INVOCATION OF THE AUTHOR-PUBLISHER-ARBITRATION COMMITTEE

Application for pay-out-block
Author applies at GEMA for a pay-out-block for non-fulfilment of publishers’ services. GEMA requests a statement from the publisher. If the publisher contradicts the claim asserted, GEMA initiates the pay-out-block for the publisher’s workshare (Articles 7 and 10 of the distribution plan)

Pay-out-block is established
After the pay-out-block is established author and publisher shall receive a notification from GEMA with
- a reference number
- information on potential courses of action (joint declaration, invocation of the Author-Publisher-Arbitration Committee or commencement of a lawsuit)
- indication of the 6-month period for the invocation of the Author-Publisher Arbitration Committee
- form for the invocation of the Author-Publisher-Arbitration Committee

Author or publisher invokes the Author-Publisher Arbitration Committee within 6 months
Conditions for the invocation:
- no previous commencement of a lawsuit by the author or the publisher
- transfer of a payment of EUR 714 (case lump-sum of EUR 600 plus 19 % VAT) to GEMA
- use the form for the invocation of the Author-Publisher-Arbitration Committee
- provide grounds for the invocation
- attach 5 copies of all relevant documents (publishing agreement etc.) and the bank transfer voucher

GEMA examines the invocation form and the documents for their completeness
Forwarding of the invocation form and the documents
- GEMA forwards the invocation form and the documents to the Chairman of the Author-Publisher-Arbitration Committee
- Chairman forwards the invocation form and the documents to the respective members of the Author-Publisher-Arbitration Committee in charge of the decision and to the defendant

Statement by the defendant
- The defendant may issue a written statement within a month
- Chairman forwards the statement to the respective members of the Author-Publisher Arbitration Committee in charge and to the claimant

Proceedings and settlement ruling
- Chairman determines the type of proceeding. Should an oral hearing have been requested by the parties or be necessary in the opinion of the Chairman, the Chairman will summon a meeting.
- Author-Publisher-Arbitration Committee issues a settlement ruling and informs the parties accordingly.

Pay-outs after the settlement ruling
Parties accept the settlement ruling by a joint declaration and/or no party brings a lawsuit within a period of 6 months after the settlement ruling

Ordinary courts of law
- The unsuccessful party commences a lawsuit within another 6 months after the settlement ruling
- Pay-out block will be upheld until a legally binding decision has been made
- GEMA pays out on the basis of the legally binding decision

Further 6 months for commencement of a lawsuit

Contact information:
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