

## 10. RIGHTS DISTRIBUTION: RIGHTS FROM ABROAD

During the year 2008 the distribution of private copy remuneration from 2007 was carried out. Furthermore, the cable retransmission rights for 2007 were also distributed.

The deadlines for settlement as notified at the EGEDA General Meeting were complied with. The full distribution for 2008 will be carried out in June 2009, distributing a total corresponding to approximately 110,000 broadcasts of protected works.

The works transmitted by the national and regional channels which currently broadcast in Spain, monitored by *Sofres*, were included in the distribution. With regard to the introduction of new channels in the rights allocation, included in the private copy distribution were works transmitted by the digital and cable channels, which are known to EGEDA or claimed by the producers, up to 28th February of the year following their accrual as agreed at the General Meeting.

The channels included in the distribution, apart from the digital and cable channels, - these being included by means of the *replevin* procedure indicated - are the following:

TVE1  
TVE2  
ANTENA3  
TELE5  
CUATRO  
LA SEXTA  
TELEMADRID  
TVG  
ETB1  
ETB2  
TV3  
C33  
CANALNOU  
PUNT2  
CANAL SUR  
CANAL2 ANDALUCÍA  
TELEVISIÓN DE CANARIAS  
TV CASTILLA-LA MANCHA  
IB3. Radiotelevisió de les Illes Balears  
7RM. Televisión de la Región de Murcia  
TPA. Radiotelevisión del Principado de Asturias  
Aragón Televisión

The criteria for calculating the distribution of the corresponding amounts continue to be: a) the showing of works on any channel, weighted according to the channel's coverage and the duration of the transmission in minutes, b) the audience, taking the channel's annual average as well as the specific average for each work into account, and c) recording for private use, taking the channel's average annual recording and hour band into account.

Regarding figures, to date EGEDA has made over 50 settlements divided between six-monthly, annual, arrears and prescriptions. The percentage of settlements paid out of those dispatched amounts to over 90%, which is a true index of the Association's efficiency.

With respect to the distribution criteria for cable retransmission, the showing and audience are used with a 50% weighting, but recording for private use is not used since it is a public performance, rather than a reproduction right.

With regard to rights received from abroad, these have mainly come from France, Germany, Australia and Switzerland, together with cable retransmission rights from AGICOA and ANGOA. Private copy rights are regularly received from France (through PROCIREP), Germany (GWFF), Denmark (FILMKOPI), Holland (SEKAM-VIDEO), Austria (VAM), Sweden (FRF), Belgium (PROCIBEL), and Switzerland (SUISSIMAGE), etc.

As far as public performance rights are concerned, these are received from AGICOA Geneva and AGICOA Germany, as well as from ANGOA in France, and AVCS in Australia.

Over the last few years, EGEDA has concentrated part of its efforts on diversifying its activities and developing various types of activity and collaboration with other organisations in the same sector in foreign countries. These efforts have one objective which the Association has clearly defined: to increase the collection of rights for works transmitted on different European channels.

The measures taken by EGEDA in 2008 achieved considerable success, and the results can be partly explained by the activities summarised below:

1) Conflict resolution

On a daily basis, the Membership and International Relations Department receives claims concerning the rights to numerous audiovisual works from rights-holders, which generate a large number of conflicts between possible claimants.

These endeavours on the part of the Association mean that collections from resolved conflicts increase each year.

2) Making claims based on the study of works broadcast abroad

The Membership and International Relations Department continually makes detailed studies of the works broadcast on many different foreign channels and which have generated financial rights. The settlements received from diverse foreign entities are analysed and compared with the information EGEDA obtains about Spanish works broadcast on foreign channels. Currently we monitor over 120 channels in over 30 different countries.

This study allows the status of each work to be precisely monitored and for claims to be made against each entity, if necessary, for the payment of rights on those works that are not included in their settlements. Significant amounts have been collected as a result of the claims filed by EGEDA.

3) Claims to AGICOA for broadcasts on television channels which are not automated

AGICOA manages cable retransmission rights in Europe, there being a series of channels which do not encode or automatically allocate rights remuneration due to having an audience of under 5%. To be able to collect the amounts generated by broadcasts on these channels, each association has to reclaim the transmissions related to its members' works by supplying the title, channel, date and time of broadcast as well as other data to identify the work.

For this reason, the Membership and International Relations Department has made many different claims against various channels to collect the rights for works broadcast by same which belong to EGEDA's members.

4) Information system for members about the broadcast of Spanish feature films □ on foreign channels.

EGEDA has expanded its monitoring service of broadcasts on foreign channels, not only in terms of the number of channels but also by adding to the genres monitored.

This system enables the detection of many broadcasts on national and regional channels in Europe, the USA, South America and Oceania which, until now, were occurring without the knowledge or authorisation of Spanish producers, which tends to happen quite often in the case of international co-productions. The channels and countries about which information is obtained are listed in Appendix A.

Information is also provided for members about the broadcast of Spanish feature films on TVE's international channels. The individualised information is sent to each producer, with the reminder that, according to the agreement with TVE, any claim or query with regard to any broadcast will be directly handled by EGEDA.

5) Through its Member Services Department, EGEDA set up an information system for its members pertaining to rights collection for Spanish films, by means of the contract with the company AC NIELSEN EDI. This information has been issued daily about over 1600 non-English-language European films since March 1997.