

MAURITIUS SOCIETY OF AUTHORS

POLICY FOR DISTRIBUTION EXERCISES

UNDOCUMENTED WORKS, NON-SOCIETIES AND PUBLIC DOMAIN WORKS

1.0. Definitions

- (i) **Board** means the Board of the Mauritius Society of Authors.
- (ii) **CISAC** means the International Confederation of Societies of Authors and Composers.
- (iii) **CIS-NET** means the Common Information System Network.
- (iv) **CMO** means Collective Management Organisation affiliated to CISAC.
- (v) **Committee** means the Technical Committee set up by the Board to monitor the distribution exercises.
- (vi) **Internal database** means the software solutions on documentation and distribution as approved by the Board.
- (vii) **IPI** means the Interested Parties Identification.
- (viii) **Non-Societies** mean the category of copyright owners not belonging to the database of any CMO.
- (ix) **Undocumented works** mean works for which information either on the work itself or on its copyright owners is not available or is listed as reserved in the database of the Mauritius Society of Authors.
- (x) **Warsaw/Rome rule** means the payment rule indicator recommended by CISAC.
- (xi) **Website** means the approved website of the Mauritius Society of Authors.
- (xii) **Works** means any protection in the artistic field which the Mauritius Society of Authors has been mandated to administer the economic rights.
- (xiii) **Public domain works** mean works whose copyright protection has lapsed due to expiry of the duration for protection as per the Copyright Act in force.

2.0. Object

The object of this policy is to provide guidance on the way to proceed on situations after distribution exercises resulting to categories: non-Societies works, undocumented works, unidentified works and public domain works. The policy is to be read with the Copyright Act 2014 as amended and, the Rules and the Statutes of the Mauritius Society of Authors.

3.0. Non-Societies

- 3.1. If, at the time of a distribution exercise and after consulting the internal database, IPI and CIS-NET, a list of names classified as non-societies is generated, the list shall be published on the website over a period not exceeding three years.
- 3.2. If, after publication of information, a claim with supporting documents is received by the Mauritius Society of Authors, payments should be effected in the next distribution exercises within a period not exceeding twelve months.

3.3. If, after publication of information, no claim is received from copyright owners and foreign CMOs over a period of three years after the first distribution exercise, the monies shall be allocated to the social and welfare account and may be used for special projects in the interests of copyright owners.

4.0. **Undocumented works**

4.1. If, at the time of a distribution exercise and after consulting the internal database, IPI and CIS-NET, a list of works classified as undocumented and unidentified works is generated, the list shall be published in the standard format of CISAC on the website over a period not exceeding three years.

4.2. If one of the copyright owners can be identified as a member of a foreign CMO, all monies should be accrued to the works to that particular CMO on a 100 % basis as per the Warsaw/Rome rule.

4.3. If one or two copyright owners and their corresponding shares can be identified, then, the monies accrued for the works shall be distributed to the respective foreign CMOs.

4.4. If, after publication of information, a claim with supporting documents is received by the Mauritius Society of Authors, payments should be effected in the next distribution exercises within a period not exceeding twelve months.

4.5. If, after publication of information, no claim is received from copyright owners and foreign CMOs over a period of three years after the first distribution exercise, the monies shall be allocated to the social and welfare account and may be used for special projects in the interests of copyright owners.

5.0. **Public domain works**

5.1. If, at the time of a distribution exercise and after consulting the internal database, IPI and CIS-NET, a list of works classified as public domain is generated, the list shall be published on the website over a period not exceeding three years.

5.2. If, after publication of information, a claim with supporting documents is received by the Mauritius Society of Authors, payments should be effected in the next distribution exercise within a period not exceeding twelve months.

5.3. If, after publication of information, no claim is received from copyright owners and foreign CMOs over a period of three years after the first distribution exercise, the monies shall be allocated to the social and welfare account and may be used for special projects in the interests of copyright owners.

6.0. **Bank account**

A separate bank account shall be kept by the Mauritius Society of Authors and shall be called the Undistributed Shares Account.

7.0. **Supervision**

All matters pertaining to non-societies works, undocumented works, unidentified works and public domain works shall be monitored by the Committee under the supervision of the Board

8.0. **Miscellaneous**

Any matter not listed under this policy shall be dealt by the Board.

Approved by the Board on 29 July 2024