



REGULATIONS

of distribution of compensations for copyright management by the Polish
Software Market Association

approved by the Management Board of the Association on
20.10.2015



0 General information about the Association

The Polish Software Market Association (hereinafter referred to as „PRO) is an organization which collectively manages the copyrights of authors and manufacturers of computer software and works. PRO operates pursuant to the Act on Copyright and Related Rights of February 4th, 1994 and decision of the Minister of Culture and Art (DP/041/Z/2/95 of February 1st, 1995) which entitles PRO to collectively manage of the copyright to computer software (hereinafter referred to as „software“). PRO was registered on September 19th, 1992 and operates under its statute.

1 Claimants

The right to entrust software copyright management to PRO is vested in all software authors and manufacturers and in other holders of proprietary copyrights to software, regardless of whether they are members of PRO. If a software author, manufacturer or any other holder of rights to software fails to inform PRO by writing that they select another company to represent their copyright infringement claims it shall be implied that PRO¹ is their representative.

In particular, PRO represents its clients in any cases brought as a result of breach of copyrights of its members whose list can be viewed in PRO's registered office and on the Association's website (www.pro.org.pl).

2 Territorial scope

Collective copyright management by PRO is limited in space to the territory of the Republic of Poland.

3 Representation ways

Cases related to collective copyright management shall be handled by PRO and entities empowered by PRO, referred to herein as Agencies.

Agencies' services are commissioned by PRO's Management Board. The Management Board makes a separate decision whether to enter into cooperation with any Agency and concludes a respective agreement with it. The agreements signed with agencies can be viewed in PRO's registered office.

The list of Agencies authorized to act for and on behalf of PRO is published on PRO's website (www.pro.org.pl).

4 Collective management principles

The general principle followed by PRO is equal treatment of the rights of all software authors and manufacturers and of all other entities who hold copyrights to software.

According to the collective management principles, PRO:

- takes actions whose purpose is effective collection of claimed compensations,
- handles procedural writs/pleadings starting from the preparatory criminal proceedings (civil claims in criminal proceedings, evidence securing)
- archives dossiers of software copyright infringement cases or settlement cases,
- documents the history of given proceedings, lists motions filed and judgments pronounced,
- represents software authors, manufacturers or other holders of software copyrights whose rights have been infringed in cases brought as a result of breach of proprietary copyrights, according to the Criminal Procedure Code and Civil Procedure Code's provisions and according to PRO's Statute
- collects compensations awarded by the Court/determined in settlement agreements to software authors and manufacturers / other holders of software copyrights, pursuant to court judgments or settlement terms.



- transfers compensations to software authors / manufacturers / other holders to software copyrights once they have been enforced.

5 Claimant notification principles

Notices on cases run for and on behalf of claimants are sent to them:

- after instigation of the proceeding at court (by e-mail)
- in quarterly reports (by e-mail)
- in annual reports (by snail mail)

Quarterly and annual notices include information on all the cases run for and on behalf of the claimant (pending and completed). For those cases in which the compensation amount is known (awarded by the court or negotiated in the settlement agreement), it is communicated to the claimant.

Should compensation payments be made in instalments (pursuant to the court judgment or settlement agreement), the claimant shall be informed about the payment made so far and the remainder to be paid.

To identify the claimants, PRO shall publish on its website the respective information and announcement and, if needed, shall address the respective institutions and associations in a given country to find the entitled party.

6 Clearance of cooperation with claimants

It does not require any fee to entrust the protection and management of copyright with PRO.

To compensate the costs of collective management, PRO subtracts from compensations enforced to the benefit of claimants the costs of collection and distribution (commission) according to the following principles:

- **25% of the amount of the compensation enforced to the benefit of the claimant.**

Claimants are informed about all the amounts collected by PRO at least once a year until the end of Q1 for the previous year provided that the aforementioned principles are followed.

PRO shall pay the compensation to the claimant's account once it gets all the necessary data and information necessary to perform a bank transfer according to the following principles:

- a) the clearance takes place once in every six months, within 30 days upon the expiry of each six-month period.
- b) at the end of each calendar year: within 30 days upon the lapse of that calendar year shall be cleared the other compensation amounts which have not been paid in the mode described above in item a), with the compensation amounts below the following values:
 - PLN 50 (compensations for Polish entities)
 - PLN 200 (compensations for foreign entities)

not being paid but postponed for clearance purposes till the next calendar year.

The amounts of compensations collected by PRO which have not been intercepted by the entitled parties shall be allocated for PRO's statutory purposes: once the period of 10 years after the end of the calendar year in which they were collected by PRO lapses and provided that in spite of two attempts to contact the respective claimant in writing, PRO does not receive the information and data necessary to transfer the compensation to the claimant.



¹ *In case of management and protection of copyrights to computer software on the grounds of implied entitlement to act pursuant to article 105 of the Act of February 4th, 1994 on copyright and related rights (Journal of Laws of 2006, no. 90, item 631), with whom PRO has not concluded any individual agreement for copyright management – the duty of fulfillment by PRO of the conditions defined in the civil law institution of running third party affairs without commission (PRO as negotiorum gestor).*