

## **Rules Governing the Order of Examination of Claims by Members, Subjects of Copyright and Other Organizations of Collective Management**

1. In compliance with Article 66 of the Act on Collective Management, the present Rules stipulate the order followed by AKKA/LAA to examine claims of its own members, copyright subjects represented on the basis of laws or agreements as well as organizations of collective management represented on the basis of reciprocal agreements.

2. For the purposes of the present Rules, a claim is defined as a complaint or a demand (hereinafter a claim) done in writing and submitted by any member, copyright subject represented on the basis of laws or agreements, or organization of collective management represented on the basis of a reciprocal agreement concerning:

- 1) outset or termination of rights management;
- 2) conditions of membership at an organization of collective management;
- 3) income from management of rights, including the procedure of deduction;
- 4) any other activity, absence of activity or decision taken by AKKA/LAA concerning a member, a copyright subject represented on the basis of laws or agreements, or an organization of collective management represented on the basis of a reciprocal agreement, with regard to the collective management of copyright or neighbouring rights carried out by AKKA/LAA.

3. The Order of Examination of Claims

3.1. Claims concerning action, inaction or decision taken by AKKA/LAA accountant or senior accountant shall be examined by the Chief Accountant, who shall communicate his/her response to the claimant within one month after the date when the respective claim is recorded in the logbook of AKKA/LAA.

3.2. Claims concerning action, inaction or decision taken by AKKA/LAA specialist, senior specialist or manager of the department for Documentation and Distribution shall be examined by the manager of the department for Documentation and Distribution, who shall communicate his/her response to the claimant within one month after the date when the respective claim is recorded in the logbook of AKKA/LAA.

3.3. Claims concerning action, inaction or decision taken by AKKA/LAA specialist responsible for licensing of public performance at the department for Musical works shall be examined by the Head the department for Musical works, who shall communicate his/her response to the claimant within one month after the date when the respective claim is recorded in the logbook of AKKA/LAA.

3.4. Claims concerning action, inaction or decision taken by AKKA/LAA specialist responsible for reproduction or cable television at the Media department shall be examined by the Head the Media department, who shall communicate his/her response to the claimant within one month after the date when the respective claim is recorded in the logbook of AKKA/LAA.

3.5. Claims concerning action, inaction or decision taken by AKKA/LAA specialist at the department for Literary and Dramatic works shall be examined by the Head the department for Literary and Dramatic works, who shall communicate his/her response to the claimant within one month after the date when the respective claim is recorded in the logbook of AKKA/LAA.

3.6. Claims concerning action, inaction or decision taken by AKKA/LAA specialist at the department for Audiovisual works shall be examined by the Head the department for Audiovisual works, who shall communicate his/her response to the claimant within one month after the date when the respective claim is recorded in the logbook of AKKA/LAA.

3.7. During examination of claims, the Head of the respective AKKA/LAA department considers:

- 1) The normative Acts valid for the Republic of Latvia;
- 2) The agreements concluded by AKKA/LAA with the applicant;
- 3) AKKA/LAA Statutes;
- 4) Decrees of AKKA/LAA general assembly;
- 5) Decrees of AKKA/LAA Council;
- 6) Other internal normative documents governing AKKA/LAA.

3.8. After taking decision concerning the submitted claim, the Head of the respective AKKA/LAA department takes further measures as required by the decision:

- 1) Informs the applicant of justification of action, inaction or decision taken by AKKA/LAA staff including the proof of above in the reply to the applicant;
- 2) Informs the applicant of the finding that the action, inaction or decision taken by the responsible AKKA/LAA staff has been unjustified, and rectifies the effects of the respective action, inaction or decision according to the requirements of the applicant;
- 3) Finds that the action, inaction or decision taken by the responsible AKKA/LAA staff has been only partly justified, and offers to the applicant a solution, within the confines of which the action, inaction or decision taken by the responsible AKKA/LAA staff could be rectified.

3.9. If the Head of the respective department requires additional explanations from the applicant in order to take a decision, the Head of the respective department may contact the applicant in order to receive extra clarifications or see the claimant for an interview.

3.10. If the applicant is dissatisfied with the above decisions by Heads of AKKA/LAA departments, (Legal Department, Department for Visual Works, Department for Borrowing by the public, the Clerical Department, the Communication Department), the applicant has the right to ask AKKA/LAA Executive Director to revise the decision. Within two weeks after the date when the respective claim is recorded in the logbook of AKKA/LAA, the Executive Director shall review the decision taken by the respective Head of Department, considering the normative acts and documents listed at Section 3.7. above. In cases when the Executive Director is unable to meet the respective deadline, the relevant decision

may be reviewed by Deputy Executive Director or acting Executive Director except cases when the same person has already taken the initial AKKA/LAA decision. In such cases the applicant is informed of the cause of delay and of the time the Executive Director will take to review the decision by the Head of Department.

3.11. When reviewing the decision of a Head of department regarding the submitted claim, the Executive Director (or a decision-making person) shall act depending on the decision taken:

- 1) Inform the claimant about the justification of the action, inaction or decision taken by staff of AKKA/LAA, elaborating on the basis of such reaction in the reply sent to the claimant;
- 2) Inform the claimant that the action, inaction or decision taken by the relevant staff of AKKA/LAA has been found unjustified, and the Executive Director decides to rectify the respective action, inaction or decision according to the claimant's desire;
- 3) Find that the action, inaction or decision taken by the relevant staff of AKKA/LAA has been partly correct, and offer to the claimant a solution, in the confines of which the respective measures by AKKA/LAA staff regarding action, inaction or decision could be rectified.

3.12. In case the Executive Director (or the decision-making person) requires additional details from the claimant in order to rule, Executive Director (or the decision-making person) has the right to contact the applicant in order to receive extra clarifications or see the claimant for an interview.

3.13. If the claimant is dissatisfied with the ruling of the Executive Director (or the decision-making person), the applicant has the right to request revision of the ruling by Executive Director (or the decision-making person) at the Council of AKKA/LAA. The President of AKKA/LAA shall decide whether to have the applicant's plea on the agenda of the AKKA/LAA Council, and whether it is necessary to invite the applicant to the relevant session of AKKA/LAA Council.

3.14. If, in view of the President of AKKA/LAA, there is no basis for revision of the claim by AKKA/LAA Council, the rule of the Executive Director (or the decision-making person) becomes the final rule by AKKA/LAA concerning the submitted claim.

3.15. If, in view of the President of AKKA/LAA, revision of the claim by AKKA/LAA Council is justified, the President of AKKA/LAA adds the item to the agenda of the next AKKA/LAA Council meeting, and asks the Executive Director to advise the applicant of the time of the next AKKA/LAA Council session and inform the latter that a final rule by AKKA/LAA concerning the item will be passed at the respective Council session. If, in view of the President of AKKA/LAA, presence of the claimant is necessary at the relevant AKKA/LAA Council session, the applicant is invited by the Executive Director of AKKA/LAA.

3.16. If the President of AKKA/LAA adds examination of a claim to the agenda of AKKA/LAA Council, the President shall respect the deadlines stipulated by Article 66, section 2 of the Act on Collective Management.

4. If the claim concerns an item that, in compliance with the AKKA/LAA Statutes, falls within the Council's competence by default, the ruling of AKKA/LAA Council is deemed the final ruling by AKKA/LAA, except the cases explicitly addressed by the AKKA/LAA Statutes where, in compliance with the requirements of the AKKA/LAA Statutes, a ruling by AKKA/LAA Council may be appealed against, and redirected to the general assembly. In such cases the applicant is informed of the relevant rights.