
Rights definition

Rights on works are declared by providing:

- the percentages of rights for:
 - countries
 - channels
 - language versions
- the rights period: the rightsholder is entitled to remuneration for broadcasts falling in his declared rights period
- the validity period: the rightsholder is entitled to remuneration for payments if his/her declared validity period covers the period during which AGICOA launches the royalties allocation process

Conflict definition

Conflicts are born from overlapping rights. There is a rights overlap when two or more rightsholders declare rights for:

- the same channels or
- the same language versions or
- the same territories

on the same period of rights and validity.

If the sum of all claimed percentages, for all rightsholders, is larger than 100%, a conflict appears.

Conflicts outside of the AGICOA Alliance's scope

In some countries, the AGICOA Alliance's conflicts rules do not apply and conflicts are handled by the following organizations:

- Australia: Screenrights
- Austria: VAM
- Canada: CRC
- Denmark: CAB
- Germany: AGICOA GmbH
- Spain: EGEDA
- Switzerland: Suissimage

When a conflict occurs between an AGICOA rightsholder and a rightsholder registered directly at one of the above-mentioned organizations, it will be handled directly by the concerned organization, based on its own conflict rules.

In such a case, the conflict cannot be viewed on IRRIS Web, AGICOA's web declaration portal.

Conflict value

The value of a conflict is the monetary amount at stake, i.e. the royalties allocated to the broadcast(s) of the audiovisual work in conflict. For conflicts to have a value attached to them, a broadcast of the work needs to have taken place within the corresponding rights overlapping period.

As soon as a conflict is detected in AGICOA's database, the allocated amounts are frozen. Upon resolution of the conflict, the royalties will be unfrozen and paid to the rightsholder(s) who is/are entitled to payment.

Following a conflict resolution, a rightsholder who has lost the conflict will see a negative balance adjustment in his/her transactions journal, should he/she have been paid prior to conflict detection. This is in line with AGICOA's policy to recover royalties that turn out to have been unduly paid. The prescription rules do not apply to royalties which are frozen by a conflict.

Conflict notification

Rightsholders are informed about conflicts:

- periodically by their Portfolio Manager;
- by requesting that information from their Portfolio Manager on an ad-hoc basis;
- by consulting [IRRIS Web](#), AGICOA's web declaration portal;
- by the Portfolio Manager who may inform the rightsholder of conflicts when they arise.

The information is provided in either printable or electronic form and will enable rightsholders:

- to view their conflicts;
- to identify the conflicts with the largest amounts at stake, hence allowing for a focused approach to their conflicts resolution;
- to see corresponding broadcast(s) for conflicts with amounts at stake;
- to get the contact details of the opposing party(ies).

Conflict resolution tools

Once informed about their conflicts, rightsholders have the following means to resolve them:

- through direct contact with the other parties involved in the conflict. AGICOA encourages rightsholders to take the initiative to try and sort their conflict amongst themselves. In case the other party(ies) do not react to an attempt to sort a conflict, [AGICOA's conflict rules](#), article 13 provide a mechanism for conflicts to be solved in favor of solution-seeking rightsholders.

Where direct initiative between rightsholders has not produced results, two mechanisms have been put in place by AGICOA to sort out conflicts:

- For high-value conflicts, AGICOA or the rightsholder can propose a managed and phased Conflict Resolution Procedure (CRP).
- For low-value conflicts - so-called Small and Non-Evolving Conflicts (SNEC), defined as 1) conflicts with frozen royalties of 200 € or less and 2) non-evolving, i.e. no broadcasts in the past 5 years or more -, AGICOA reserves the right to release frozen royalties and allocate them to the General Reserve. It will only do so after having informed rightsholders of such action and having given them a deadline for resolving the conflict.

Please note that this document does not replace AGICOA's conflict rules which are available at <http://www.agicoa.org/conflictrules.html>