmes, stipulated in the Rules on the distribution for cable retransmission, according to the provision in Paragraph 4 of Article 1 of these Rules.
- (2) All values and points necessary for the calculation of the value of an individual retransmission of an AV work, and the final value of the gross remuneration (in EUR) for each individual retransmission of an AV work shall be calculated for all individual retransmissions of AV works in the List according to the Rules on the distribution for cable retransmission.

II. DISTRIBUTION AMONG ORIGINAL CO-AUTHORS

Awarding points to original co-authors

Article 1

- (1) The shares of individual co-authors of a particular AV work with regard to the sum of points of all co-authors shall be based on the following categorisation:

Category	Co-authors	Points
A	principal director	12
B	author of screenplay	9
C	director of photography	7
D	composer of film music	2

- (2) In case there are multiple co-authors within a single category (i.e. more than one principal director or author of screenplay) on an individual AV work the points of any single category shall be equally distributed between the co-authors within that category (e.g. two principal directors of an individual AV work shall obtain 6 points each), or a ratio, if properly reported to AIPA by the co-authors themselves, shall be applied.

- (3) In case of an AV work where the animation is an imperative ingredient the principal animator shall be added to the co-authors of an individual AV work and he shall be awarded 7 point, whereby the shares of individual co-authors shall be changed to take into account the change in the total sum of points on this AV work.
- (4) The sum of points assigned to the author of the screenplay, the author of the adaptation, and the author of the dialogue is 9 points. In case where a co-author is also the co-author of the adaptation and/or the dialogue, such a co-author is added to the list of co-authors of the AV work. In such a case the author of the adaptation is awarded 3 points, the author of the dialogue 2 points and the points for the author of the screenplay shall be reduced accordingly (ie. for 2, 3, or 5 points).
- (5) In case a foreign AV work is synchronised into Slovene language:
- the author of the Slovene adaptation shall be added to the authors of the adaptation and awarded 3 points, while the points of the author of the original screenplay shall be reduced according to the rules in this Article;
 - the principal director of the original AV work and the principal director of the Slovene synchronisation shall share the 12 points in the ratio of 80:20 respectively.

Calculation of the gross remuneration of co-authors on the basis of the List

Article 9

- (1) The gross remuneration of an individual co-author of an AV work (in EUR) is calculated by multiplying the gross remuneration for an individual retransmission of an AV work from Article 6 of these Rules by the share of an individual co-author of an AV work with regard to the total No. of points of all co-authors of this AV work.
- (2) The share of an individual co-author is calculated by dividing the No. of points of an individual co-author of an AV work from Article 12 of these Rules by the sum of points of all co-authors (30 or 37 points) on this AV work:

$\begin{aligned} &\text{gross remuneration of an individual co-author of an AV work (in EUR)} \\ &= \\ &\text{gross remuneration of an individual retransmission of an AV work (in EUR)} \times \\ &(\text{No. of points of an individual co-author} \div \text{sum of points of all co-authors}) \end{aligned}$
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III. DISTRIBUTION AMONG ORIGINAL PERFORMERS

Awarding points to original performers

Article 10

- (1) The shares of individual performers with their performances used in an AV work with regard to the sum of points of all performers with performances in this AV work shall be based on the following categorisation:

Role of performer	Points
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A	Leading role	7
B	Supporting role	4
C	Guest star	1
D	Other roles (musicians, dancers, and/or singers in short music videos, performers in commercial films, narrators, puppeteers, background actors, etc.)	0.5

- (2) In case there are multiple performers within a single role category (i.e. more than one leading role or more than one supporting role) on an individual AV work the points of any single category shall be equally distributed between the performers within that category (e.g. two performers with main roles shall obtain 3.5 points each), or a ratio, if properly reported to AIPA by the performers themselves, shall be applied.

Calculation of the gross remuneration of original performers on the basis of the List

Article 11

- (1) The gross remuneration of an individual original performer (in EUR) is calculated by multiplying the gross remuneration for an individual retransmission of an AV work from Article 7 of these Rules by the share of an individual performer with regard to the total No. of points of all performers of performances in this AV work.
- (2) The share of an individual original performer is calculated by dividing the No. of points of an individual performer of a performance in the AV work from Article 10 of these Rules by the sum of points of all original performers of performances in this AV work:

<p>gross remuneration of an individual original performer of a performance in an AV work (in EUR)</p> <p style="text-align: center;">=</p> <p>gross remuneration of an individual retransmission of a performance in an AV work (in EUR) x</p> <p>(No. of points of an individual original performer ÷ sum of points of all original performers)</p>
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IV. DISTRIBUTION AMONG ORIGINAL FILM PRODUCERS

Awarding points to original film producers

Article 12

- (1) The shares of individual original film producers of individual videograms with regard to the sum of points of all original film producers shall be based on the following categorisation:

Category	Film producer	Points
A	Main producer	8
B	Co-producer	1

- (2) In case there are multiple original film producers of videograms within a single category (i.e. more than one main producer or more than one co-producer) the points of any single category shall be equally distributed between the original film producers within that category (e.g. two co-producers shall obtain 0.5 points each), or a ratio, if properly reported to AIPA by the film producers themselves, shall be applied.

Calculation of the gross remuneration of original film producers on the basis of the List

Article 13

- (1) The gross remuneration of an individual original film producer of a videogram (in EUR) is calculated by multiplying the gross remuneration for an individual retransmission of a work on a videogram from Article 7 of these Rules by the share of an individual film producer with regard to the total No. of points of all film producers of this videogram.
- (2) The share of an individual original film producer is calculated by dividing the No. of points of an individual film producer of a videogram from Article 12 of these Rules by the sum of points of all original film producers on this videogram:

$$\begin{aligned}
 &\text{gross remuneration of an individual original film producer of a videogram (in EUR)} \\
 &= \\
 &\text{gross remuneration of an individual film producer for an individual retransmission of an AV} \\
 &\quad \text{work on a videogram (in EUR) } \times \\
 &\quad \left(\frac{\text{No. of points of an individual original film producer}}{\text{sum of points of all original film producers}} \right)
 \end{aligned}$$

V. NOTIFICATIONS AND PAY-OUTS

Notification of awarded remunerations

Article 14

- (1) AIPA shall distribute and pay-out the remunerations according to the data available to it or obtained in the procedure of managing the undistributable remunerations as provided for in the CMCRRRA.
- (2) In case of irregularities originating from claiming rights ownership on AV works (eg. double claims) AIPA shall withhold the payment of the remunerations until it receives correct information on the rights ownership of the Right.

- (3) AIPA shall send notifications of awarded remunerations, which are the basis for pay-outs, to all right holders that have been successfully identified and located or have provided their contact information themselves.
- (4) AIPA shall identify and locate the right holders according to the provisions in the CMCRRA, the Statute of AIPA and these Rules, and according to data available to it at the time of distribution of remunerations.

Pay-out of remunerations

Article 15

- (1) The remunerations shall be paid out to the entitled original right holders of the Right in 30 days from the date of dispatch of the notifications of awarded remunerations, unless this is not possible because of objective reasons which are not on the side of AIPA.
- (2) If more than one film producer is entitled to a pay-out of the gross sum of remuneration (eg. a main producer and one or more co-producers), the remuneration shall be distributed and paid out to them according to the shares which were properly reported to AIPA.
- (3) If the awarded remunerations (to a known entitled right holder on an AV work) cannot be paid out (eg. because he did not submit the data necessary for executing the payment), AIPA shall withhold the remunerations on a separate account. After the statute of limitations expires the General Assembly of AIPA may decide to use these funds for reducing the business costs of AIPA according to the Rules on business costs adopted by the General Assembly.

Transitional and final provisions

Article 16

- (1) From the day of the adoption of these Rules onwards the *Rules on the distribution of remunerations for making sound or visual fixations, done under the scope of private or other internal use* from 10 July 2018 are no longer valid, however they remain in use for distribution of remunerations collected for the year 2019 and previous financial years.
- (2) These Rules come into force on the day of their adoption at the General Assembly of AIPA.

In Ljubljana on 18 December 2019