

**REGULATIONS OF CONSIDERATION OF THE APPLICATIONS AND/OR CLAIMS AND MAKING DECISIONS  
BY THE SUPERVISORY BOARD OF NNLP COLLECTIVE MANAGEMENT ORGANIZATION  
INTELLECTUAL PROPERTY OWNERS ASSOCIATION (IPOA)**

1. Sphere and purpose of action

The Regulations of Consideration of the Applications and/or Claims by the Supervisory Board (hereinafter referred to as the Board) of NNLP Collective Management Organization – Intellectual Property Owners Association, ID: 404574475 (hereinafter referred to as the Association) (hereinafter – Instructions), for the purpose of control of exercising of the authorities provided for by the law and Association’s charter, determines the eligible applicants and/or claimants (hereinafter referred to as the Applicant and/or claimant), procedures and form of submission of the applications and/or claims to the Board in the course of collective management of the rightsholders rights by the Association, procedures of their consideration, decision-making and the set of issues, in relation to which, the subjects specified in Article 66<sup>14</sup> of the Law of Georgia on Copyright and Related Rights (hereinafter referred to as the Law) may submit the applications and/or claims to the Board.

1.2 These Instructions are intended for providing fair, just, unbiased and effective procedures for protection of the rights and legal interests of the persons specified in these Instructions and the legislation, maintaining of the positive development of the relationships, prevention of the conflicts and disputes, elimination of the existing disputed and problematic issues, ensuring compliance with the charter and legislation by the Association.

1.3 The board shall exercises specified by these Instructions in a manner and within the scopes provided for by the law and Association’s charter.

**2. Definition of terms**

2.1 Terms used in these Instructions shall have the following meanings:

2.1.1 Applicant: persons specified in sections 5 and 6 of Art. 66<sup>14</sup> of the Law and/or their authorized representatives that submit written request to the board, for the purpose of the latter’s involvement and/or support;

2.1.2 Author of the claim: persons specified in sections 5 and 6 of Art. 66<sup>14</sup> of the Law and/or their authorized representatives that, for the purpose of dispute resolution, submit the claims to the Association;

2.1.3 Claim: written request of the claimant and/or his/her authorized representative to the board, in accordance with the procedures established by the Association’s charter and Instructions for the purpose of restoration of the violated or disputed right/s.

2.1.4 Application: written request submitted by the applicant and/or his/her authorized representative to the board that is not intended for resolution of a dispute;

2.1.5 Consideration of the application/claim: procedures from submission of the application and/or claim to the board to final decision;

2.1.6 Interested person: applicant and/or claimant;

2.1.7 Decision: final/overall conclusion and/or recommendation adopted by the board as a result of consideration of the application and/or claim.

3. Principles of the board activities

3.1 The board performs its activities on the basis of the following principles:

- Fairness;
- Objectivity and absence of bias;
- Independence;
- High professional qualification;

- Good faith;
- Confidentiality;
- Effective and economic procedures;
- Due regard of the best interests of the parties.

#### **4. Persons authorized to submit the applications and/or claims and the issues within the board competence**

4.1 Association members, similar to the organization for collective management of the property rights, whose rights are managed by the Association on the basis of the mutual representation agreements, shall be entitled, for the purpose of involvement and/or assistance, to submit application to the board with the application and for the purpose of dispute resolution – to submit the claim.

4.2 The applicants and/or claimants are entitled to apply to the board as per Section 4.1 of these Instructions in relation to the following issues:

- Accreditation of the organization for management of the property rights on the collective basis;
- Termination of the agreement on collective management of the rights;
- Withdrawal of the rights from the Association’s management by the rightsholders;
- Terms and conditions of the Association membership;
- Collection, distribution of the royalties and/or special deduction therefrom.

4.3 Non-members of the Association, whose rights or categories of rights are managed by the Association, within the scopes provided for by the law and awarded accreditation, shall be entitled to submit applications and/or claims to the board.

4.4 Persons specified in Section 4.3 of these Instructions may submit application and/or claim to the board for the purpose of involvement, support and/or resolution of disputes only in relation to the issues of collection, distribution of the royalties and/or special deduction therefrom.

4.5 Interested persons shall be entitled to submit to the board one specific, as well as more than one requests simultaneously.

#### **5. Content of the application/claim and form of submission thereof**

5.1 Interested persons and/or their authorized representatives shall submit application and/or claim to the Association in written for only,

5.2 Submission of the application and/or claim by the interested person and/or his/her representative to the Association’s by visit to its address and delivery of the document/documentation, as well as by postal delivery or by e-mail to the Association’s e-mail address.

5.3 In case of submission of the application and/or claim by physical visit or as postal delivery, the application and/or claim shall be submitted to the Association office address and in case of e-mail, the documentation shall be sent to the following e-mail address: [info@ipoa.ge](mailto:info@ipoa.ge).

5.4 Application and/or claim submitted by the interested person shall contain the following data:

- a) Name of the Association’s body where the application and/or claim was submitted;
- b) Name and surname, personal number, phone number, address and e-mail of the interested person, in case of the application, those of the claimant, in case of the claim or those of their authorized representatives;
- c) Statement of the circumstances and documents, for putting into order of which the interested person requested the board’s assistance, involvement and/or resolution of dispute;
- d) Request;
- e) Circumstances, on which the interested person’s request is based;
- f) Evidences of the factual circumstances that have provided grounds for the interested person’s request specified in the application and/or claim;
- g) If the application and/or claim is submitted by the representative, the notarized document evidencing the representative’s authorities/power of attorney, specifically dealing with application to the Association;
- h) Signature of the interested person and/or authorized representative;

5.5 Applicant and/or claimant shall be responsible for accuracy of each datum specified in Section 5.4 of these Instructions.

5.6 Immediately, upon submission of the application and/or claim, chancellery of the Association provides registration of the submitted documentation and giving relevant reference number to it, further, the application and/or claim, for the purpose of consideration, shall be immediately transferred to the board.

5.7 If the application submitted to the Association does not contain any information specified in sections “a”, “b”, “f” and “g”, except for the e-mail, chancellery of the Association will refuse to register such application and/or claim to the interested person and this does not deprives the applicant and/or claimant to apply to the board with the same or any other issue.

5.8 Interested person can submit the application and/or claim in both, free format and as completed standard form of application and/or claim provided by the Association.

## **6. Recognition of the application and/or claim as acceptable by the board**

6.1 Upon receiving of the registered application and/or claim, the board member, within 10 (ten) working days from the date of receiving, the board member shall examine the issue of whether the application and/or claim is acceptable or not. If the board member establishes that the issue in the application and/or claim is not within the competence of the board but rather of the other body of the Association, he/she shall immediately give written notification to the interested person or transfers the documentation to the relevant body, also with notification of the interested person.

6.2 If the application and/or claim includes two or more requests and, at the stage of examination of its acceptability, the board member establishes that any specific request belongs to the competence of any other body, rather of the board, the chairman shall accept for consideration the submitted application and/or claim and recognizes as acceptable only the part that is within the board competence and in relation to the issues that are beyond its competence, the submitted application and/or claim shall be recognized as unacceptable and the board shall inform the interested person in a manner specified in Section 6.2 of these Instructions.

6.3 If, at the stage of acceptability examination, the board chairman establishes that the submitted application and/or claim does not contain any data specified in subsections “c”, “d” and “e”, Section 5.4 of these Instructions, he/she shall establish that the application and/or claim has defect and gives to the applicant/claimant reasonable time for improvement of such defect but no more than 10 (ten) calendar days.

6.4 If the interested person fails to fully improve/eliminate the defect within the term specified by the chairman for no valid reason, the board chairman will leave the application and/or claim without consideration and in case of non-compliance with the term was caused by the valid reason, the burden proof shall be with the applicant and/or claimant.

6.5 If the application and/or claim was left without consideration, the interested person shall be entitled to submit the same issue to the board after expiry of 03 (three) months.

6.6 If there are no any circumstances preventing recognition of the application and/or claim as acceptable, as per these Instructions, the board chairman makes decisions on recognition of the application/claim as acceptable and its acceptance for consideration. In the same decision, the board chairman shall appoint the time and date of the session that shall be summoned in accordance with the Association’s charter.

6.7 If the board chairman makes decision on recognizing the application and/or claim acceptable, the interested person shall be entitled to apply to the full board for recognition of acceptability of the submitted application and/or claim and acceptance thereof for consideration within 05 (five) calendar days after the date of service of the decision.

6.8 In the process of dispute resolution, the board shall be entitled to request from the management board and any employee oral and/or written explanations. Before making decision, the board shall examine the annual report and accounting documents.

6.9 The board is entitled to request additional oral and/or explanations of the applicant and/or claimant.

6.10 For the purpose of resolving the issue under consideration, the board is entitled to invite the experts, specialists and witnesses and hear their opinions/testimonies.

6.11 Board session can be held both, by physical attendance and remotely, using relevant technological means and the board shall make relevant note in the relevant record of proceedings;

6.12 The board shall be entitled to perform any other actions provided for by the law, in the course of consideration of the application and/or claim.

## **7. Termination of the procedures**

7.1 Procedures initiated on the basis of the application and/or claim shall be terminated, if:

- a) Applicant and/or claimant has withdrawn his/her application/claim;
- b) Parties have signed conciliation agreement
- c) Any of the parties gives notification to the board at any time, upon service of the board's notification that the party does not desire to continue the dispute in accordance with Section 7, Art. 66<sup>14</sup> of the Law.
- d) As per the board's assessment, the issue cannot be resolved within the scopes of the dispute arisen on the basis of Section 5, Art. 66<sup>14</sup> of the Law, on this, the grounded written notification shall be given to the parties;
- e) Initial and additional terms for the procedures have expired. Relevant written notifications shall be given to the parties.

## **8. Consideration of the application and/or claim and making decision**

8.1 The board shall consider the application and/or claim submitted immediately, as soon, as possible, in accordance with Section 5, Art. 66<sup>14</sup> of the Law.

8.2 Board shall consider the dispute specified in Section 5, Art. 66<sup>14</sup> of the Law and make decision, with due regard of the best interests of the parties, fairly, without bias, in addition, each party of the dispute shall act in good faith.

8.3 Board shall consider the application and/or claim without oral hearing, though, if required, the board shall consider the case with oral hearing. In such case, the interested persons will be notified about time, date and place of consideration, though their absence shall not regarded as the grounds for deferring of the session.

8.4 Board shall make decision within 30 calendar days from the date of application and/or claim. If, regarding specific nature and/or complexity of the issue, the board requires more than 30 calendar days, to make decision, they are entitled to extend the term of making decision for the same time period. In such case, the board shall give written notification to the applicant, claimant and/or their authorized representatives.

8.5 Serving/transferring/delivering any information and/or documentation to the representative implies delivery of the documentation and/or providing information to the interested person, with the exclusion of cases, where the applicant and/or claimant requests delivery of the documentation personally.

8.6 In the event of submission of the application and/or claim, the board can make the following decisions:  
a) Decision on upholding of the request; b) Rejection of the request; d) Decision on partial upholding of the request.

8.7 Any decision/response of the board shall be in written;

8.8 Board decision on rejection of the request shall be properly grounded.

8.9 Board session is effective, if more than half of the members participate. If, due to absence of the quorum, board session cannot be held, the board chairman appoints the new date of the board session, within 5 (five) days. Deferred session shall be effective irrespective of number of board members participating in the session. Compliance with the board session summoning procedures shall not be mandatory, if all member of the board agrees with and signs the decision.

8.10 Decision on the issues specified in these Instructions and Article 66<sup>14</sup> of the Law shall be made by the Board by simple majority of votes of the attending members.

8.11 Board decisions shall be documented in the record of proceeding of the session, to be signed by the session chairman elected by the board members.

8.12 Board shall serve the decision made within 07 (seven) calendar days from the date of such decision to the applicant and/or claimant, to the address and/or e-mail specified in the application or to the other address specified by the interested person.

8.13 In accordance with the Instructions, consideration of the disputes related to issues specified in Article 66<sup>14</sup> of the Law shall not deprive the interested person/party of the right to apply to the court.

## **9. Revision and adjustment of the Instructions**

9.1 Association shall periodically revise these Instructions. On the basis of the above, the Association shall be entitled to make relevant changes to this document.