

MANDATE REGULATION

The Assembly of Delegates of Nuovo IMAIE, on the proposal of the Board of Directors,

having regard to art. 7 of the law of 29 June 2010, n. 100;

having regard to Articles 71 septies, 71 octies, 73, 73 bis, 80, 82, 83, 84, 180 bis of the law 22 April 1941 n. 633 (from now on LDA);

considered, in particular, that due to the effect of Article 82 of the LDA "are considered performers: a) those who, in [the performance of] any dramatic, literary or musical work or composition, play an important artistic part, even if in a supporting role; (2) the conductors of an orchestra or choir; (3) entire orchestras or choirs, provided that the orchestral or choral part [of the performance] has artistic value in itself and is not a mere accompaniment";

having regard to the Legislative Decree 15 March 2017, n. 35, with particular regard to articles 1 and 5;

having regard to Art. 2 of the STATUTE;

That being stated and observed, adopts the following Mandate Regulation.

Art. 1

For the purposes of this Regulation the following definitions are adopted:

STATUTE: means the status of NuovoIMAIE;

Regulations: means the present Rules;

AIE: means the performer artist as defined in articles. 80 and 82 of the LDA;

Right holder: means any natural or legal person who holds the rights referred to in articles 71 septies, 71 octies, 73, 73 bis, 80, 82, 83, 84, 180 bis of the LDA and the Dubbing Director of a cinematographic or similar work if not previously identified as a right holder ;

Remuneration: means the remuneration referred to in the aforementioned 71 septies, 71 octies, 73, 73 bis, 80, 82, 83, 84, 180 bis of the LDA;

Obligated to pay Remuneration: means any person required to pay the Remuneration;

Distribution Regulations: means the one adopted in accordance with the NuovoIMAIE

Art. 2

NuovoIMAIE accepts the mandate provided for in the Regulations in accordance with the law, the Statute and the regulations approved according to the Statute, based on the principles of equal treatment and non-discrimination of the Rightholders.

By signing one of the forms, the Rightholder gives a mandate to Nuovo IMAIE with the aim of:

- negotiating the remuneration due to him with those subjects who are obliged to pay remuneration and in any case fulfilling all those activities finalized to collect the remuneration;
- distribute and pay the same rightholder the amount due in accordance with the Distribution Rules.

The mandate is intended exclusively in relation to the territories and the methods of use of the right indicated in the form.

The rightholder:

- a) must know the premium (management fee) applied by Nuovo IMAIE at the time of submitting the application and the amount of any deductions from the proceeds of the rights and any income deriving from the financial investments of the proceeds;
 - b) can and must be put in a position to define the management of their rights by category of rights or type of works or territories;
 - c) can and must be made aware of his right to withdraw at any time the mandate given to NUOVO IMAIE, with at least four months' notice before the end of the calendar year, lacking such notice the mandate will be active until the end of the following year; periods effective per competence.
- d) must indicate an email address to allow the exchange of communications with the Institute also for the purpose of exercising the rights due to him.

Art. 3

Without prejudice to the Regulations' provisions, the mandate is intended given by the Rightholder:

- a) by filling in the online application, according to the form that will be accessible from 1 January 2018, by sending the signed hard copy within the deadline indicated at the end of the document;
- b) by sending or delivering by hand the Form published on the Nuovo IMAIE website at the registered office of the Institute, starting from the date of approval of said Rules.

Art. 4

By virtue of the mandate granted, Nuovo IMAIE is authorized to negotiate and enter into contracts and agreements in the interest of the Rightholder. For this purpose Nuovo IMAIE is also authorized to stipulate transactions and / or agreements with the contracting party, and / or agreements to promote any legal action, or to resist in front of any judicial authority. Nuovo IMAIE is entitled, therefore, also in court, to represent the rightholder acting in its own name but in the interest of the rightholders for the pursuit of this mandate and for the pursuit of the duties and functions appointed by the applicable law and by Statute

Art. 5

The Rightholder is entitled to:

- a) access to the proceedings of the Institute on the basis of the Rules for the transparency of proceedings;
- b) to use the portal of the Institute through which, upon identification, it is possible to verify his administrative position, his personal data and the repertoire of works he performed in.

Without prejudice to the principle of equal treatment and non-discrimination of the Rightholders, the models for conferring the mandate may be modified, upon resolution of the Board of Directors, on the basis of particular conditions or specific requirements of the Right holder if not contemplated in the Rules. Nuovo IMAIE offices, in the form and according to the schedule provided for in the present Regulations, verify the existence of the subjective requisites provided by art. 2 of the Statute for those who submit an application for a mandate.

For the purposes of admissibility of the application:

1. AIE who has turned sixteen on the date of the signature of the mandate must attach a signed photocopy of a valid identity document;
2. AIE who has not turned sixteen on the date of the signature of the mandate must attach a signed photocopy of a valid identity document signed by his parent who will also sign the mandate;
3. AIE or Mandator that, on the date of the signature of the mandate, has taken part in a cinematographic or similar work with the role of Dubbing Director, without performing in other cinematographic or similar works or in the same a role as performing artist, has to fill in his full name details and the title and type of works whose dubbing he has directed, for identification purposes;

4. the heirs of the performer must attach to the Heir mandate documentation certifying the quality of heirs of the deceased performer (a will by the performer where it exists and in the absence of, a Self-declaration affidavit by a notary public or judgment that has the force of 'resjudicata) ;
5. choir or orchestra incorporated as a legal person, must enclose a copy of the Statute and a copy of the Certificate of Incorporation;
6. the natural or legal person who, on the basis of a documented contractual relationship with the AIE, acts on his behalf for the administration of one or more rights due to the same must attach the signed photocopy of a valid ID, list of the AIE mandators and copy of the power of Attorney of each represented AIE as indicated in the appropriate form attached.

Art. 6

Within 30 days of receipt of the Application Form, Nuovo IMAIE offices shall notify the applicant of the registration if their application has been duly submitted, or if it is necessary to acquire documentation or information in support of what is said to be provided by the applicant without delay and in any case in the terms that will be indicated in the communication. The evaluation of the application and of any documentation accompanying it must take place without any discrimination on the basis of the orientation. Once the applicant has sent the required clarifications to Nuovo IMAIE, Nuovo IMAIE offices have 15 days to communicate the result of the application. Any refusal to the registration application must be motivated and communicated within 60 days from the submission of the application.

Art. 7

Against the measure of refusal of registration as per art. 6 above, the applicant may appeal to the Board of Arbitrators, within 30 days of receipt of the communication; said Board will meet once a month and decide the appeals presented in the previous month. Each appeal assumes a general role number with the specific calendar year (eg: Rg1 / 17, 2/17, etc.). The appellant can be represented in front of the Board of Arbitrators by the association he belongs to.

Art. 8

The Rightholder declare to be aware of the ["Gestione compensi che presentano anomalie – procedimenti disciplinari"](#) Regulation and hereby accepts to submit to the process of payment suspension, to the process of investigation and eventually to the ruling of the Disciplinary Commission, if the conditions provided for in said Regulation are in place. Moreover, without prejudice to the guarantees for appeals to the Board of Arbitrators provided for in article 9 of said Regulation, if the Disciplinary Commission should recognize that the conditions are in place for the imposition of a disciplinary penalty, the Rightholder is aware and accepts the consequences provided for in article 8 of said Regulation.

This Regulation has been approved by the the Assembly of Delegates of May 3rd 2021.