

RULES AND REGULATIONS OF SEKAM VIDEO REGARDING DISPUTES

1. Definition of terms

In these Rules and Regulations the following terms have the following meaning:

- 1.1. Board: the board of SEKAM Video as referred to in Article 5 of the articles of association of SEKAM Video.
- 1.2. Conflicting Claim: the situation where more than one party claims the same Private Copying Payment.
- 1.3. Audiovisual Work: work (*werk*) as referred to in Section 45a of the Dutch Copyright Act.
- 1.4. Disputes Committee: the committee referred to in Article 2 of these Rules and Regulations.
- 1.5. Private Copying Payment: the amount to be paid for private copying at blank tapes of Audiovisual Works.
- 1.6. Complaint: a complaint submitted by a Complainant to the Disputes Committee about SEKAM VIDEO and/or the (administrative) activities performed by SEKAM VIDEO.
- 1.7. Complainant: a party that submits a complaint to the Disputes Committee.
- 1.8. Service Office: the Stichting Servicebureau Filmrechten.
- 1.9. Other Party: the party whose claim on a Private Copying Payment is wholly or partly disputed by the Complainant.

2. Disputes Committee

- 2.1. The Disputes Committee consist of a chairman, a deputy chairman and one ordinary member.
- 2.2. The Board shall appoint the Disputes Committee as soon as possible after a Complaint has been received.
- 2.3. The members of the Disputes Committee shall be entitled to a refund of travel and accommodation expenses and a Fee to be determined by the Board and to be paid by SEKAM Video.

3. Scope of application

- 3.1. The Disputes Committee shall not be authorised to handle a complaint if the Complainant has not first submitted its complaint to the Service Office and the Board as described in the Complaints Procedure published on the website [www.SEKAM Video.org](http://www.SEKAMVideo.org).
- 3.2. If the Complaint is directed against another Party, the Complaint shall only be handled if the Complainant can prove that it has first submitted the Complaint to the Other Party and that the Parties have failed to reach a solution.
- 3.3. The Disputes Committee is not authorised to handle a complaint if the Complainant has concluded a settlement agreement with the Other Party with regard to the subject of the Complaint, if legal proceedings are being conducted about the subject or if a court decision about the subject of the Complaint has become final and conclusive.
- 3.4. If the Complaint relates to more than one Audiovisual Work and/or is directed against more than one Other Party, the Disputes Committee may decide to treat the Complaint as if several Complaints are involved with regard to which several proceedings and decisions will follow.

4. Disputes Procedure

- 4.1. The Complainant shall submit the Complaint [to the Disputes Committee] within three months after the Board has rendered a decision in the Complaint Procedure, as published on the website www.sekamvideo.org, with which the Complainant disagrees. The Complaint shall be submitted by sending a letter to:

Stichting Servicebureau Filmrechten
Attn. Chairman of the Disputes Committee
Postbus 581
1000 AN Amsterdam

- 4.2. The letter shall include at least the following data:
 - a. name and address of the Complainant;
 - b. a clear description of the Complaint.
 - c. all the relevant evidence that underpins the Complaint;
 - d. if the Complaint relates to another Party: name, address and place of residence of such Other Party;
- 4.3. The Disputes Committee shall inform the Board of the Complaint. In compliance with Article 7, paragraphs 3 of the Repartition Regulations, the Board may decide

to set aside any Private Copying Payments related to the Complaint or to suspend future Private Copying Payments until the Disputes Committee has rendered its decision.

- 4.4. The Disputes Committee shall inform the Complainant, and a possible Other Party in writing of the handling of the Complaint, the procedure to be followed and the periods to be observed, whereby the Other Party will be given one opportunity to respond to the Complaint verbally or in writing. The Disputes Committee may handle the Complaint in writing only, unless the Complainant and/or the Other Party informs the Disputes Committee in writing that they wish the Complaint to be handled verbally, within three weeks after the Disputes Committee has communicated the procedure to be followed to the Complainant and a possible Other Party.
- 4.5. The Disputes Committee shall have a written report drawn up of all the hearings, which shall be sent to the Complainant and a possible Other Party.
- 4.6. The Disputes Committee may decide to hear witnesses and experts. These costs shall be for the account of SEKAM Video.
- 4.7. The Disputes Committee may only render a decision on the basis of documents of which all the Parties have been able to take cognisance.
- 4.8. The Complaint will be assessed in accordance with Dutch law. The Disputes Committee shall be free in its valuation of the evidence.

5. Binding advice

- 5.1. The Disputes Committee shall decide by a majority of votes.
- 5.2. The Disputes Committee may decide that the Complaint is (partly) founded or (partly) unfounded and attach one or more consequences to this for the Complainant, the Other Party and/or SEKAM Video.
- 5.3. The Disputes Committee shall properly give reasons for its decision and state at least the facts and the exhibits.
- 5.4. If the Complaint is (partly) unfounded, the Disputes Committee may decide that the Complainant must pay (part of) the costs of handling the Complaint.
- 5.5. A copy of the decision shall be sent to the Complainant, a possible Other Party and the Board.
- 5.6. The decision of the Disputes Committee shall be binding for all the Parties involved.

6. Effective date and duration

- 6.1. These Rules and Regulations shall come into effect on 1 December 2011.

- 6.2. These Rules and Regulations shall continue to be in effect until the effective date of a new set of Rules and Regulations adopted by the Board. Complaints submitted prior to the effective date of a new set of Rules and Regulations shall be handled in compliance with the content of these Rules and Regulations.