

# COMPLAINTS AND CLAIMS RULES

English Version  
For Information Only

## ARTICLE 1. PURPOSE.

1. The purpose of these rules is to regulate, in accordance with the provisions of Article 74 of the organisation's Articles of Association and in compliance with Article 159 o) of the Intellectual Property Law, the procedure for processing and resolving complaints and claims filed by parties who are entitled to do so.
2. The complaints and claims procedure shall not interfere with the processing and resolution of any other internal procedure that is being carried out within the organisation, nor will it constitute a second instance through which to challenge or appeal a ruling made by any of the organisation's bodies. The filing of a complaint and claim shall not suspend or interrupt the time limits established by law to file appeals or actions or to exercise a right in the interest of the applicant.

## ARTICLE 2. COMPETENT BODY.

1. The authority to settle complaints and claims procedures corresponds exclusively to the Complaints and Claims Committee which shall not be assigned any other function within the organisation.
2. The Complaints and Claims Committee is composed of three of the members of the association, which shall be appointed for a period of four years and may be re-elected for successive terms. Members of the Board of Directors may not be part of the Complaints and Claims Committee. The General Assembly may decide on how to fill vacancies that could arise in the Complaints and Claims Committee.
3. The Complaints and Claims Committee shall be assisted by AGEDI staff in all aspects related to the processing of complaints and claims. The Board of Directors shall ensure that the Complaints and Claims Committee has the necessary technical and human resources to run in an effective manner.
4. Staff assigned to assist the Complaints and Claims Committee shall undertake the following duties:
  - a. receive, acknowledge and process complaints and claims filed by anyone entitled to do so;
  - b. prepare and modify the forms used to file complaints and claims and assist applicants in drafting the complaints or claims if necessary;
  - c. provide applicants with the information they need about the status of their complaint or claim and about follow-up on remedies or mitigation measures that may have been proposed or adopted in response to their complaint or claim.

5. In the performance of the following duties, the Complaints and Claims Committee shall act as a one-person body through one of its members and by means of a rotating system:
  - a. investigate claims by conducting checks to confirm or discard allegations made by the applicant and gather the necessary background information and reports from the bodies or services concerned according to the subject matter of the complaint or claim;
  - b. prepare proposed resolutions and submit them to the Complaints and Claims Committee for approval. In the performance of either of these duties, the acting member of the Committee may engage the technical support of staff members.

### ARTICLE 3. PERSONS ENTITLED TO FILE CLAIMS.

Complaints and claims may be filed by any member of the organisation, whatever their type, by non-members who have entrusted the association with the management of their royalties through a management mandate, and by collecting societies that manage royalties under a representation agreement. Persons entitled to rights managed by AGEDI, even if they have not entrusted the latter with their management, and those who have been members of the organisation or who have signed a management mandate, even if their membership or the management mandate has expired at the time of filing, shall also be entitled to file complaints or claims.

### ARTICLE 4. MATTERS SUBJECT TO COMPLAINTS OR CLAIMS.

The persons referred to in the preceding article may file complaints and claims regarding any matters related to the activities of the organisation, particularly:

- a. terms for acquiring or losing membership;
- b. any aspect related to the management mandate, and in particular:
  - i. the authorization to manage royalties and the withdrawal or taking down thereof;
  - ii. the collection and distribution of royalties, including administrative fees or withholdings applied by the association.

**ARTICLE 5. FILING OF COMPLAINTS AND CLAIMS.**

1. Those entitled may file complaints or claims by submitting the corresponding claim form to the organisation's Complaints and Claims Committee. Complaints and claims may be filed in writing or submitted orally, and in both cases either in-person or remotely.
2. The text of the complaint or claim in written form may be filed in-person at the organisation's premises, by post or electronically. The organisation shall make forms available to anyone entitled to file a claim. These forms will facilitate the drafting of the complaint or claim and be placed in a visible, accessible and properly identified location inside its headquarters. A mailbox exclusively for complaints and claims is also available.
3. If the claim is made orally, a staff member of the association will transcribe it on the form. In the event of a claim presented by telephone, the entity will have a conversation recording system. Subsequently, the essential parts of the conversation will be transcribed on the form in order to process the complaint or claim.
4. Complaints or claims submitted by email must be directed to the electronic address of the Complaints and Claims Committee which may be accessed from the home page of the organisation's website. An electronic form is also available on that same home page for the submission of a complaint or claim which, once sent, will be deposited in the electronic mailbox of the Complaints and Claims Committee.
5. Whatever the submission mode, the complaint or claim must include:
  - a. the full name and number of the personal identification document of the person filing the complaint or claim;
  - b. a postal address and an electronic address for communication purposes;
  - c. the reason or reasons for the complaint or claim.
6. Optionally, the complaint or claim may indicate:
  - a. the body or service which action or failure to act resulted in the complaint or claim being filed;
  - b. the actions or amendments that, in the opinion of the applicant, would be necessary to remedy or improve the action resulting in the complaint or claim.
7. In all cases where the submission mode allows it, the applicant shall be given a reference number or number code which is assigned to the complaint or claim. That reference number or code will serve to identify the complaint or claim throughout its processing and must be provided by the applicant should he or she wishes to enquire about the status.

#### ARTICLE 6. RECTIFICATION STAGE AND SHELVING OF CLAIM.

1. Once the complaint or claim has been received and a reference number assigned to it, the organisation shall verify whether it meets the necessary requirements to begin processing.
2. If the complaint or claim fails to include any of the basic details indicated in paragraph 5 of the preceding article, the applicant shall be required to rectify the failure within a five-day deadline. If the requested information is not provided, the complaint or claim shall be considered shelved.
3. Even if the complaint or claim does include all of the necessary details for processing, it may be declared shelved if it is drafted in a manifestly incoherent manner, if its content is completely unrelated to the activities of the association, or if it is a mere reiteration of another complaint or claim already processed or pending processing.
4. Shelving decision shall be informed to the applicant within a ten-day time limit from the reception of the complaint or claim, except where there are objective reasons that justify a longer period, which shall have to be specified in the shelving communication. The applicant may appeal the shelving decision by submitting it to the Complaints and Claims Committee within fifteen days from receipt. No appeal may be filed against the decision of the Committee on the admissibility or inadmissibility of the complaint or claim.
5. Reiterated complaints or claims declared inadmissible shall be attached to the corresponding file and no new communication to the applicant shall be required, as he or she would have already been informed of the inadmissibility of the initial complaint or claim.

#### ARTICLE 7. ACCEPTANCE STAGE AND INITIAL PROCESSING.

1. Where no deficiencies are detected or where they have been amended, formal acknowledgement of receipt of the complaint or claim is sent to the applicant within the same period set in paragraph four of the previous article.
2. The acknowledgement of receipt will show the reference number assigned and inform the applicant of the initiation of the processing. The applicant may be asked to provide further data or information to support the original claim.
3. The acknowledgement of receipt and all other communications throughout the procedure will be made by telematic means, provided that the complaint or claim was also filed that way. The same applies to all other cases unless the applicant has otherwise expressly requested.

**ARTICLE 8. INVESTIGATION STAGE.**

1. The Complaints and Claims Committee shall carry out actions and make reviews as it deems appropriate for the purpose of verifying the truthfulness of that claimed by the applicant in the complaint or claim.
2. When deemed necessary, the Complaints and Claims Committee may contact the body affected by the complaint or claim to request background information and the relevant reports.
3. The body or service receiving such a request must provide the background information or reports within a period of ten days upon receipt of the request.
4. The background information and reports provided by the body or service at the Committee's request must be incorporated into the file and be made available to the applicant who is entitled to information regarding the status of the complaint or claim.
5. Depending on the response received from the body or service concerned, the Complaints and Claims Committee may call on the applicant to provide, within a deadline of five days, additional information or documentation to support or prove the claims made.
6. The duties of the Committee during the investigative stage shall be performed by one of its members acting as a one-person body following the rotating system described in paragraph five of Article 2.

**ARTICLE 9. RESOLUTION STAGE AND NOTIFICATION TO THE APPLICANT.**

1. Within one month from the start of the procedure, the member of the Committee in charge, according to the rotating system, shall make a resolution proposal to the Complaints and Claims Committee. The one-month deadline may be extended for an additional fortnight on good cause, which must be approved by the Complaints and Claims Committee.
2. The resolution proposal should contain a summary of the background and actions taken as well as operative provisions which shall include, where applicable, the remedy or improvement measures recommended. The documentation and additional information shall be made available to the Complaints and Claims Committee for reference to support the decision.
3. The Complaints and Claims Committee shall adopt its decision within ten days from the date on which the corresponding proposal was submitted and, where a complaint or claim is rejected, the grounds for such rejection must be stated. The

Committee may take an additional five days for justified reasons which must be explained in the decision. Except as provided in paragraph five of Article 2, the rules on meetings, constitution, adoption of resolutions and voting system established for the Board of Directors in the organisation's Articles of Association shall also apply to the Complaints and Claims Committee.

4. The resolution of the Complaints and Claims Committee shall be communicated to the applicant, informing about the remedies or improvement measures adopted or proposed in response to the complaint or claim, or otherwise explaining the reasons why the claim could not be addressed. All necessary information shall be added to the resolution so that the explanation offered is complete and responds to the content of the complaint or claim.

#### ARTICLE 10. REMEDY OR IMPROVEMENT MEASURES ADOPTED OR PROPOSED IN RESPONSE TO THE COMPLAINT OR CLAIM.

1. Without prejudice to notifying the applicant of the resolution, when the Complaints and Claims Committee deems the complaint or claim totally or partially justified and its resolution contains the proposal of remedies or improvement measures, said resolution shall also be communicated to the organisation's bodies or services affected by these measures.
2. For the bodies or services concerned, the resolutions of the Complaints and Claims Committee shall be considered as recommendations or suggestions, giving them the opportunity to evaluate the Committee's resolution and amend their action or adapt their future performance in accordance with the proposal made.
3. Notwithstanding the provisions of the preceding paragraphs, the body or service concerned, where appropriate and based on the complaint or claim for which the background information or reports referred to in Article 8 were requested, may, within the scope of its powers, adopt the remedies or improvement measures that it deems appropriate.