

AGREEMENTS BETWEEN RROS¹ –

CRITERIA FREQUENTLY APPLIED BY RROS WHEN ASSESSING WHETHER TO START NEGOTIATIONS ON AGREEMENTS WITH OTHER RROS

GENERAL

The negotiations and entering into bilateral agreement is a matter for the RROs concerned. With the view to assist a RRO which intends to ask another RRO to start negotiations on a bilateral agreement the Board has examined criteria that a RRO is frequently asked to comply with in order for the negotiations to start.

ASSESSMENT CRITERIA WHEN EXAMINING A REQUEST FOR A BILATERAL ARRANGEMENT

As a minimum, a RRO that considers asking another RRO to start negotiations on a bilateral agreement needs to comply with the following **basic requirements**:

The RRO in question

- 1) holds a portfolio of a significant proportion of the relevant local/national rightholders and their works;
- 2) commits to observing the IFRRO Recommended Code of Conduct;
- 3) commits to the principles expressed in the IFRRO Repertoire Exchange Mandate (REM);
- 4) has a credible three year business plan including details of expected domestic collections and the assumed proportion stemming from the foreign RRO's repertoire;
- 5) has started or are likely to start negotiations with major users within a reasonable time;

An IFRRO member that can substantiate compliance with these basic criteria is generally considered as qualified to start negotiations on bilateral agreements with another RRO.

FURTHER DOCUMENTATION OFTEN REQUIRED

The organisation must further be ready to **document**

- (i) the legal basis for the operation of the "RRO";
- (ii) whether it is an IFRRO member; and, if so,
- (iii) the membership status - as RRO member or Associate member;
- (iv) whether it represents both authors and publishers;
- (v) the licensing opportunities;
- (vi) how the foreign repertoire in question will be licenced and at what conditions;
- (vii) how the foreign work in question will be protected from infringement;
- (viii) the data collection methodology and data exchange methodology and policy;
- (ix) the distribution methodology, including holdbacks to national and foreign rightholders;
- (x) (in particular for new RROs or when otherwise appropriate, information on the current and future funding of the RRO

Adopted by the IFRRO Board 27th October 2008

¹ RRO is used in this document for any organisation administering reprographic reproduction rights, whether it qualifies for RRO or Associate membership in IFRRO