
STATUTORY INSTRUMENTS

2016 No. 221

The Collective Management of Copyright
(EU Directive) Regulations 2016

PART 1

Introduction

Interpretation and application

2.—(1) In these Regulations—

“collective management organisation” means an organisation which—

- (a) is authorised by law or by way of assignment, licence or any other contractual arrangement to manage copyright or rights related to copyright on behalf of more than one right holder, for the collective benefit of those right holders, as its sole or main purpose; and
- (b) is either owned or controlled by its members or is organised on a not for profit basis, or both;

“general assembly of members” means the body in the collective management organisation through which members participate and exercise their voting rights;

“independent management entity” means an organisation which—

- (a) is authorised by law or by way of assignment, licence or any other contractual arrangement to manage copyright or rights related to copyright on behalf of more than one right holder, for the collective benefit of those right holders, as its sole or main purpose;
- (b) is neither owned nor controlled, directly or indirectly, wholly or in part, by right holders; and
- (c) is organised on a for profit basis;

“management fees” means the amounts charged, deducted or offset by a collective management organisation from rights revenue or from any income arising from the investment of rights revenue in order to cover the costs of its management of copyright or related rights;

“member” means a right holder or an entity representing right holders, including other collective management organisations and associations of right holders, fulfilling the membership requirements of the collective management organisation and admitted by it;

“multi-territorial licence” means a licence which covers the territory of more than one member State⁽¹⁾;

“non-distributable”, in relation to amounts due to right holders, is construed in accordance with regulation 12(9);

(1) “member State” is defined in Part 2 of Schedule 1 to the European Communities Act 1972.

“online rights in musical works” means any of the rights of an author in a musical work provided for under articles 2 and 3 of [Directive 2001/29/EC](#) of the European Parliament and of the Council of 22 May 2001(2) which are required for the provision of an online service;

“online service provider” means a user who is an online service provider referred to in Part 3 of these Regulations;

“repertoire” means the works in respect of which a collective management organisation manages rights;

“representation agreement” means an agreement between collective management organisations whereby one collective management organisation mandates another collective management organisation to manage the rights it represents, including an agreement concluded under regulations 28 (agreements between collective management organisations) and 29 (representation of other collective management organisations);

“right holder” means any person, other than a collective management organisation, that—

- (a) holds a copyright or related right; or
- (b) under an agreement for the exploitation of rights or by law is entitled to a share of the rights revenue;

“rights revenue” means income collected by a collective management organisation on behalf of right holders, whether deriving from an exclusive right, a right to remuneration or a right to compensation;

“statute” means the memorandum and articles of association, the statute, the rules or documents of constitution of a collective management organisation;

“user” means a person who—

- (a) is carrying out acts subject to the authorisation of right holders, remuneration of right holders or payment of compensation to right holders; and
- (b) is not acting in the capacity of a consumer.

(2) The obligations of a collective management organisation in Parts 2 and 4 of these Regulations apply to a collective management organisation established in the United Kingdom.

(3) The obligations of a collective management organisation in Part 3 of these Regulations apply to a collective management organisation in accordance with regulation 22.

(4) Where an entity which is directly or indirectly owned or controlled, wholly or in part, by a collective management organisation carries on an activity which, if carried on by the collective management organisation, would be subject to the provisions of these Regulations then those provisions apply to that entity.

(5) The following provisions of these Regulations apply to an independent management entity established in the United Kingdom—

- (a) paragraph (1) of regulation 15 (licensing);
- (b) regulation 17 (information to be provided to right holders);
- (c) paragraph (1)(b) of regulation 19 (information to be provided on request);
- (d) paragraph (2) of regulation 20 (disclosure of information to the public); and
- (e) paragraph 1(f) of regulation 36 (power to request information).

(2) OJNo. L167, 22.6.2001, p.10.