

## **Regulations for Conflicts**

(Version September 30, 2016)

### **Phase I**

1. AGICOA GmbH will inform the parties of the existence of a double registration indicating the title as well as the broadcast dates being in conflict. The involved parties may confirm or withdraw the registration – on a title basis – within a period of forty-five (45) days.
2. If either party confirms, and the other party withdraws the claim, the double registration is solved.
3. If only one party confirms the claim and the other party is not reacting at all, the non-reaction will be treated as a withdrawal of the claim. AGICOA GmbH will release the conflict and pay the blocked amount with discharging effect to the party which reacted within the next distribution “late claims/solved double claims”.
4. If both parties withdraw the claim, the funds blocked for the double registered work will be released and be added to the reserves.

### **Phase II**

1. If the involved parties have confirmed their claims in Phase I, they will be asked to provide prima facie evidence to demonstrate the entitlement to claim the rights for the work in conflict for the relevant broadcast dated within a period of sixty (60) days. General statements as well as objectively inadequate substantiations are not sufficient.  
Furthermore the parties are required to provide a summary of the evidence explaining and substantiating the reasons for the documents supplied to be sufficient and adequate to prove their entitlement. Other than German rightholders have to submit this summary in English.
2. If only one party submits documents of the basis which the claim seems to be established in the given sixty (60) days period and the other party involved did not react to the request, AGICOA GmbH will release the conflict and pay the blocked amount with discharging effect to the party which reacted and furnished prima facie evidence together with the requested summary for its claim.
3. If all involved parties are not reacting or send insufficient documents (s. no. 1) AGICOA GmbH will release the conflict and the blocked funds will be added to the reserves.

### **Phase III**

1. If, within the period of sixty (60) days (Phase II/1) more than one party involved submit prima facie evidence together with the requested summary, AGICOA GmbH will inform the conflicting parties and ask them to resolve the conflict through direct negotiations between and among them within a period of ninety (90) days.
2. If, within this period the involved parties have not reached a settlement and have therefore not provided AGICOA GmbH with concurrent documents, AGICOA GmbH will release the conflict and the blocked funds will be added to the reserves.
3. The deadline of the ninety (90) days period will not expire only in the case, the parties have started a litigation. In such a case the deadline is suspended until a court decision is rendered.
4. AGICOA GmbH will not make any decision concerning the entitlements of claims for works in conflict.

PS: All prima facie evidence submitted to AGICOA GmbH will be treated strictly confidential.