

User Support Service Regulation

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Title 1. AISGE's User Support Service

Chapter 1. Creation & Organisation

Article 1. Creation

This Regulation governs AISGE's User Support Service, whose operation and functioning regime will be governed by the rules herein and/or by those rules developed in the future replacing the present ones. The Service has been created by a resolution of AISGE's Board.

AISGE undertakes to inform about the existence of the User Support Service, its powers and functions, and to make available to the users of the repertoire the necessary information for fulfilling the obligations derived from their use of the CMO's repertoire, as well as the dispute resolution mechanisms.

Article 2. Organisational & Functional Structure

The User Support Service is part of AISGE's organisational chart, and it is under the hierarchical and functional control of the Business Area. However, some of its functions may be carried out in collaboration or by means of the provision of auxiliary services through collaborating or dependent entities, which will adapt their actions to the principles and criteria set out herein.

Article 3. Governing Principles

The principles governing the User Support Service are the same as those governing the CMO's activities, as it is a service integrated in the management model carried out by AISGE.

The governing principles of the User Support Service are rigour, efficiency, objectivity, transparency, clarity, and quality of the service.

Article 4. Service Details

AISGE makes available to (potential and current) users of its repertoire all mean to contact the CMO, with the purpose of solving queries, doubts, complaints, claims, and suggestions made by users.

- a) By **phone**, through the free telephone number/s provided by AISGE.
- b) By **e-mail**, through the e-mail address/es provided by AISGE.
- c) In **writing**, to the registered office of the CMO.
- d) Through face-to-face **visits**.

Article 5. Term

The User Support Service is established for an indefinite period, it is not subject to expiry or fulfilment of any objectives other than those justifying its creation.

Article 6. Amendment of the conditions of the User Support Service

Any amendment to the User Support Service will be proposed and approved by the CMO's CEO.

Article 7. Annual Report of the User Support Service

On an annual basis, a report will be prepared including an activity report of the Annual Transparency Report (IAT by its Spanish acronym), with statistical data, and anonymised data on the following matters:

- a) Number of queries answered.
- b) Usual means used by users of the repertoire to convey queries and doubts.
- c) Content of usual queries.
- d) Complaints by users of the repertoire.
- e) Claims by users of the repertoire.

Chapter 2. Object and Scope of Application

Article 8. Object

The object of the User Support Service is to answer and resolve queries, complaints, and claims made by natural and legal persons who are users of AISGE's repertoire.

Article 9. Scope of Application

The rules set out in this Regulation will apply to the processing of queries raised by users of AISGE's repertoire, provided that said queries refer to the collection of the rights administered by the CMO, and, specifically, are related to matters of said activity, such as: the repertoire managed, rights administered, tariff system, settlement payment procedures, and any other information necessary for the correct settlement and payment of the rights.

The rules set out in this Regulation will apply to the processing of complaints and claims raised by users of AISGE's Repertoire, provided that (1) the complaints are referred to the operation of the services rendered by AISGE to users of the repertoire; and (2) the aforementioned claims refer to issues related to the billing or settlement of the rights.

Article 10. Users of the Repertoire

User of the repertoire will be deemed the natural or legal person carrying out acts of communication to the public of artistic subject-matter fixed in audiovisual works and/or recordings and/or phonograms protected by the Copyright Act comprising AISGE's Repertoire, and/or the rental of originals and copies of the same.

AISGE's **Repertoire** is made up by all performances of performers (image and/or voice actors, dancers, and stage directors) generating, according to Article 200 and the following of the Copyright Act, any of the rights subject to its management. Therefore, it is delimited as follows:

- **From a personal perspective**, it is comprised of performances by all performers included in any of the groups whose rights are administered by AISGE: image and/or voice actors, dancers, and stage directors –arts. 7 and 9 of its Articles of Association.

- **From an objective perspective**, it is comprised of performances by said performers when they are in the cases provided under art. 200 Copyright Act.

Potential user of the repertoire will be deemed the user who has not regularised its situation regarding its obligations in relation to the payment of the rights to which it is obliged, either because of lack of compliance with its past and/or present obligations, or because it is planning to start activities involving the use of performances protected by AISGE.

Current user of the repertoire will be deemed the user who has regularised its situation regarding its obligations of payment of the rights to which it is obliged.

Chapter 3. Functions

Article 11. User Support Service Functions

The User Support Service functions are the following:

- a) Provide **information**.
- b) Answer **queries** from users of the repertoire according to the procedure set out herein and the instructions laid down for this purpose by the Business Area direction and/or general direction.
- c) Process **complaints and claims** by users of the repertoire, according to the procedure set out herein and the instructions laid down for this purpose by the Business Area direction and/or general direction.
- d) Update the **content of the User Support Service portal** in AISGE's website.
- e) Preparing **FAQs**.

- f) Participating in the definition and development of an **IT system** for providing the service, which will have all tools needed for its correct implementation and development.
- g) Making **recommendations and proposals** to the general direction of the CMO in all those matters within its competence and which, in its opinion, may favour the good relationships and signs of trust which must exist between the CMO and the users of its repertoire.
- h) Preparing a **registry of queries**.
- i) Preparing a **register of files**.
- j) Assessing the **level of satisfaction of users** of the repertoire and the quality of the service rendered.
- k) Preparing an **activity, objectives and commitments plan** of the User Support Service for the following year, in order to get as close as possible to the reality of the needs of users of the repertoire.

Title 2. Procedures for answering queries and resolving claims and complaints

Chapter 1. Procedure for answering queries

Article 12. Raising Queries

Users may address AISGE:

- a) Personally, or through representation.
- b) On paper or through IT, electronic or telematic means, as long as these means allow documents to be read, printed, and stored.
- c) By phone
- d) Through face-to-face visits.

Article 13. Matters subject of consultation

AISGE will answer queries from any (current or potential) user of the repertoire referring to:

- a) The collection of the rights administered by the **CMO**.
- b) The **repertoire** administered by the CMO, in relation to the use made by users.

- c) **Agreements** reached with foreign CMOs and organisations.
- d) **Rights** administered.
- e) Types of **acts of exploitation** of AISGE's repertoire generating intellectual property rights in favour of right-holders represented by AISGE.
- f) AISGE's **tariff systems** and their manner of application and calculation.
- g) **Sectorial agreements** signed by AISGE with users' associations.
- h) **Discounts** applicable to the tariffs or included in the agreements and their application to the specific case of the user making the query.
- i) **Statement** of rights forms provided by AISGE.
- j) Fulfilling, where applicable, **self-assessment** forms provided by AISGE for the statement of rights.
- k) Any other query related to the collection of the rights administered by AISGE, facilitating users of the repertoire compliance with their legal obligations regarding the management of the rights carried out by AISGE.
- l) Pre-litigation claims made by AISGE

For **current users** of the repertoire, AISGE will answer through this User Support Service, in addition to those queries listed above, queries related to:

- a) **Self-assessment** forms of rights submitted by the user of the repertoire.
- b) **Data provided by third parties** which may be used for billing.
- c) **Invoice** or credit notes issued by AISGE.
- d) Description of **balance** in the accounts with AISGE.
- e) Any other related to the billing of the rights administered by AISGE which assist users to comply with their legal obligations regarding the management of the rights carried out by AISGE.

Article 14. Processing

The procedure by the User Support Service for answering queries User Support Service and its processing thereafter will be free of charge and, when possible, through electronic means.

The processing of a file will not take more than fifteen (15) days, from the date when the user of the repertoire contacts AISGE through any of the means made available for that purpose. Anonymous queries or those made by third parties on behalf of unidentified users will not be answered.

When in order to provide an answer, it is necessary to carry out an analysis or gather additional information, the User Support Service will contact the user of the repertoire to request information within seven business days from the date of the query. The term to answer will be suspended until the user provides the information requested. Once AISGE has received such information, the term will resume.

AISGE's answer ends the procedure.

The User Support Service will record internally the data of the user of the repertoire. Specifically, the following data will be gathered: sole proprietors or professionals or legal persons owners of the business; name of the establishment or means through which the exploitation is carried out; contact data necessary to answer the query; and reason of the query.

Chapter 2. Procedure for resolving claims and complaints

Article 15. Filing claims and complaints

Claims and complaints may be filed:

- a) Personally, or through representation.
- b) In any case, in paper or through electronic means, as long as they allow reading, printing, and storing the documents.

Claims and complaints shall be filed within three months after the user is aware of the facts causing the claim or complaint. After said term, claiming before the User Support Service will be barred, regardless of the actions that the user of the repertoire deems appropriate.

The document where the claim or complaint is filed will indicate:

- a) Name of the company and, where applicable, name of the duly accredited representative, ID (DNI/NIE) number for natural persons, and data referred to public registries for legal persons.
- b) Reason of the claim or complaint, specifying clearly the issues of the queries.
- c) Office or department where the facts object of the claim or complaint took place.
- d) Place, date, and signature.

The claimant shall provide, together with the above documentation, the documentary evidence in its possession supporting the claim or complaint.

Article 16. Place of filing

Claims and complaints may be filed:

- By post to the attention of the User Support Service
- AISGE's office.
- At the e-mail address provided by the entity.

Article 17. Matters object of claims and/or complaints

AISGE will answer:

- a) Complaints regarding the functioning of the User Support Service rendered by AISGE to the users of the repertoire, arising from unjustified delays, lack of answer, or any other irregular action by the service.
- b) Claims referred to incidents in the billing or payment of the rights.

Article 18. Processing

The procedure for filing claims and complaints before the User Support Service and its processing thereafter will be free of charge.

Once AISGE has received the claim, AISGE will send to the user of the repertoire an acknowledgement of receipt in writing, indicating the date of receipt for the purpose of calculating deadlines, and it will proceed to open a file for resolving the claim or complaint, as appropriate, and the information concerning the processing of personal data, pursuant to the provisions of Article 20 herein (also available at <https://www.aisge.es/proteccion-de-datos-aisge>).

The processing of the file will take no more than three months, from the date of filing of the claim by the user of the repertoire.

If the identity of the user of the repertoire is not sufficiently proven or the facts object of the claim or complaint are not clearly established, the person filing the claim or complaint will be required to complement the documentation sent within seven (7) business days, with the warning that, otherwise, the claim or complaint will be closed without any further processing.

If in order to resolve the claim or complaint, AISGE needs additional information, it will request said information to the user of the repertoire within seven (7) business days from the receipt of the claim or complaint. Within seven (7) business days, the user of the repertoire shall provide the information requested or inform of the reasons why it is not providing it, with the warning that, otherwise, the claim or complaint will be closed without any further processing.

AISGE may on its own or through third parties carry out the corresponding verification of the veracity of the facts and, where applicable, the documents, object of the claim or complaint.

Article 19. End of the Proceeding

The processing of the file will end with a reasoned decision.

The decision ending the file will be reasoned and it will include clear conclusions on the issues involved in the claim or complaint.

The decision will be notified to the user of the repertoire within seven (7) business days from its issuance.

Chapter 3. General Conditions for all Users of the Service

Article 20. Confidentiality and Personal Data Protection

With the aim of complying with the purposes of the entity provided herein regarding the User Support Service, the processing of the personal data of users of the repertoire administered by this entity refers to data concerning sole proprietors and professionals, when the data is referred to them only in said condition for regularly carrying out a business or commercial activity, and the contact data and, where applicable, the data related to the function or position of the natural persons providing services to a legal person and the processing is only referred to the data necessary for their professional location, in order to maintaining their relationships between the legal person, to which the subject who provides its services, and the User Support Service and, specifically, to answer the queries and/or claims filed.

The data processing is carried out with the prior consent of the subject, through the contractual relationship with the entity, as well as without the need to obtain the prior consent of the subject, in accordance with the provisions of Article 6.1 c) and f) of the GDPR, and Articles 8 and 19 of the LOPDGDD, based on the legitimate interest held by AISGE of complying with its legal obligations.

The purpose of the processing is to carry out the management of the intellectual property rights entrusted to said entity and, specifically, for the purposes of processing users' data to make effective the remuneration rights, whose payment they are legally obliged to (Articles 25, 108, and 109 of the TRLPI).

The processing of the data of users of the repertoire of the entity, by AISGE, is subject to the provisions of Act 3/2018, of December 5, on the Protection of Personal Data and Guarantee of Digital Rights, as well as Regulation (EU) 2016/679, and other applicable legislation, and the Entity's Articles of Association.

Likewise, any holder of personal data using the User Support Service has the rights of access, rectification, cancellation, and opposition to the processing of their personal data by AISGE, which may be exercised by writing to privacidad@aisge.es.

In case of considering that the processing does not comply with the legislation in force, users may file a complaint before the Spanish Data Protection Agency.

Notwithstanding the foregoing, the entity is obliged to respect in any case the confidentiality of the data processed and to comply with the other obligations imposed by any other legal provisions that may be applicable.

Article 21. Duty of Information and Publicity

Users of the repertoire will be able to know, before using AISGE's Repertoire, the available means of communication, agreements in force in their sector, applicable tariffs, claim mechanisms, expected resolution times, and the information on the processing of personal data, etc. All this information shall be included in the entity's website.

AISGE undertakes to make public on its website, in communications with current and potential users of the repertoire, the User Support Service and the ways of contacting this Service.