



# STATUTES

Modified by the General Assembly  
(Vienna, 28<sup>th</sup> June 2022)

# PART I

## PURPOSE - POWERS - NAME - REGISTERED OFFICE - DURATION - RIGHTS AND DUTIES OF VOTING AND NON-VOTING SOCIETIES



### ARTICLE 1

There shall exist between the owners of the shares and the non voting Societies hereafter mentioned a Society the original statutes of which, drawn up under the terms of a private agreement in Paris, dated 21<sup>st</sup> January 1929, and deposited in the files of Mr. Pierre GIRARDIN, Notary in Paris, on the 21<sup>st</sup> January 1929, have been modified by resolutions of General Assemblies on 10<sup>th</sup> July 1935, 16<sup>th</sup> March 1938, 4<sup>th</sup> May 1939, 3<sup>rd</sup> April 1946, 24<sup>th</sup> September 1946, 5<sup>th</sup> May 1947, 24<sup>th</sup> May 1949, 22<sup>nd</sup> May 1950, 27<sup>th</sup> May 1952, 2<sup>nd</sup> June 1953, 17<sup>th</sup> May 1954, 20<sup>th</sup> June 1956, 15<sup>th</sup> November 1957, 19<sup>th</sup> June 1958, 24<sup>th</sup> June 1959, 31<sup>st</sup> May 1960, 21<sup>st</sup> December 1960, 21<sup>st</sup> June 1961, 30<sup>th</sup> March 1962, 4<sup>th</sup> July 1962, 21<sup>st</sup> November 1962, 27<sup>th</sup> March 1968, 8<sup>th</sup> October 1968, 18<sup>th</sup> June 1971, 23<sup>rd</sup> June 1972, 22<sup>nd</sup> June 1973, 26<sup>th</sup> April 1975, 2<sup>nd</sup> October 1976, 30<sup>th</sup> September 1978, 10<sup>th</sup> October 1980, 14<sup>th</sup> May 1981, 2<sup>nd</sup> October 1982, 28<sup>th</sup> October 1985, 24<sup>th</sup> September 1987, 19<sup>th</sup> September 1988, 18<sup>th</sup> September 1989, 24<sup>th</sup> September 1990, 10<sup>th</sup> September 1991, 15<sup>th</sup> September 1992, 16<sup>th</sup> September 1993, 13<sup>th</sup> September 1994, 7<sup>th</sup> September 1995, 12<sup>th</sup> September 1996, 3<sup>rd</sup> October 1997, 18<sup>th</sup> September 1998, 22<sup>nd</sup> October 1999, 3<sup>rd</sup> October 2000, 28<sup>th</sup> September 2001, 2<sup>nd</sup> June 2006, 1<sup>st</sup> June 2007, 5<sup>th</sup> June 2008 10<sup>th</sup> June 2010, 10<sup>th</sup> June 2011, 8<sup>th</sup> June 2012, 7<sup>th</sup> June 2013, 5<sup>th</sup> June 2014, 3<sup>rd</sup> June 2015, 2<sup>nd</sup> June 2016, 9<sup>th</sup> June 2017, 31<sup>st</sup> May 2018, 29<sup>th</sup> May 2019, 18<sup>th</sup> May 2021 and 28<sup>th</sup> June 2022.

This Society is subject to the present statutes and to Article 1832 & seq. of the Civil Code, as modified by Law No. 78-9 of 4<sup>th</sup> January 1978.

This Society shall in no case demand loans from voting or non-voting Societies nor own goods except to the extent strictly necessary for the management of its affairs. It shall pursue only those objects of common interest enumerated in the following Article.

### ARTICLE 2. PURPOSE OF THE SOCIETY

The purpose of the Society is to group, with a view to the efficient administration of recording and mechanical rights, Societies administering, or having by their Statutes the capacity to administer, the said rights on condition that they be in possession of appropriate administrative machinery and to this end :

- 1) to contribute to the defence and development of copyright protection in the domain of mechanical rights.
- 2) to draw up the text of a contract of reciprocal or unilateral representation to be concluded between voting Societies in order to ensure the administration of the repertoires of other voting Societies by each voting Society within its territory of exploitation;
- 3) to negotiate in the form of standard contracts, the text of contracts which the voting Societies shall be called upon to conclude for their respective territories with Phonographic and Videographic Producers on the basis of the equal treatment of right-owners;
- 4) to negotiate or to draw up with all other users and/or international groups of users of recording and mechanical rights, model contracts or general conditions of usage, the employment of which shall be recommended to the voting and non-voting Societies ;
- 5) to take all necessary measures to secure in territories not forming part of the territories of exploitation of voting or non-voting Societies, the protection and administration of the repertoires of the latter, each voting or non-voting Society remaining free nevertheless to secure the protection and administration of its repertoire in such territories;

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- 6) to draw up the text of a standard mandatory agreement of a compulsory nature intended to permit right-owners or groups of right-owners domiciled or having their registered office in a country not forming part of the territory of exploitation of voting or non-voting Societies to pass over to one or more of the latter the administration of recording and mechanical rights for their repertoire. However, the General Assembly, on a recommendation of the Management Committee may, if the need arises, exempt any voting or non-voting Society from applying the standard mandatory agreement;
- 7) to organise a system of international documentation relating to the administration of recording and mechanical rights;
- 8) to organise the distribution of recording and mechanical royalties relating to foreign repertoires administered by voting and non-voting Societies ;
- 9) to encourage and ensure every kind of technical collaboration between voting and non-voting Societies ;
- 10) to assist in reconciling differences arising between voting and non-voting Societies by way of arbitration.

It shall be understood that recording and mechanical rights envisaged by the present Statutes apply to all methods of reproduction of literary, dramatic and musical works with the exception of graphical reproduction.

### **ARTICLE 3. NAME OF THE SOCIETY**

The Society shall be denominated:

“BUREAU INTERNATIONAL  
DES SOCIETES GERANT LES DROITS D'ENREGISTREMENT  
ET DE REPRODUCTION MECANIQUE” (BIEM)

### **ARTICLE 4. REGISTERED OFFICE**

The Registered Office shall be 20-26 Boulevard du Parc, 92200 Neuilly-sur-Seine.

### **ARTICLE 5. DURATION**

The duration of BIEM, as extended by decision of the General Assembly on 2 June 2006 shall be fixed at 99 years until 2 June 2105.

This term may always be extended by decision of the General Assembly, which shall also have full power to decide the prior dissolution of BIEM.

### **ARTICLE 6. LOSS OF A VOTING OR NON-VOTING SOCIETY**

BIEM shall not be dissolved by reason of the withdrawal, failure, bankruptcy or dissolution of a voting or non-voting Society.

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### ARTICLE 7. UNDERTAKINGS OF VOTING AND NON-VOTING SOCIETIES

The voting and non-voting Societies undertake to do everything in their power to achieve the objectives of BIEM, to abstain from any act which might compromise it, to respect the provisions of the present Statutes and to carry out all decisions made by the official bodies.

- 1) Each voting Society undertakes to entrust the administration of its repertoire to other voting Societies in their territories of exploitation.

In cases where several voting Societies exist in the same territory of exploitation, other voting Societies shall have the choice of which of such Societies shall be entrusted with the administration of their repertoire.

The contracts to be concluded between voting Societies shall be contracts of reciprocal or unilateral representation laid down in Article 2, 2).

- 2) Nevertheless the General Assembly on a motion of the Management Committee shall be empowered, if necessary, to exempt a voting Society from concluding reciprocal or unilateral contracts of representation with other voting Societies of BIEM;
- 3) Administration by voting Societies shall include all appropriate measures for ensuring within their territory of exploitation the full exercise and protection of the recording and mechanical reproduction rights entrusted to their administration and in particular:
  - a) the negotiation, conclusion and execution of contracts with users, in accordance with standard contracts, model contracts or general conditions of usage as the case may be, drawn up by BIEM;
  - b) the control of the use of works forming part of the repertoires entrusted to their administration, the checking and collection of royalties due from users by virtue of contracts or statutory regulations, the distribution of recording and mechanical reproduction fees collected, the maintenance of appropriate documentation having regard so far as documentation and distribution are concerned, to the provisions of Articles 2, 7) and 8) ;
  - c) the taking of all measures required to protect, within their territory of exploitation, the recording and mechanical rights entrusted to their administration.
- 4) The voting Societies may depart from the standard contracts established by the BIEM to the extent that they are subject to legal provisions of a compulsory nature. These changes must be brought to the knowledge of the "Gérant" and the Management Committee within sixty days of their coming into effect.

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## CAPITAL, ADMISSION, WITHDRAWAL AND EXCLUSION OF VOTING OR NON-VOTING SOCIETIES



### ARTICLE 8. CONTRIBUTIONS - CAPITAL

The holding of voting Societies shall be constituted by a cash sum representing a share in the capital. Non-voting Societies are not liable to this subscription obligation.

As a consequence of contributions in cash made by voting Societies the capital amounts to 381 EUR (three hundred and eighty-one euros) divided into 25 fully paid shares of 15.24 EUR (fifteen euros and twenty-four cents) each:

<b>ARTISJUS</b> .....	1 share
Hungarian Bureau for the Protection of Authors' Rights Mészáros u. 15-17, 1016 Budapest, Hungary	
<b>AUSTRO-MECHANA</b> .....	1 share
Gesellschaft zur Wahrnehmung mechanisch-musikalischer Urheberrechte GmbH Baumannstrasse 10, A-1031 Vienna, Austria	
<b>CASH</b> .....	1 share
(change of status from non-voting member to voting member – September 2001) Composers and Authors Society of Hong Kong Ltd. 18/F Universal Trade Centre - 3 Arbuthnot Road Central, Hong Kong	
<b>GEMA</b> .....	1 share
Gesellschaft für musikalische Aufführungs-und mechanische Vervielfältigungsrechte German society for musical performing and mechanical reproduction rights Rosenheimer Strasse 11, D-81667 Munich, Germany	
<b>HDS</b> .....	1 share
Hrvatsko Društvo Skladatelja Croatian Composers' Society Heinzelova 62a - 10 000 Zagreb, Croatia	
<b>JASRAC</b> .....	1 share
Japanese Society for Rights of Authors, Composers and Publishers 3-6-12, Uehara, Shibuya-ku, Tokyo 151, Japan	
<b>MCPS</b> .....	1 share
Mechanical-Copyright Protection Society Ltd. 2 <sup>nd</sup> Floor, Synergy House, 114-118 Southampton Row, London WC1B5AA, United Kingdom	
<b>NCB</b> .....	1 share
Nordisk Copyright Bureau Lautrupsgade 2100, Copenhagen, Denmark	
<b>OSA</b> .....	1 share
Ochranný svaz autorský pro práva k dílům hudebním, z.s. Collective rights management society for musical works Trida Cs. Armady 20, 160 56 Prague 6, Czech Republic	

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<b>SABAM</b> .....	1 share
Société Belge des Auteurs, Compositeurs et Editeurs Belgian Society of Authors, Composers and Publishers Rue d'Arlon 75-77, B-1040 Brussels, Belgium	
<b>SACEM</b> .....	1 share
Société des Auteurs, Compositeurs et Editeurs de Musique Society of Authors, Composers and Publishers of Music 225, avenue Charles-de-Gaulle, 92528 Neuilly-sur-Seine, France	
<b>SACERAU</b> .....	1 share
Society of Authors Composers and Music Publishers of the Republic of Egypt 10, rue Elfi Bey, 111 111 Cairo, Egypt	
<b>SADAIC</b> .....	1 share
Sociedad Argentina de Autores y Compositores de Musica Argentinian Society of Music Authors and Composers Lavalle 1547, 1048 Buenos Aires, Argentina	
<b>SCD</b> .....	1 share
Sociedad Chilena de Autores e Intérpretes Musicales Condell 346, Providencia, Codigo Postal 6640791 Casilla 51270 Correo Central, Santiago, Chile	
<b>SDRM</b> .....	1 share
Société pour l'Administration du Droit de Reproduction Mécanique des Auteurs, Compositeurs et Editeurs Society for the Administration of Mechanical Reproduction Rights of authors, composers and publishers 225, avenue Charles-de-Gaulle, 92528 Neuilly-sur-Seine, France	
<b>SGAE</b> .....	1 share
Sociedad General de Autores de España General Society of Authors and Publishers Fernando VI,4, 28004 Madrid, Spain	
<b>SIAE</b> .....	1 share
Società Italiana degli Autori ed Editori Italian Society of Authors and Publishers Viale della Letteratura 30, 00144, Rome, Italy	
<b>SOCAN</b> .....	1 share
Society of Composers, Authors and Music Publishers of Canada 41 Valleybrook Drive, Toronto (Ontario) M3B 2S6, Canada	
<b>SOKOJ</b> .....	1 share
Savez Organizacija Kompozitora Jugoslavije Serbian Music Authors' Organization Misarska 12/14, 11000 Belgrade, Serbia	

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**SOZA** .....1 share

Slovenský ochranný zväz autorský pre práva k hudobným dielam  
Slovak Performing and Mechanical Rights Society  
Rastislavova 3, 821 08 Bratislava 2, Slovakia

**SPA** .....1 share

Sociedade Portuguesa de Autores  
Portuguese Society of Authors  
Av. Duque de Loulé 31, 1069-153 Lisbon, Portugal

**STEMRA** .....1 share

Stichting Stemra  
Saturnusstraat 46-62  
2132 HB Hoofddorp, The Netherlands

**SUISA** .....1 share

Cooperative Society of Music Authors and Publishers  
Bellariastrasse 82, CH-8038 Zürich, Switzerland

**UCMR-ADA** .....1 share

(change of status from non-voting member to voting member – June 2006)  
Asociatia pentru Drepturi de Autor a Compozitorilor  
Ostasilor street no 12, sector 1, Bucharest, Romania

**ZAIKS** .....1 share

Stowarzyszenie Autorow  
Society of Authors  
Ul. Hipoteczna 2, 00-092 Warsaw, Poland

### **ARTICLE 9. INCREASE AND REDUCTION IN CAPITAL**

The capital may be increased to allow for the admission of new voting Societies or reduced by reason of the exclusion or withdrawal of voting Societies.

### **ARTICLE 10. LIABILITY OF VOTING SOCIETIES**

The voting Societies shall have a right to ownership of the capital in proportion to the shares which they possess in this capital and they are bound with regard to third parties by the debts and liabilities of BIEM in the same proportions. Nonetheless, in their dealings with one another, the voting Societies are bound by the debts and liabilities of BIEM in proportion to their respective contributions to the administrative costs of BIEM.

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### **ARTICLE 11. ADMISSION OF NEW SOCIETIES**

11.1 Requests for admission of new voting Societies shall be sent to the “Gérant” at least two months before a meeting of the General Assembly, and then transmitted by him to the Management Committee. The latter shall check, in accordance with Article 2, whether, on the one hand, the candidate Society administers recording and mechanical reproduction rights or has, by virtue of its Statutes, the capability to administer said rights, and whether, on the other hand, it has an appropriate administrative system.

If the Management Committee observes that these criteria are met, it shall propose to the General Assembly meeting that it approve the membership of the Society in question.

If it observes that the candidate Society does not meet the aforementioned criteria, it shall decide to reject the application. It shall inform said Society in writing of the reasons for this rejection. A Society whose admission is thus rejected may send a written request to the “Gérant” to submit to the next General Assembly meeting a re-examination of the rejection decision given by the Management Committee. The Society in question shall be informed in writing, at least four weeks in advance, of the holding of the General Assembly meeting and the possibility of being heard by the General Assembly. To be heard by the General Assembly, the Society in question shall make a written request to the “Gérant” at least two weeks in advance.

The reasons for the rejection of a candidacy by the General Assembly shall be communicated to the Society in question in writing. A Society whose admission is thus rejected may renew its application for admission after a period of one year following the date of the General Assembly’s rejection decision.

11.2 Requests for admission of new non-voting Societies shall be sent to the “Gérant” at least two months before a meeting of the Management Committee, and then transmitted by him to the latter. The latter shall check, in accordance with Article 2, whether, on the one hand, the candidate Society administers recording and mechanical reproduction rights or has, by virtue of its Statutes, the capability to administer said rights, and whether, on the other hand, it has an appropriate administrative system. If the Management Committee observes that these criteria are met, it shall decide the admission of the Society in question.

If the Management Committee decides to reject the application, it shall inform said Society in writing of the reasons for this rejection. A non-voting Society whose admission is thus rejected may renew its application for admission after a period of one year following the date of the Management Committee’s rejection decision.

### **ARTICLE 12. WITHDRAWAL**

Any voting or non-voting Society may withdraw at the end of each six year period from 27<sup>th</sup> March 1989 upon notification of its decision to withdraw to the Management Committee through the “Gérant” by registered letter with acknowledgement of receipt, at least one year before the end of the current period.

A withdrawing Society is only entitled to reimbursement of the cash sum paid in accordance with Article 8.



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### ARTICLE 13. EXCLUSION

Any voting or non-voting Society which by its actions injures the moral or material interests of BIEM, deliberately violates all or part of the present Statutes, is subject to a bankruptcy or assimilated procedure or refuses to carry out decisions made in pursuance of the Statutes may be excluded from BIEM.

13.1 The exclusion of a voting Society shall be decided by the General Assembly on the Management Committee's recommendation. The voting Society subject to an exclusion procedure shall be informed in writing, at least four weeks prior to the holding of the Management Committee meeting, of the reasons for which its exclusion is envisaged and of the possibility of presenting written observations and being heard by the Management Committee or by the General Assembly, before any final decision is taken. The Society shall forward its written observations and, where applicable, its request for a hearing, to the "Gérant" at least two weeks in advance.

If the Management Committee decides to propose the Society's exclusion, either temporarily or indefinitely, to the General Assembly, it shall notify the latter of the substance of the observations presented by said Society. Exclusion may be temporary when the Society in question has taken actions to remedy the situation at the origin of the exclusion procedure and when those actions are considered by the Management Committee as having serious chances of remedying that situation. A temporary exclusion may not last more than one year, but may be renewed.

The reasons for the temporary or definitive exclusion by the General Assembly of a voting Society shall be communicated in writing to the Society in question. In the case of a temporary exclusion, this communication shall include the duration of the exclusion.

A voting Society whose definitive exclusion has been decided can be reimbursed only the cash sum paid by it in conformance with Article 8. A voting Society which is excluded temporarily remains subject to all provisions of the Statutes, except the right to be a candidate for the Management Committee and to attend any technical committee during the exclusion period.

13.2 The exclusion of a non-voting Society shall be decided by the Management Committee. The non-voting Society subject to an exclusion procedure shall be informed in writing, at least four weeks prior to the holding of the Management Committee meeting, of the reasons for which its exclusion is envisaged and of the possibility of presenting written observations and being heard by the Management Committee, before the latter takes any final decision. The Society shall forward its written observations and, where applicable, its request for a hearing, to the "Gérant" at least two weeks in advance.

If the Management Committee decides to exclude a non-voting Society temporarily or indefinitely, it shall communicate its decision and its reasons to the latter. In the case of a temporary exclusion, this communication shall include the duration of the exclusion. The conditions for temporary exclusion are the same as those set out above.

A non-voting Society which is excluded temporarily remains subject to all provisions of the Statutes, except the right to cast any consultative vote at the General Assembly and to attend any committee.

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### ARTICLE 14. ADMISSION OF NON-VOTING SOCIETIES

The Management Committee has the right to accept non-voting Societies who have no rights to the capital of BIEM and who consequently have no voting right as set out in Articles 19 and following and are not eligible to the Management Committee set out in Articles 22 and following of the present Statutes, but who participate in the General Assembly disposing for each one of them of a consultative vote.

The following Societies have been admitted by the General Assembly :

**ACUM** (change of status from voting member to non-voting member – June 2005)

Society of Authors, Composers and Music Publishers in Israel  
9, Tuval Street  
POB 1704  
Ramat Gan 5211710, Israel

**AGADU** (May 2019)

Canelones 1122 – CP 11 100  
Montevideo, Uruguay

**AMCOS** (September 1991)

Australasian Mechanical Copyright Owners Society Ltd  
16 Mountain Street, Ultimo NSW 2007, Australia

**AMRA** (June 2007)

American Mechanical Rights Agency, Inc.  
2 Gansevoort Street, 6<sup>th</sup> Floor, New York, NY 10014, United States

**AUTODIA** (June 2017)

Collecting Society of Intellectual Property Rights  
3 Korai Street,  
105 64 Athènes, Grèce

**CAPASSO** (change of status from voting member to non-voting member – June 2017)

Composers, Authors and Publishers Association  
8<sup>th</sup> floor - 20 De Korte Street Braamfontein  
2001 Johannesburg, South Africa

**COMPASS** (September 2003)

Composers and Authors Society of Singapore Ltd  
60 Paya Lebar Road, #12-48 Paya Lebar Square, Singapore 409051

**COSON** (June 2012)

Copyright Music Organisation of Nigeria  
COSON House, 41, Oluwaleimu Street, Off Allen Avenue  
Ikeja, Lagos, Nigeria

**COTT** (September 1996)

Copyright Music Organisation of Trinidad and Tobago  
139-141 Abercromby Street, Port of Spain, Trinidad and Tobago

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**GCA** (June 2010)

Georgian Copyright Association  
63, Merab Kostava str., Tbilisi 0171, Georgia

**IPRS** (December 2018)

208 Golden Chambers, New Andheri Link Road (W)  
Mumbai 400 053, India

**KODA** (March 2020)

Lautrupsgade 9  
2100 Copenhagen, Denmark

**KCI** (September 1996)

Yayasan Karya Cipta Indonesia  
Duta Mas Fatmawati Blok D1. No. 20, Jl. RS Fatmawati,  
RT.1/RW.5, Cipete Utara, Kby. Baru, Kota Jakarta Selatan,  
Daerah Khusus Ibukota Jakarta 12150, Indonesia

**KOMCA** (September 1996)

Korea Music Copyright Association  
KOMCA Building 332, Gonghang-daero, Gangseo-gu,  
Seoul 07647, Korea

**LATGA** (June 2016)

Association  
J. Basanavičiaus g. 4B  
LT-01118 Vilnius, Lithuania

**MASA** (June 2007)

The Mauritius Authors Society  
3<sup>rd</sup> Floor NPF Building, Douglas Sholte Street,  
Beau Bassin, Republic of Mauritius

**MCSC** (June 2007)

Music Copyright Society of China  
5/F Jing Fang Building N°33  
Dong Dan San Tiao, Beijing 100005, China

**MCPS** Ireland Ltd (September 2003)

Mechanical Copyright Protection Society  
Copyright House, Pembroke row, Lower Baggot Street, Dublin 2, Ireland

**MCT** (June 2016)

Music Copyright Thailand  
282/9 Unit E, 3<sup>rd</sup> Floor,  
TC Green Office Building, Rama 9 Rd., Huaykwang,  
Bangkok 10310, Thailand

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**MESAM** (October 2000)

Türkiye Müzik Eseri Sahipleri Meslek Birliği  
Musical Work Owners Society  
Siracevizler Cad. Esen Sok.  
Saruhan Plaza N°6/6 – 34381 Bomonti – Şişli İstanbul, Turkey

**MSG** (June 2007)

Musiki Eseri Sahipleri Grubu Meslek Birliği  
Musical Work Owners Group Society  
Esentepe Mahallesi Haberler Sokak No:4 Şişli İstanbul, Turkey

**MUSICAUTOR** (September 1996)

Society of composers, lyricists and music publishers for collective management of copyright  
17, Budapest Street, 4<sup>th</sup> floor, 1000 Sofia, Bulgaria

**PAM CG** (June 2017)

Organization for Collective Management of Music Authors' Rights  
Dr Vukašina Markovića bb – Podgorica, Montenegro

**SACEM** Luxembourg (September 2003)

Société des Auteurs, Compositeurs et Editeurs de Musique  
Society of Authors, Composers and Publishers of Music  
76-78, rue de Merl  
L-2146 Luxembourg

**SACM** (September 1992)

Sociedad de Autores y Compositores de México  
Real de Mayorazgo N°129, Colonia Xoco, 03330, Ciudad de Mexico, Mexico

**SAYCE** (May 2019)

Av. Republica 500 y Pasaje Carrión,  
Edf. PUCARÁ, Piso 6, Ecuador

**SAYCO** (October 2004)

Sociedad de Autores y Compositores de Colombia  
Calle 95 N° 11-31, Bogota, Colombia

**SAZAS** (September 2003)

Združenje SAZAS  
SAZAS Society  
Špruha 19, 1236 Trzin, Slovenia

**SCM COOPERATIVA** (November 2019))

Sociedade Cabo Verdiana de Musica  
Avenida de Santiago, Edifício Diniz Eanes,  
Bloco B, 3º Dtº Frente, CP 609 Palmarejo,  
Praia, Cape Verde

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**STEF** (March 2020)

Samband Tonskalda og Eigenda Flutningsréttar  
Laufásvegur 40  
101 Reykjavík, Island

**STIM** (March 2020)

Svenska Tonsättares Internationella Musikbyrå  
Hornsgatan 103  
Stockholm, Sweden

**TEOSTO** (March 2020)

Säveltäjän Tekijänoikeustoimisto Teosto ry  
Urho Kekkosen katu 2 C  
00100 Helsinki, Finland

**TONO** (March 2020)

Tøyenbekken 21.  
NO-0134 Oslo, Norway

**UBC** (June 2009)

União Brasileira de Compositores  
Brazilian Union of Composers  
Rua do Rosário, 1 / 13º andar, Centro - Rio de Janeiro – RJ - CEP 20041-003 – Brazil

**UNISON Rights** (December 2020)

Carrer de Reina Cristina, 9, pral.  
08003 Barcelona, Spain

**ZAMP** (June 2012)

Musical Copyrights Society of Macedonia  
ul. Mitropolit Teodosij Gologanov 28 - 1000 Skopje - R. Macedonia



### **ARTICLE 15. ANNUAL PAYMENT**

An annual payment is received from all BIEM Societies:

- a) for voting Societies, the funds of BIEM are constituted by the annual payment, for each of them, on the one hand of a fixed sum of 457 EUR (four hundred and fifty-seven euros) and on the other hand by a contribution to the annual budget calculated in the proportion which the number of votes to which it is entitled bears to the total number of votes.
- b) for non-voting Societies the amount of the annual contribution is calculated, in each case, by the Management Committee, with regard to the sums of the collections of the Society.

The payments referred to in paragraphs a) and b) above, designed primarily to cover BIEM's administrative costs, must be made within the six weeks following the decision of the Management Committee relating to it.

# PART IV

## OFFICIAL BODIES

### THE GENERAL ASSEMBLY, THE MANAGEMENT COMMITTEE, THE "GÉRANT".



#### **ARTICLE 16. - THE OFFICIAL BODIES OF BIEM SHALL BE:**

- the General Assembly,
- the Management Committee,
- the "Gérant".

## **GENERAL ASSEMBLY**

#### **ARTICLE 17. CONVENING OF THE GENERAL ASSEMBLY**

The voting and non-voting Societies shall be convened by the Management Committee every year, to meet in Ordinary General Assembly on the day and at the hour and place specified in the Notice of Meeting.

General Assemblies may be specially convened by the Management Committee, except those convened to rule on accounts. They must also be convened by it on a request by voting Societies representing one third of the total votes in the General Assembly the purpose of the request for the meeting in such a case compulsorily appearing on the agenda.

Notices convening meetings of Ordinary General Assemblies or of those specially convened shall be served by registered letter addressed to the voting and non-voting Societies at least four weeks in advance, together with the agenda fixed in advance by the Management Committee in consultation with the President of the General Assembly. Any subject whose insertion in the agenda will be requested after receipt of the agenda by a voting or non-voting Society will be dealt with under the heading "miscellaneous".

In case of urgency the General Assembly may be convened exceptionally by the Management Committee at fifteen days notice, with a mention of the agenda.

The General Assembly is chaired by the President of the Management Committee or, in his absence, the latter's Vice-President. Should both the President and the Vice-President of the Management Committee be absent, the General Assembly will appoint from amongst the attending delegates of the voting Societies a chairman which mandate will then be limited to chairing the Assembly that has elected him/her.

An attendance sheet shall be kept to be signed by delegates of voting Societies as well as by those of non-voting Societies.

#### **ARTICLE 18. PARTICIPATION IN ASSEMBLIES - QUORUM**

All voting and non-voting Societies shall have the right to take part in General Assemblies and may be represented at them by another Society of the same category.

The General Assembly may not validly proceed to business unless half the votes held by the whole body of voting Societies are represented. If this condition is not fulfilled, the General Assembly shall be reconvened at two weeks notice and may then validly proceed to business whatever number of votes is represented by the voting Societies present.

# PART IV

## OFFICIAL BODIES

### THE GENERAL ASSEMBLY, THE MANAGEMENT COMMITTEE, THE “GÉRANT”.



#### **ARTICLE 19. NUMBER OF VOTES**

The General Assembly shall group together all voting Societies and two fixed votes shall be allotted to them and as many additional votes as they shall have collected one hundred and fifty-two thousand euros in the course of the preceding year from the administration of recording and mechanical rights in their territories of exploitation, fractions of one hundred and fifty-two thousand euros being ignored.

This basis of calculation may be modified in case of significant monetary fluctuation by a resolution of the General Assembly passed by a simple majority of votes represented.

No Society shall be entitled to more than one hundred and twenty votes and Societies of a single country shall not be entitled in total to more than one hundred and twenty votes, it being understood that on this hypothesis the distribution of votes shall be made in proportion to the collections of each Society.

One delegate only, specially appointed for the purpose by each society, shall at the moment of voting dispose of the total votes allotted to this Society.

The non-voting Societies will each dispose of a consultative vote.

#### **ARTICLE 20. POWERS - MAJORITY**

The General Assembly shall be informed of all the decisions taken by the Management Committee and shall deliberate on the items appearing on its agenda.

- 1) Resolutions shall be passed by a simple majority of the votes represented, and in particular, those resolutions relating to the following matters:
  - elections of members of the Management Committee
  - appointment of the “Gérant” or ratification of his or her appointment by the Management Committee with respect to the provisions of Article 28 below,
  - nomination of an Auditor and a Deputy (suppléant) chosen from amongst the delegates present at the General Assembly,
  - approval of the Annual Balance Sheet and Accounts, drawn up by the President of the Management Committee,
  - approval of the Annual Business Affairs Report drawn up by the “Gérant” and presented jointly with the President of the Management Committee,
  - discharge (quitus) for the other official bodies,
  - approval of texts of standard contracts, model contracts and general conditions applying to users, in particular the Phonographic and Videographic Producers, negotiated or drawn up by the Management Committee,
  - approval of the measures proposed by the Management Committee in order to ensure the operation of the documentation and distribution systems in accordance with Articles 2, 7) and 8),
  - approval of the measures proposed by the Management Committee in application of Article 7, 2), as well as the text of the standard mandatory agreement for right-owners as defined in Article 2, 6) and the exemptions proposed by the Management Committee,
  - approval of the measures proposed by the Technical Committees according to Article 27.



# PART IV

## OFFICIAL BODIES

### THE GENERAL ASSEMBLY, THE MANAGEMENT COMMITTEE, THE "GÉRANT".



- 2) Resolutions relating to the following matters shall be passed by a majority of three-quarters of the votes represented:
- approval of the text of the reciprocal or unilateral contract of representation drawn up by the Management Committee as well as the modifications to this contract,
  - final approval of admission of new voting Society,
  - exclusion of a voting Society,
  - increase or reduction of the capital.
- 3) Resolutions relating to the following matters shall be passed by a majority of fourth-fifths of the votes represented:
- modification of the Statutes,
  - extension or reduction of the duration of BIEM or its prior dissolution.

#### **ARTICLE 21. WRITTEN CONSULTATION**

All matters relevant to the authority of the General Assembly and considered appropriate by the Management Committee, in agreement with the President of the General Assembly, can be decided by a written consultation of the voting and non-voting Societies submitted to them for this purpose by registered letter.

In case of disagreement between the President of the General Assembly and the Management Committee concerning the possibility of a written consultation of the voting and non-voting Societies, the opinion of the President of the General Assembly will take precedence.

The decision resulting from the consultation will be subject to the majority of votes required according to Article 20 above.

Votes of voting Societies which have not been received by the 'Gérant' within a period of sixty days with effect from the despatch of the above-mentioned registered letter will not be taken into consideration in the result of the consultation.

The consultative votes of the non-voting Societies must reach the 'Gérant' within the same time period to figure in the consultation.

Whatever the result of the consultation, the Management Committee has the power to call a meeting of the General Assembly, the question having been the subject of the consultation must, in this case, be included on the agenda.

# PART IV

## OFFICIAL BODIES

### THE GENERAL ASSEMBLY, THE MANAGEMENT COMMITTEE, THE "GÉRANT".



## MANAGEMENT COMMITTEE

### ARTICLE 22. COMPOSITION – APPOINTMENT OF MEMBERS

The Management Committee shall be composed of ten members elected by a simple majority and by secret ballot of the General Assembly from amongst the delegates appointed to that Assembly whose application has been submitted by their voting Societies. No country shall be entitled to more than one seat on the Committee.

The duties of the Management Committee start upon the first meeting of its members and expire upon the first meeting of the members of the Management Committee aimed at succeeding to the former.

Within three months following his election each member of the Management Committee will provide for his address, email, telephone and fax numbers and nominate one or, if necessary, two Deputies who, in his absence, will have the right to all his prerogatives.

The Deputy may attend meetings with the elected member as an expert but without the right to vote. Members of the Management Committee shall not receive any attendance fees or other remuneration.

### ARTICLE 23. INELIGIBILITY

Those persons, whether elected members or Deputies, who belong or come to belong, in any capacity whatsoever on a full-time basis to any public or private body devoted to phonographic, videographic, radiophonic or cinematographic exploitation or production or to television, shall not be eligible to serve on, or shall cease to form part of the Management Committee.

### ARTICLE 24. CONVENING OF THE MANAGEMENT COMMITTEE

The Management Committee shall appoint from amongst its members a President and a Vice-President and in their absence at the time of a meeting, a chairman of the meeting.

The Management Committee shall meet when convened by its President as often as the needs of BIEM require. Furthermore, on an application from five members of the Committee its President shall be required to convene the Committee with an agenda prepared by the applicants.

The Management Committee shall be convened, at its President's choice, either by letter, email or fax using the information provided for by each member pursuant to Article 22, paragraph 3. The convening shall take place at least fifteen days in advance. This period may, in cases of emergency and on the sole initiative of the President of the Management Committee, be reduced to five days. The convening shall include a detailed agenda and the means of meeting.

The President may decide a meeting of the Committee to take place physically or by means of audio/video or web conferencing, if in his opinion the agenda of the meeting allows for the latter.

The Management Committee may not validly proceed to business, in a meeting taking place physically or by means of audio/video or web conferencing, unless five of its members are present or represented. Resolutions shall be passed by a simple majority vote and in the case of an equality of votes the Chairman of the meeting shall have the casting vote.

In consideration of the previous paragraph, it is stipulated that any Member participating in a Committee meeting by means of audio/ video or web conferencing facilities shall be deemed to be present in person at such Committee meeting for the duration of such participation.

# PART IV

## OFFICIAL BODIES

### THE GENERAL ASSEMBLY, THE MANAGEMENT COMMITTEE, THE “GÉRANT”.



#### **ARTICLE 25. LIMITED NEGOTIATION COMMITTEE**

When, during the course of negotiating or drafting standard contracts, model contracts or general conditions applying to users, the Management Committee shall have official meetings with the Phonographic and Videographic Industry, it will take the form of a Limited Negotiation Committee made up of 5 (or 6) members appointed by a simple number of votes by the Management Committee for the same duration as for the members of the Management Committee and chosen from among such members.

Resolutions of the Limited Negotiation Committee shall be passed by a simple majority vote and in the case of an equality of votes the Chairman of the meeting shall have the casting vote.

The members of the Limited Negotiation Committee may, with the agreement of the President of the Management Committee, be accompanied by an expert.

#### **ARTICLE 26. POWERS OF THE MANAGEMENT COMMITTEE**

The Management Committee shall have authority to:

- 1) fix the amount of the annual payments as provided for in Article 15 above;
- 2) negotiate and submit for approval to the General Assembly the texts of standard contracts, model contracts, or general conditions applying to users to be concluded or drawn up with users and in particular with the Phonographic and Videographic Producers; monitor the content and performance of such standard contracts;
- 3) propose to the General Assembly the text of the contracts of reciprocal or unilateral representation; satisfy itself as to the existence and content of existing contracts of reciprocal or unilateral representation;
- 4) propose to the General Assembly the text of the standard mandatory agreement for right-owners as defined in Article 2, 6) and the exemptions thereto; satisfy itself as to the existence and content of existing mandatory agreements;
- 5) propose to the General Assembly suitable measures for ensuring the international documentation and distribution in accordance with Article 2, 7) and 8);
- 6) propose to the General Assembly those measures provided for in Article 7, 2);
- 7) convene the General Assembly with respect to the provisions of Article 17 above;
- 8) adopt the Annual Business Affairs Report drawn up by the “Gérant”, to be presented to the General Assembly;
- 9) approve the Annual Budget of BIEM;
- 10) adopt and present to the General Assembly the Annual Balance Sheet and Accounts drawn up by the “Gérant”;
- 11) propose to the General Assembly the admission or exclusion of voting Societies and decide alone the admission or the definitive or temporary exclusion of non-voting Societies in accordance with Articles 11, 13 and 14;
- 12) appoint the “Gérant”, with respect to the provisions of Article 28 below, and fix his or her remuneration;
- 13) draw up an arbitration procedure for reconciling difficulties arising between voting or non-voting Societies ;
- 14) act upon any requests or proposals submitted to it by a voting or non-voting Society.

# PART IV

## OFFICIAL BODIES

### THE GENERAL ASSEMBLY, THE MANAGEMENT COMMITTEE, THE “GÉRANT”.



In order to give effect to the foregoing, the Management Committee may confer full powers to the “Gérant” to implement the decisions of the Management Committee.

The Management Committee may also appoint working groups responsible for assisting it on various specific questions and particularly in negotiations with users.

#### **ARTICLE 27. TECHNICAL COMMITTEES**

Technical Committees who are equally qualified to deal with the same sort of problem arising within CISAC, and in accordance with the CISAC statutory stipulations, are convened by the Management Committee or its President in collaboration with the “Gérant”.

These Commissions are composed of representatives of the non-voting and voting Societies concerned. The number of representatives for each Society shall not be more than two.

In the case of a vote on proposed decisions, which may only be formally taken by the General Assembly, each society represented shall have one vote only, with the exception of the non-voting Societies who only have a consultative vote.

Each Committee shall elect its President for the period of time between Ordinary General Assemblies of CISAC from amongst representatives of the Societies concerned. In case of non-availability of the President, the Committees shall be presided over by a President elected during the course of the meeting.

Each Commission shall be responsible, in its own particular field, for the study of any problems concerned with the management and organisation of the administration of authors' rights.

The agenda of their meetings shall be agreed upon by the Management Committee or by its President in collaboration with the “Gérant” and the Presidents of the Commissions concerned and those proposals presented by the Societies concerned shall be particularly taken into account.

## **GERANT**

#### **ARTICLE 28. GERANT**

BIEM shall be managed by a “Gérant”, who may be an individual or legal entity, a member or non-member.

The “Gérant” shall be appointed by the General Assembly on the proposal of the Management Committee. In the event of a vacancy (through death or resignation), the Management Committee may appoint the “Gérant” directly. Such appointment shall be subject to ratification by the General Assembly. In the event that the “Gérant’s” appointment is not ratified by the General Assembly, the acts performed earlier by the “Gérant” shall nevertheless remain valid.

The term of office of the “Gérant” shall be decided by the General Assembly upon his appointment or the renewal of his mandate on the proposal of the Management Committee. When the “Gérant” is appointed by the Management Committee to fill a vacancy (through death or resignation), his term of office shall be decided by the Management Committee.

The “Gérant” shall have the widest powers to manage BIEM, subject to the powers assigned to the Management Committee or the General Assemblies, within the limits of BIEM's purpose.

The duties of the “Gérant” shall not be remunerated, unless otherwise decided by the Management Committee which would then fix the amount of the remuneration.



### **ARTICLE 29. METHOD OF CALCULATING THE QUORUM AND THE MAJORITY**

In all cases in calculating a quorum or a majority the nearest whole unit below a fraction shall count.

### **ARTICLE 30. MINUTES - LANGUAGE**

After approval by the body concerned, minutes of meetings of the General Assembly and the Management Committee shall be initialled and signed by the Chairman of the meeting.

In addition, the minutes of the meeting of the General Assembly shall be drawn up on continuously numbered loose-leaf sheets marked and initialled by the appropriate authority.

The official language of BIEM shall be French.

A system of simultaneous or consecutive translation, according to the decision of the Management Committee, can be provided for the meetings of the General Assembly, the Management Committee and the Technical Committees.

### **ARTICLE 31. REMUNERATION**

The office of delegate to the General Assembly and member of the Management Committee shall not be remunerated.

# PART VI

## DISPOSAL OF SURPLUS INCOME



### **ARTICLE 32. OFFICIAL YEAR**

The official year shall commence on the 1<sup>st</sup> of January and end on the 31<sup>st</sup> December of each year.

### **ARTICLE 33. DISPOSAL OF SURPLUS**

Any surplus of assets over liabilities as shown at the end of a financial year, shall be disposed of in accordance with a resolution of the General Assembly passed by a majority of three quarters of the votes represented.

# PART VII

## DISSOLUTION - LIQUIDATION - DISPUTES



### ARTICLE 34. DISSOLUTION - LIQUIDATION

If BIEM shall not continue its activities in one form or another, the General Assembly shall decide the manner of its dissolution on a recommendation of the Management Committee.

Any surplus of assets over liabilities in the funds of BIEM as constituted in accordance with Article 15 shall be credited to the voting Societies for transmission to their right-owners, in proportion to their respective contributions to the administrative expenses of BIEM.

After the settlement of official liabilities, the voting Societies shall receive a sum equivalent to the nominal value of their shares as set forth in Article 8.

The official bodies shall retain during the liquidation the same powers as during the lifetime of BIEM.

The General Assembly shall have, in particular, the power to approve the liquidation of accounts and grant discharge to the other official bodies.

### ARTICLE 35. DISPUTES

All disputes which might arise between one or more voting or non-voting Societies and BIEM, failing amicable settlement, shall be adjudicated in accordance with French law and submitted to the competent courts of the place of the registered office.

In such a case each voting or non-voting Society must elect a domicile in the said Department and all notices shall be duly served to that domicile.

On failure to elect a domicile, the service of writs and summonses shall be validly made to the Parquet de Monsieur le Procureur de la République at the Tribunal de Grande Instance of the place of the registered office.



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