

ITSRIGHT

According to the Italian Antitrust Authority's decision of March 22nd 2017, NUOVOIMAIE's 12 commitments are mandatory and have to be implemented in order to guarantee an effective, fair and competitive balance in the neighboring rights' market.

This unofficial extract focuses on the 9 commitments that regard and affect ITSRIGHT and other accredited collecting societies, as well as performers and users of the music sector.

NUOVOIMAIE'S RELATIONS WITH FOREIGN COLLECTING SOCIETIES

According to Commitment n. 6, NUOVOIMAIE will send a written communication to all foreign collecting societies - operating both in the musical and audiovisual sectors - with whom it has signed a long-term bilateral agreement, informing them of their right to terminate at any time with a thirty-day notice. In any case of termination, the foreign collecting societies will have the possibility of signing a unilateral agreement.

In compliance with Commitment n. 7, by means of a written communication, NUOVOIMAIE will also notify the above-mentioned foreign collecting societies of the existence of other accredited intermediaries operating on the Italian neighboring rights' market.

For the future, under Commitment n. 8, NUOVOIMAIE undertakes to enter only into one-year agreements requiring written notices of both contracting parties' intention of renewal at the same conditions.

NUOVOIMAIE'S RELATIONS WITH OTHER ACCREDITED COLLECTING SOCIETIES

In conformity with Commitment n. 4, NUOVOIMAIE will inform other accredited collecting societies of its availability to enter into two different license agreements, both regarding the access to NUOVOIMAIE's database which contains information on audiovisual and musical works.

The first agreement pertains to the data of the audiovisual and musical works distributed by users until March 2014 and will allow full consultation and use, download and modification, as well as upload of new or different data; it will be of unlimited duration and without compensation.

The second license agreement refers to the information about all audiovisual and musical works stored in NUOVOIMAIE's database, accessible at fair, reasonable and non-discriminatory conditions; it will be of a three-year duration and will require a compensation.

NUOVOIMAIE'S RELATIONS WITH ITS MEMBERS

According to Commitment n. 3, prior to performers' enrollment or mandate assignment, NUOVOIMAIE will disclose - in writing - the commission it applies for its activities and services. It will also inform all its current and future members of the commission applied by the foreign collecting societies with whom it has entered or will enter into unilateral or bilateral agreements.

NUOVOIMAIE'S RELATIONS WITH IMAIE

In compliance with Commitment n. 1, NUOVOIMAIE vows to publish – on its website - the integral version of the agreement it signed with IMAIE in June 2014. It will also provide the accredited collecting societies with any information concerning the remunerations due to their performers which may have or may in future come to its knowledge.

Under Commitment n. 5, NUOVOIMAIE will promote the establishment of a round-table along with the competent institutions in order to arrive at the transfer of IMAIE's residual assets to all accredited collecting societies, in proportion to the representativeness of each one.

NUOVOIMAIE'S FUTURE RELATIONS WITH USERS

In conformity with Commitment n. 11, NUOVOIMAIE will sign agreements that provide for the payment of only the sums due to its principals, in favor of NUOVOIMAIE itself.

NUOVOIMAIE will also apprise all accredited collecting societies and all users of its availability to establish a round-table intended for the individuation and definition of possible solutions concerning mandates' transparency, reports' common standards and also utilization forms of the sums due to those performers who are not identified or not represented by any accredited intermediary.

Participation at this round-table will be open to all accredited intermediaries, users and their most representative associations and to the authorities in charge.

NUOVOIMAIE'S RELATIONS WITH MUSICAL AND CINEMATOGRAPHY EVENTS

According to Commitment n. 2, NUOVOIMAIE undertakes not to ask for exclusivity when entering into sponsorship, partnership or similar agreements.

Lastly, the remaining 3 commitments focus on an array of agreements NUOVOIMAIE has signed over the last years and that revolve around the **audiovisual sector**.

Commitment n. 9 concerns the agreement NUOVOIMAIE has entered into with Sky Italia S.r.l. and Fox International Channels Italy S.r.l.; It provides for the determination of the sums due to the audiovisual performers represented by two audiovisual collecting societies (respectively Artisti 7607 and Diritti Artisti IPAA S.r.l.), and to those audiovisual performers who are not identified or not represented by any accredited audiovisual intermediary.

Under Commitment n. 10, NUOVOIMAIE vows to terminate the agreement signed with Associazione Italiana Confindustria Alberghi (Aica) and with Federalberghi as soon as possible.

According to final Commitment n. 12, NUOVOIMAIE is willing to sign with RAI – Radiotelevisione Italiana S.p.a. a license agreement providing for RAI's access to NUOVOIMAIE's database at fair, reasonable and non-discriminatory conditions.

Milan, 7th June 2017