

REGULATION
OF THE MINISTER OF CULTURE AND NATIONAL HERITAGE¹
of 18 April 2011

on the detailed scope of the annual report of the operations of organisations
for the collective management of copyright and/or related rights

Pursuant to Article 104.3⁵ of the Act of 4 February 1994 on Copyright and Related Rights (Dz. U. [Journal of Laws] of 2006, No. 90, item 631, as amended²), it is hereby ordained as follows:

§ 1. This regulation specifies the detailed scope of the report on the operations to be produced by collective management organisations.

§ 2. The report referred to in § 1 shall include:

- 1) Name, registered office and address of the collective management organisation, the specification of the registry court holding the registry file of the collective management organisation, the National Court Register number and the statistical identification number in the REGON system;
- 2) Current statute of the collective management organisation, together with an indication of changes to the statute during the reporting year and the contents of these changes;
- 3) Names and surnames of members of the governing bodies and members of internal control bodies of the collective management organisation performing their functions during the reporting year;
- 4) Information on entities created by the collective management organisation and on entities the collective management organisation is a partner or shareholder at;
- 5) Information on the organisational structure of the collective management organisation, covering:
 - a) The organisational chart of the collective management organisation, including local branches, together with information on changes to this structure during the reporting year,
 - b) Addresses and scopes of activity of local branches of the collective management organisation,
 - c) Indication of tasks and numbers of members of committees, councils and/or other teams appointed by the collective management organisation, including social and promotional committees;
 - d) Dates of the expiration of term of the bodies of the collective management organisation.
- 6) Information on the activity in terms of collective management and protection of copyright and/or related rights, including:

¹ The Minister of Culture and National Heritage heads the 'culture and national heritage' division of government administration pursuant to § 1.2 of the Ordinance of the President of the Council of Ministers of 16 November 2007 on the detailed scope of activity of the Minister of Culture and National Heritage (Dz. U. No. 216, item 1595).

² Amendments to the consolidated text of the Act were published in Dz. U. of 2006, No. 94, item 658 and No. 121, item 843; in Dz. U. of 2007, No. 99, item 662 and No. 181, item 1293; in Dz. U. of 2009, No. 157, item 1241 and in Dz. U. of 2010, No. 152, item 1016.

- a) Tables of remuneration rates finally and bindingly approved by the Copyright Commission and/or a court, in force during the reporting year, together with copies of the rulings approving them,
- b) Copies of resolutions or other internal acts specifying the amounts of remuneration rates for the use of copyright and/or related rights constituting the object of collective management – where the remuneration rates have not been legally approved by the Copyright Commission and/or a court,
- c) Current rules and regulations specifying the principles of division (repartition) of collected remunerations and/or fees, together with the information on the changes to these rules and regulations during the reporting year and the contents of these changes,
- d) Indication of the number of members of the association, including the number of members that entrusted their rights for collective management,
- e) Indication of the number of entities that entrusted their rights for collective management as at the end of the reporting year, and of the number of entities that entrusted their rights for collective management during the reporting year,
- f) Templates of contracts and other acts used by the collective management organisation for entrusting rights for collective management,
- g) Indication of the number of contracts concluded with entities using works and/or subject of related rights in terms of collective management, as at the end of the reporting year, and of the number of contracts concluded during the reporting year, as well as templates of contracts concluded with these entities,
- h) Indication of the remunerations and fees collected on account of collective management during the reporting year, and of the amounts and types of deductions made, including commissions for the collection of remunerations and fees,
- i) Indication of the sums of the deductions referred to in § 2.6.h assigned to employee welfare funds and/or promotion of artistic work,
- j) Indication of the amounts of remunerations and other benefits paid to entities that entrusted their rights for collective management and to other entities entitled on account of copyright and/or rights, indicating the groups of entitled entities that the amounts have been paid to, i.e.:
 - Members of the collective management organisation that entrusted their rights for collective management by this organisation,
 - Persons not being members of the collective management organisation that entrusted their rights for collective management by this organisation,
 - Persons not being members of the collective management organisation, on behalf of whom the organisation collected the remunerations pursuant to the power of attorney granted by these persons,
 - Persons on behalf of whom the collective management organisation collected the remunerations acting pursuant to provisions on the management of another person's affairs without mandate,
- k) Indication of the amount of the sums collected during the reporting year and in the preceding years that have not been divided and/or paid out as at the end of the reporting year, explaining the principles applied by the collective management organisation in specifying the sums for which the claims limitation period has lapsed, indicating the amount of these sums,

- l) Discussion of contracts and agreements entered into with domestic and foreign collective management organisations, with an indication of the parties, the subject and the term of such contracts and agreements,
 - m) Indication of the amounts of remunerations and other benefits paid to foreign entities during the reporting year,
 - n) Information whether any of the agreements referred to in Article 107¹.1, Article 107¹.2 and Article 107¹.4 of the Act of 4 February 1994 on Copyright and Rights have been concluded and/or whether the entity referred to in Article 107¹.4 of this Act has been appointed,
 - o) Discussion of the method of managing financial funds obtained from fees and remunerations, from the time of collecting them to the time of paying them out to the entitled entities;
- 7) List of resolutions on collective management of copyright and/or rights, adopted by the bodies of the collective management organisation, including the number, date of adoption and title of each of the resolutions;
- 8) Expected directions of development of the collective management organisation in terms of collective management and protection of copyright and rights and the realisation of its statute objectives.

§ 3. The regulation shall enter into force after 14 days from the date of its promulgation.

MINISTER OF CULTURE
AND NATIONAL HERITAGE

Bogdan Zdrojewski