POSITION

on the procedure for collecting, accruing and paying remuneration to performers and producers of phonograms for public performance, broadcasting and / or by cable of phonograms published for commercial purposes and performances recorded in these phonograms.

This Regulation has been developed and approved in accordance with the Charter of the Private Institution “Non-profit organization for the protection of copyright and related rights“ Amanat ”(hereinafter - Amanat), the current legislation of the Republic of Kazakhstan and determines the procedure for collection, accrual and payment of remuneration to performers and producers of phonograms for public performance, communication on the air and / or by cable of phonograms published for commercial purposes and performances recorded in these phonograms.

SECTION 1

Definitions and concepts used in the Regulation

1. Performer - an actor, singer, musician, dancer or other person who plays a role, sings, reads, recites, plays a musical instrument, interprets or otherwise performs works of literature and (or) art (including pop, circus or puppet number) or works of folk art, as well as the stage director of the play and conductor;

2. Performance - presentation of a work, phonogram, performance, staging through playing, singing, dancing in live performance or with the help of any technical means (television and radio broadcasting, cable television, etc.), as well as showing frames of an audiovisual work in their sequence with accompaniment or without sound accompaniment;

3. Producer of a phonogram - a natural or legal person who has taken the initiative and responsibility for the first sound recording of any performance or other sounds;

4. Phonogram - sound recording of performances or other sounds, as well as presentation of sounds in any form, except for the recording included in the audiovisual work;

5. Phonogram published for commercial purposes - a sound recording of a performance that allows its perception, reproduction or communication with the help of appropriate technical means, published with the consent of the copyright holder in order to derive direct or indirect commercial benefit;

6. Technical means - technical devices with the help of which phonograms published for commercial purposes become available for their perception by the public, including TV, radio, computer, music center, karaoke system, jukebox and other sound reproducing equipment;

7. Public performance - communication of a phonogram, published for commercial purposes, using technical means in a place open to free visits, or in a place where there are a significant number of people who do not belong to the usual family circle, regardless of whether the phonogram is perceived in the place her message or elsewhere simultaneously with her message;

8. Communication over the air or by cable - transmission of a phonogram published for commercial purposes by radio or television (including by retransmission), through which the phonogram becomes available for auditory perception, regardless of its actual perception by the public. When a phonogram is broadcast via satellite, broadcasting means the reception of signals from the ground station to the satellite and the transmission of signals from the satellite, by means of which the phonogram can be brought to the attention of the general public, regardless of its actual reception by the public;

9. Users - legal entities or individuals, including individual entrepreneurs, state and local government bodies, organizing or carrying out public performance, broadcasting or by cable of phonograms published for commercial purposes.

10. Remuneration is the amount of money paid by the Users in accordance with the terms of the License Agreements.

11. Deductions - amounts withheld by the Company from the Remuneration to cover the necessary expenses of the Company for the collection, distribution and payment of the Remuneration, as well as from the amounts collected in

 as a result of the conduct of conflict and court cases, penalties collected from the Users, etc., and the amounts that are sent to special funds created with the consent and in the interests of the rightholders represented by them.

SECTION 2

 General Provisions.

2.1. Any author, his heir or other owner of copyright and related rights, protected in accordance with the provisions of the Law of the Republic of Kazakhstan dated June 10, 1996 No. 6-I "On Copyright and Related Rights" (hereinafter referred to as the Law), has the right to transfer the exercise of his property rights organization that manages property rights on a collective basis - the Private Institution "Non-profit organization for the protection of copyright and related rights" Amanat "(hereinafter - Amanat), and Amanat is obliged to assume the exercise of these rights on a collective basis, if the management of such a category of rights belongs to the statutory activities of this organization. Amanat is not entitled to use the works and objects of related rights obtained for management on a collective basis.

2.2. Based on the powers received from the owners of copyright and related rights, Amanat concludes licensing agreements with users for the appropriate ways of using works and objects of related rights. The terms of such licensing agreements must be the same for all users of the same category. Amanat does not have the right to refuse to conclude license agreements for the user without sufficient grounds.

2.3. An organization that manages property rights on a collective basis, which has received a certificate of accreditation, has the right, along with the management of the rights of those rightholders with whom it has entered into agreements on the management of rights, to collect remuneration for those rightholders with whom such agreements have not been concluded.

2.4. Payers of the Remuneration for the communication of works, performances, performances, broadcasts of broadcasting or cable broadcasting organizations for the general public (including showing or performance) by means of their transmission by radio or television (except for cable television and / or for communication of a work, phonogram, performance, broadcast of organizations broadcasting or cablecasting to the public by cable, wire, optical fiber or similar means are Users.

2.5. Users pay the Remuneration in the amount established by the relevant license agreement concluded by the User with Amanat.

2.6. From the amount of Rewards paid by Amanat Users, Deductions are deducted, amounting to 40% of the total amount of Rewards received by Amanat from Users.

2.7 The remaining amount of the Rewards is distributed among the owners of copyright and related rights in accordance with Section 4 of these Regulations.

2.8. All possible property claims of the owners of copyright and related rights to users related to the use of their works and objects of related rights under such license agreements must be settled by the organization concluding the license agreements.

 SECTION 3

The procedure for collecting remuneration for performers and producers of phonograms for public performance, broadcasting and / or by cable of phonograms published for commercial purposes and performances recorded in these phonograms.

3.1. Owners of copyright and related rights instruct Amanat to manage their property related and copyright rights arising in accordance with the Law in accordance with the concluded license agreements.

3.2. The owners of copyright and related rights transfer the rights to manage their property related and copyright rights to Amanat on the territory of the Republic of Kazakhstan and all countries of the world. In order to ensure the property rights of the owners of copyright and related rights outside the Republic of Kazakhstan, Amanat concludes agreements with the relevant foreign organizations for the management of property copyright and / or related rights and receives from them a Remuneration in favor of the owners of copyright and related rights for the use of his phonograms, performances or works ...

3.3. Amanat collects the Reward

• for public performance of a phonogram and performances, recorded in these phonograms;

• for broadcasting a phonogram and performances recorded in these phonograms;

• for the communication of a phonogram and performances recorded in these phonograms for general information by cable;

• for bringing the phonogram and the performances recorded in these phonograms to the public.

SECTION 4

The procedure for the distribution of remuneration to performers and producers of phonograms for public performance, broadcasting and / or by cable of phonograms published for commercial purposes and performances recorded in these phonograms.

4.1. The Remuneration amounts received from the Users are distributed among the owners of copyright and related rights according to the following Method:

Remuneration to the owner of related rights is a percentage of the amount paid by the User to Amanat minus the Deductible, equal to the percentage of rotations of the owner of copyright and related rights with the User.

1. The percentage of rotations of the owner of copyright and related rights for the User is calculated.

AR = 100%

R = X%

X = Rx100 / AR

Where:

AR - total number of rotations

R - number of artist rotations

2. The amount of remuneration to the owner of copyright and related rights is calculated according to the following formula:

(AS - 30%) = 100%

X = R

X = R x (AS-30%) / 100

Where:

AS - the total amount of remuneration received by Amanat from the User

(AS - 30%) - the amount minus the Payments.

R is the percentage of rotations of the owner of copyright and related rights from the total number of rotations for the User.

4.2. Calculations of the amounts of remuneration to holders of related rights are made for each User separately, and then are summarized in a single table.

4.3. If the performance has several performers (group performance or duet), the amount of remuneration is determined in proportion to each performer.

 SECTION 5

The procedure for payment of remuneration to performers and producers of phonograms for public performance, broadcasting and / or by cable of phonograms published for commercial purposes and performances recorded in these phonograms.

5.1. Remuneration accrued in accordance with Section 4 of this Regulation is paid to the owner of copyright and / or related rights, net of mandatory payments and taxes provided for by the legislation of the Republic of Kazakhstan, according to the payment details provided by the owner of copyright and / or related rights, as up to 5,000 ( five thousand) tenge, but at least four times a year.

5.2. Remuneration due to payment to other companies for the collective management of the rights of holders of related rights is made in accordance with the terms of agreements on mutual cooperation.

5.3. Simultaneously with the payment of the Remuneration, Amanat, upon request, provides the owner of copyright and related rights with a report on the use of his rights, the amount of the Remuneration collected and the Deductions and taxes withheld from it, within 10 (ten) business days from the date of receipt of the written request.

5.4. Amanat is obliged to keep unclaimed remuneration for three years from the date of receipt. After the specified period, Amanat has the right to dispose of the unclaimed amounts of the Remuneration, including it in the distributed amounts or using it for other purposes in the interests of the owners of copyright and related rights represented by it.