Annex No. 1 to the Articles of Association

INTERGRAM, an independent society of performers and producers of phonograms and audiovisual fixations

Procedure for Handling Complaints

(Claims Rules)

1. These claims rules set out, in reference to Article 10 of the Bylaws of INTERGRAM, the procedure for handling claims submitted by copyright holders who are directly represented by INTERGRAM and/or by partner collective managers on the basis of bilateral agreements entered into between INTERGRAM and partner collective managers (jointly also referred to as "copyright holders"), in matters pertaining to the authorization for collective management, the termination of such an authorization, the termination of a collective management contract, or the withdrawal of only certain authorizations, the membership requirements, the collection of payments due to copyright holders, deductions from collected payments, the distribution thereof, or payouts for the exercise of the rights of their copyright holders.

2. A copyright holder is entitled to submit a claim according to paragraph 1 by way of a claims form, which is downloadable on the INTERGRAM website, for each possible manner of use, in writing to the registered address of INTERGRAM or by electronic means to the email address reklamace@intergram.cz. Such form will contain the requirements for the provision of information in regard to the claim, including the personal data of the copyright holder and a list of documents necessary in order for the claim to be acknowledged as relevant.

3. In the event of a claim being asserted through representation by a proxy, it is necessary to submit the original of the relevant power of attorney (or an officially certified copy) with the officially certified signature of the copyright holder or the signature and clearly legible photocopy of a valid identification card of the copyright holder in color, containing the signature of the copyright holder. Foreign copyright holders who are represented by a foreign partner collective manager can submit a claim only through such foreign partner collective manager.

4. INTERGRAM shall register a duly sent and delivered claim by a copyright holder according to the previous two paragraphs in its claims system and shall hand the matter over to the relevant division for resolution, of which it shall notify the copyright holder in writing at the correspondence or email address set out in the representation agreement or in the application for registration of rights. The notification shall also include information for the copyright holder regarding the procedure for handling claims according to these claims rules.

5. In case of a need for additional information in regard to the object of the claim, INTERGRAM shall request the copyright holder to provide the additional necessary information. If such additional information is not provided by the copyright holder within a period of 14 days after such a written request is sent, the claim can be rejected. INTERGRAM handles claims only within the limits of the object of the claim and does not further examine any circumstances that do not relate to the object of the claim.

6. INTERGRAM conducts the assessment of a claim according to objective criteria and in accordance with the valid legislation, the copyright act, the representation agreement entered into with the copyright holder, or the application for registration of rights, and its internal regulations, primarily including the articles of association, the accounting rules, and the payment tariffs. In the event of a claim pertaining to the accounting of a payment collected within the territory of the Czech Republic for the use of performances or fixations, INTERGRAM is entitled to verify the truthfulness and completeness of the data as regards their nature, scope, type of performances or fixations, and the manner of their use in cooperation with the copyright holder and the relevant user of performances or fixations.

7. In the event of high data volume claims pertaining to the use of relevant performances or fixations containing more than 100 uses of relevant performances or fixations, INTERGRAM can assess the justifiability of such a claim only upon a representative data sample, containing at least 100 uses of performances or fixations. The conclusions from such a data sample can be applied to the entirety of the object of the claim, primarily in cases where INTERGRAM asks the user for a verification of the uses of performances or fixations and the user provides a clear statement only in regard to a part of the uses of performances or fixations. An enumeration of any of the copyright holder's additional entitlements can be conducted on the basis of such a data sample.

8. In the case of a claim by a copyright holder submitted in connection with the distribution or payout of payments collected from abroad, its correctness shall be examined according to the received documents, and the content of the claim shall be passed on to the relevant partner collective manager as an internal claim, and, at the same time, a request shall be made for its verification. For the procedure of handling a claim according to the first sentence, the other provisions of these claims rules shall apply similarly. This provision further describes the differences in the procedure for handling a claim submitted according to sentence one. A claim according to this provision can be submitted if INTERGRAM had, at the time of the use of the performance or fixation, a type A bilateral agreement in place with the relevant foreign partner collective manager, specifying the types of rights and categories of copyright holders for which payments are exchanged between such partner collective managers.

9. If, in the course of the handling of a claim pertaining to the use of the relevant performances or fixations, it has been ascertained that a copyright holder was also represented, within the relevant time period within the territory of the Czech Republic, for the same type of rights and the same performance or fixation, by another collective manager (e.g. by an independent rights manager or by a foreign partner collective manager), the handling of the claim can be postponed until the time when the copyright holder resolves such conflict of mandates with the affected rights manager. Until the resolution of such a situation, the copyright holder cannot demand the payout of the relevant payments that INTERGRAM has collected for him/her. Likewise, INTERGRAM shall not pay out the relevant payments if they have already been paid out to the copyright holder through a foreign partner collective manager.

10. The basic time period for the handling of a claim is 90 days from the delivery of a proper claim to INTERGRAM. In the course of such time period, INTERGRAM shall make a decision on the justifiability of the submitted claim and shall inform the represented copyright holder within such time period of the course of the handling of the submitted claim and of the chosen manner of its handling. The decision of INTERGRAM or the decision of a partner collective manager shall be duly justified.

11. The payout of any additional entitlement to payment for the use of performances or fixations will be sent to the copyright holder in a customary manner within 30 days after the positive settlement of the claim.

12. If INTERGRAM ascertains that a claim is unjustified or groundless, it shall state the reasons for its rejection. This will primarily include cases in which the copyright holder has not fulfilled his/her obligations in regard to INTERGRAM arising for it from an executed representation agreement or application for the registration of his/her rights, such as the timely and proper submission of necessary information or documents pertaining to the securing or assertion of his/her entitlements in regard to users.

13. Provisions on the negative prescription of claims shall be governed by the generally binding legal regulations on negative prescription periods.

In Prague on 14 June 2018

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Mgr. Martin Nedvěd Mgr. Jan Simon
Chairman of the INTERGRAM Executive Board Director of INTERGRAM