

# PARTIAL DECLARATION OF PUBLISHED ORIGINAL MUSICAL WORKS Notice

In order to obtain payment of the sums due for the exploitation of works of its repertoire, in particular in the context of online exploitation, **Sacem must have as quickly as possible all the documentation information necessary for the claims for works and, in particular, the share due to its members.**

To simplify and speed up the declaration of works by publishers, Sacem has decided to implement the 'partial declaration,' allowing, in certain well-defined cases, to accept declarations that all the rights holders have not signed.

These terms apply only to simple original musical works<sup>1</sup> declared in paper format or, for sub-published works, in CWR electronic format.

You will find detailed explanations below as well as a complete summary table presenting the elements and signatures to be provided depending on the case.

## DECLARATION SIGNED BY SOME OF THE RIGHTS HOLDERS

### a) Work without co-publishing

Delivery of the declaration form signed by all the rights holders, creator(s) and publisher. In this case, the delivery of the publishing assignment contract is optional.

Or

Delivery of the declaration form signed only by the publisher but accompanied by the publishing assignment contract signed by all the rights holders (who control the ownership of the rights).

### b) Work co-published with a single administrative manager of the co-publishing

Delivery of the declaration form signed only by the publisher ensuring the administrative management of the work, accompanied by the publishing assignment contract signed by all the rights holders, creator(s) and publishers and the co-publishing agreement (control of ownership of rights to the work as a whole).

### c) Work co-published without a single administrative manager of the co-publishing

Delivery of the declaration form signed by one of the publishers only, accompanied by the publishing assignment contract signed only by the creators of which the publisher is the assignee (controls the ownership of the rights for the declared part). The distribution of rights due to them will only be made to these rights holders if the complete declaration has not been made.

In this case, the delivery of the co-publishing contract is optional except in the case of co-publishing in the branch. The publisher who deposits his branch, of which he is the administrative manager, must submit the co-publishing contract signed by all the co-publishers of this branch. The other publishers of the other branches are not obliged to sign this co-publishing contract. See (4) in appended table.

<sup>1</sup> excluding advertising, symphonic music, audiovisual works, arrangement and adaptation, literary works.

**d) Mixed work declared by rights holders who are members of Sacem**

Delivery of the declaration form only signed by all Sacem rights holders. The delivery of the publishing assignment contract is optional. The distribution of rights due to them will only be made to these rights holders if the complete declaration has not been made.

**e) Mixed work declared by the publisher, a member of Sacem**

Delivery of the declaration form signed by the publisher only, a Sacem member, accompanied by the publishing assignment contract signed only by the creators of which the publisher is the assignee (controls the ownership of the rights for the declared part). The distribution of rights due to them will only be made to these rights holders if the complete declaration has not been made.

**f) Mixed work of which at least one of the creators is a member of Sacem, but not its publisher**

Delivery of the declaration form signed only by the creator. The distribution of rights due to him will only be made to this rights holder if the complete declaration has not been made.

**DECLARATION OF SUB-PUBLISHING IN ELECTRONIC FORMAT**

In case of a mixed work including:

- Either at least one of the creators is a member of Sacem, the work being published (or co-published) by a non-member publisher(s), and partially sub-published by a publisher member of Sacem;
- Or the creators are not members of Sacem, while the work is published and co-published by publishers who are members of Sacem;

The declaration can be made via CWR. However, the member(s) of Sacem must submit a copy of the publishing transfer contract or a "letter of direction" confirming the rights of the publisher(s) (control of the ownership of the rights on the declared part). The distribution of rights will only be made to these rights holders if the complete declaration has not been made.

**Partial declaration of published original musical works**  
(excluding advertising, symphonic music, audiovisual works, arrangement and adaptation, literary works)

Rules applicable for the acceptance of declarations and the payment of declarants

Mandatory documents		Work with a single publisher	Work with several publishers and a single administrative manager for the co-publishing	Work with several publishers each managing their share (including the case of an unpublished creator)	Mixed work, Sacem repertoire published by a publisher who is a member of Sacem		Mixed work, Sacem repertoire published by a publisher who is not a member of Sacem	Mixed work, Sacem repertoire published by a publisher who is not a member of Sacem and sub-published by a Sacem (1 single branches)	Mixed work, Sacem repertoire published by a publisher who is not a member of Sacem and sub-published by a Sacem (Several branches)	Mixed work with a creator who is not a Sacem, published by a Sacem publisher and sub-published by a Sacem member	
		a) Paper declaration with signature of all rights holders(1)	a) Paper declaration with signature of only one of the rights holders (1)	b) Paper declaration with the <u>sole</u> signature of the sole manager (1)	c) Paper declaration with signature of only one of the rights holders per branch(2)	d) Paper declaration signed by the <u>Sacem</u> rights holders (2)	d) Paper declaration signed by the Sacem publisher(2)	e) Paper declaration with signature of all Sacem rights holders (2)	f) CWR declaration with a Sacem creator with a letter of direction or assignment contract (2)	g) CWR declaration with a Sacem creator with a letter of direction or assignment contract (2)	h) CWR declaration with a non-Sacem creator with a letter of direction or assignment contract (2)
Declaration form	<i>Sumames and first names of all rights holders</i>	X	X	X	X	X	X	X	CWR	CWR	CWR
	<i>Role of all rights holders</i>	X	X	X	X	X	X	X	CWR	CWR	CWR
	<i>IPI name number / COAD of all rights holders</i>	optional	optional	optional	optional	optional	optional	optional	CWR	CWR	CWR
	<i>Letter</i>	X	X	X	X	X	X	X	CWR	CWR	CWR
	<i>Mention of the share for all rights holders</i>	X	X	X	X	X	X	X	CWR	CWR	CWR
<i>Who signs the bulletin?</i>	All rights holders	Any of the rights holders	The manager only	Each declarant of the branch	All Sacem rights holders	The Sacem publisher	All Sacem rights holders	CWR	CWR	CWR	
Music and/or Text*	X	X	X	X	X	X	X	optional	optional	optional	
Assignment contract signed by all the rights holders (or a letter of direction for situations F, G and H)	optional	X	X								
Assignment contract signed by all the branch's rights holders making the declaration (or letter of direction for situations F and G)				X	optional	X	optional	(3)	(3)	(3)	
Co-publishing contract signed by all publishers			X	(4)	optional	optional	optional				

(1) Distribution for all rights holders

(2) Distribution for the rights holders of the declared branch only/declarants only

(3) Declaration set up and payment made. At the same time, ask the Sacem member to provide a copy of the transfer contract or the letter of direction to complete the file.

(4) Delivery of the co-publishing contract is optional except in the case of co-publishing in the branch.

\* Reform of article 39 of the General Regulations of Sacem voted at the General Assembly in June 2021: awaiting a decision from the Board of Directors for the practical arrangements.