



SERVING AUTHORS WORLDWIDE
AU SERVICE DES AUTEURS DANS LE MONDE
AL SERVICIO DE LOS AUTORES EN EL MUNDO

BOD10-1131R3

Board of Directors

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Binding Resolutions for Audiovisual Societies

Status: ADOPTED by the Board of Directors (Paris, 12/03/2019 - 13/03/2019) ([BOD19-0204](#)) and the General Assembly (Tokyo, 30/05/2019) ([AG19-0597](#))

Date: 13/03/2019 and 30/05/2019

Access rights: External

Definitions

1. In the Binding Resolutions, unless the context otherwise requires, the words and phrases set out in the left hand column below shall have the meaning given to them in the corresponding right hand column below.

Affiliate	A Creator affiliated by contract with a Member.
Affiliate Information	Any essential data which links an Affiliate to a Society.
Audiovisual Societies Information System	<p>The Database administered by CISAC which is available via CISAC's web site and which contains detailed data about Audiovisual Societies, including but not limited to, data relating to:</p> <ul style="list-style-type: none">(a) the licensing activities; and(b) the distribution practices <p>of such Audiovisual Societies.</p>
Audiovisual Production	A recording fixed in some material form from which a moving image may be produced by any means.
Audiovisual Society	A Collective Management Organisation for which the administration of Authors' rights in audiovisual copyright works is the dominant activity.
Audiovisual Work	An audiovisual copyright work.
Binding Resolutions	The resolutions laid down by CISAC from time to time which are binding on Audiovisual Societies Members and, as the case may be, on Client RMEs, and which are set out in this document.
Common Distribution Format	The format used by Audiovisual Societies to exchange information on Royalties, the specification for which format is contained in document CTDLV09-1803 as set out on CISAC's website and as amended by CISAC from time to time.
Database	A structured compilation of data contained within an electronic subsystem which allows for the efficient storage, access, management and retrieval of such data.
Documentation	Any essential data required for the identification of an Audiovisual Work and the distribution of royalties associated with such Audiovisual Work.
Enquiry List Specifications	The specifications of the enquiry list format contained in document CTDLV09-1848 as set out on CISAC's website and as amended by CISAC from time to time.

IDA	The Database owned by CISAC which is designed to support the operations of CISAC's Members and which contains Documentation on Audiovisual works.
IDA Business Rules	The rules contained within document IDA06-2254 as set out on CISAC's website and as amended by CISAC from time to time.
Interested Party	A Creator of an Audiovisual Work.
IPI General Description and Business Rules	The rules contained within document ISIP-0021R10 as set out on CISAC's website and as amended by CISAC from time to time.
IPI Number	The IP base number plus any associated IP name numbers which are used to identify an Interested Party and which are allocated and maintained by the IPI System.
IPI System	The Database of Interested Party and Affiliate Information through which an IPI Number is allocated and maintained on behalf of CISAC in accordance with rules defined by CISAC.
ISAN	The unique International Standard Audiovisual Number which is allocated to an Audiovisual Production in accordance with ISO Standard.
Minimum Mandatory Information	The information within the IDA specifications as set out on CISAC's website and as amended by CISAC from time to time.
Repertoire	Each and every Audiovisual Work in which copyright has been, or may be, assigned or licensed to a Member.
Sister Society	A Society represented by another Society by means of a current representation agreement.

2. Unless the context otherwise requires, the words and phrases:

- a. defined in the Statutes; and
- b. used in both the Statutes and in the Binding Resolutions

shall have the meaning given to them in the Statutes.

Interpretation

3. Subject to clause 4, the English version of the Binding Resolutions shall be the only authorized text. The Director General shall have translations in French and Spanish made and circulated to the appropriate Members, provided that if there is any divergence or conflict in the wording, the English text shall be authoritative.
4. To the extent that there is any conflict between, or ambiguity relating to, any or all of the Binding Resolutions and the Statutes, the wording of the Statutes shall prevail.
5. Article headings in the Binding Resolutions are for ease of reference only and shall not affect the interpretation of the Binding Resolutions.

Application

6. For the avoidance of doubt, the Binding Resolutions apply to Audiovisual Societies which are Members and, as the case may be, to Client RMEs. Binding Resolutions applicable to Client RMEs are listed in the terms and conditions for Client RMEs defined by CISAC. In such cases, the Binding Resolutions shall be deemed to refer both to Members and Client RMEs.

IPI

7. Each Member shall:
 - a. ensure that it enters Affiliate Information in respect of each of its active Affiliates into the IPI System and that such Affiliate Information is comprehensive, accurate and up-to-date;
 - b. ensure that it enters the IPI Number in respect of the Affiliates of its Sister Societies into its Database;
 - c. use the IPI Number contained within the IPI System as the basis of any Documentation and Affiliate Information exchange between it and each Sister Society;
 - d. refrain from allocating a new IPI Number to any Interested Party who already has an existing IPI Number contained within the IPI System; and
 - e. use the IPI System in accordance with the IPI General Description and Business Rules.

ISAN

8. Where a Member makes Documentation on an Audiovisual Work available to a Sister Society, then such Member shall use its reasonable endeavors to ensure that it includes the ISAN.
9. For the avoidance of doubt, the obligation set out in paragraph 8 shall only apply to a Member in so far as such ISAN exists and is available to such Member.

Contribution to IDA

10. Where a Member is in possession of Minimum Mandatory Information on an Audiovisual Work which falls within its Repertoire and which is potentially internationally active, it shall ensure that:
 - a. it enters such Minimum Mandatory Information into IDA; and
 - b. such Minimum Mandatory Information is comprehensive, accurate and up-to-date.

Consultation of Member's Database and Documentation supplied by third parties

11. Where a Member has received Royalties from a User in respect of the Exploitation of an Audiovisual Work, such Member shall use its reasonable endeavors to identify the Interested Parties in such Audiovisual Work by consulting, in the following order:
 - a. its Database; and
 - b. any Documentation supplied to such Member by an Affiliate.

Use of IDA

12. Where a Member has:
 - a. received Royalties from a User in respect of the Exploitation of an Audiovisual Work; and
 - b. after applying clause 11, been unable to identify the Interested Parties in such Audiovisual Work,

then such Member shall use its reasonable endeavors to identify such Interested Parties via IDA and in accordance with the IDA Business Rules.

Enquiry List

13. Where a Member has:
 - a. received Royalties from a User in respect of the Exploitation of an Audiovisual Work and
 - b. after applying clauses 11 and clause 12, been unable to identify the Interested Parties in respect of such Audiovisual Work,

then such Member shall apply the principles set out in the Enquiry List Specifications

Common Distribution Format

14. When sending royalties to a Sister Society, each Member shall use the Common Distribution Format to provide details on such royalties.

Audiovisual Societies Information System

15. On a regular basis, and in any event no less than once in each calendar year, each Member shall ensure that the Audiovisual Societies Information System contains comprehensive, accurate and up-to-date information about such Member.
16. Each Member shall consult the Audiovisual Societies Information System before requesting any information from a Sister Society in respect of such Sister Society's activities, documentation, collection and distribution methods.

Implementation process

17. Subject to clause 18 each Member shall ensure that the Binding Resolutions are implemented in accordance with the schedule stipulated by CISAC at the General Assembly, Bilbao, 11/06/2010.
18. Each Member shall ensure that clauses 7b, 7c and 13 of the Binding Resolutions are implemented within 12 months of the implementation date relevant to that Member under the schedule referred to in clause 17.

Each Member shall ensure that clause 10 of the Binding Resolutions is implemented according to the schedule described in clause 17 ("Schedule") for works created after the applicable deadlines of the Schedule. However, for works created before the applicable deadlines of the Schedule, Clause 10 of the Binding Resolutions shall be implemented within 12 months of those deadlines.