

Procedure description for double claims of producers

- As soon as there is a double claim to a title, payment of the monies reserved for the relevant title is blocked.
- The parties involved will receive an automatically generated notification (via MySena), informing them of the double claim and the parties involved.
- The parties are requested to come to a solution in mutual consultation within 3 months of becoming aware of the double claim.
- If the parties fail to resolve the double claim within that 3-month term and the outstanding balance exceeds €1,000, Sena will request that the parties provide evidence to substantiate their claims. The parties must provide Sena with this evidence within 3 months of Sena requesting it.
- Sena will subsequently assess the evidence received from the parties and respond within 2 months (of receipt of the evidence of the parties), recognizing the following 6 possible scenarios:
 1. Within the 3-month period, one or both of the parties provide Sena with information showing that the parties have already submitted the matter to another authority (such as the court or an arbitration tribunal). In that case, Sena will confirm to both parties that this stands in the way of Sena deciding on the double claim. In such cases, payment of the monies reserved for the relevant title will continue to be blocked until a court or another authority has rendered a binding decision or – if it concerns a regular judgement – a provisionally enforceable decision on the matter, or until the parties have come to an agreement after all. Sena will then proceed to pay out the reserved monies as part of the next apportionment payment.
 2. Within the 3-month period, both parties provide Sena with evidence that enables Sena to determine that one of these parties is clearly the lawful producer of the title. Sena will inform both parties of this. Sena will characterise the abovementioned decision as a board decision. In the event that one of the parties objects to the board decision, the relevant party can submit the dispute to Sena's Disputes Committee for apportionment or the court at the latest within 2 months of the board decision being communicated. In that case, payment of the reserved monies for the relevant title will continue to be blocked until the Disputes Committee or the court has determined in whom the rights to the relevant title are vested. Payment of the monies reserved for the relevant title will take place as part of the next apportionment payment made by Sena, after the 2-month period for objections has lapsed and no objections have been submitted.
 3. Within the 3-month period, both parties provide Sena with evidence, but the evidence provided still does not enable Sena to determine who is the proprietor of the producer's rights. In that case, payment of the monies reserved for the relevant title will continue to be blocked. Sena will inform both parties of this.
 4. Within the 3-month period, only one of the parties provides Sena with evidence (and the other party fails to provide evidence or does not respond at all). The evidence provided enables Sena to determine that this party is clearly the lawful producer of the title. Sena will inform both parties of this. Sena will characterise the abovementioned decision as a board decision. In the event that one of the parties objects to the board decision, the relevant party can submit the dispute to Sena's Disputes Committee for apportionment or the court at the latest within 2 months of the board decision being communicated by Sena. In that case, payment of the reserved monies for the relevant title will continue to be blocked until the Disputes Committee or the court has determined in whom the rights to the relevant title are vested. Payment of the monies reserved for the relevant title will take place as part of the next apportionment payment made by Sena, after the 2-month period for objections has lapsed and no objections have been submitted.
 5. Within the 3-month period, only one of the parties provides Sena with evidence (and the other party does not respond at all or fails to provide evidence). The evidence provided still does not enable Sena to determine who is the lawful producer. In that case, payment of the monies reserved for the relevant title will continue to be blocked. Sena will inform both parties of this.
 6. Neither party provides evidence within the 3-month period. In that case, payment of the monies reserved for the relevant title will continue to be blocked. Sena will inform both parties of this.
- In the event that – either Sena's opinion, or in the absence of evidence (scenario 3, 5 and 6) – the double claim is not resolved, the parties may submit their dispute to the Disputes Committee for apportionment or the court.

Penalty clause

This penalty clause applies to producers who cause too many unjustified double claims within 1 calendar year. The penalty will be applicable if a producer has submitted more than 20 double claims.

The amount of the penalty is related to a percentage of the number of submitted and lost double claims:

	Penalty
Up to 5% of the double claims have been lost	€ 0
From 6% onwards	€ 150 per lost double claim.

The penalty will be invoiced separately in December of every year.

This procedure description will take effect on 16 November 2015, in accordance with the Share Apportionment Regulations for producers.