

Lawyers to join Independent Expert Panel for Screenrights' Competing Claim Resolution Procedures

As part of its Competing Claim Resolution Procedures, from time-to-time Screenrights requires the engagement of an independent expert to make determinations in relation to competing claims over royalties by its members. Screenrights has requested that an independent organisation put together a panel of experts which can assist with these matters that will include lawyers with expertise in film and television law.

About Screenrights

Screenrights is the declared collecting society for the Australian and New Zealand screen industry. It collects license fees from the use of broadcast programs and distributes royalties back to the registered rightsholders. Screenrights' licences cover use of broadcast programs by educational institutions and government and by services that retransmit free to air broadcasts such as subscription TV providers.

Screenrights' Competing Claim Resolution Procedures

Competing claims arise when two or more members submit registrations for royalties to Screenrights for exactly the same title and for overlapping rights. Generally, members are able to resolve these competing claims by their own efforts. However, where this is not the case, Screenrights offers its assistance through its [Competing Claim Resolution Procedures](#) ("CCRP") which can include a resolution pathway for competing claims of an independent expert.

Independent Expert Determinations

Independent expert determinations can be initiated through 2 procedures:

1. Where Screenrights is called to make an internal determination under the CCRP and Screenrights elects that an independent expert will make the determination; or
2. Where Screenrights has made an internal determination under the CCRP which a member disagrees with, that member is able to request that the determination be reviewed by an independent expert.

In both procedures, a panel of independent experts will be available to members to nominate their preferred independent expert for their matter. Once a preferred expert has been identified, the expert will be provided with the same submissions which Screenrights received from those members in order to provide a costs estimate. The costs estimate must be approved before proceeding.

Independent Experts

In general, it is expected that any potential independent expert meets the following criteria:

- **Industry Experience and Knowledge** – panellists should have an expertise in copyright and contract law in the context of the film and television industry. An understanding of Screenrights royalties is highly desirable.
- **Availability** – requests for expert determinations will generally occur during the March – June period but another round may be required later in the year and will have an expected turnaround time of around 30 days.

- **No Conflict of Interest** – panellists will need to disclose any conflict of interest in matters where they have a conflict of interest with the members involved. If there is a disclosed conflict of interest, any member may exercise the right to have an alternative panellist appointed.

Independent Organisation

Screenrights currently liaises with Negocio Resolutions who select the panel of independent experts.

If you are interested in being considered for the independent expert panel by Negocio, please contact Negocio for more information at:



Negocio Resolutions

Website: <http://negocio.com.au/>

Contact: Steve Lancken

P: +61 2 9036 0333

E: steve@negocio.com.au

Please contact Negocio within 10 days of the date of this posting to be considered.