



CEPIC

Centre of the Picture Industry

BEST PRACTICES IN COPYRIGHT TRACKING

This document presents best practices in copyright tracking and enforcement. The recommendations in this document are based on years of experience by both agencies and copyright tracking service providers within CEPIC. The document is the result of work-group meetings in the 2nd half of 2021.

Before you start.

1. Be sure to assign sufficient resources to your copyright enforcement efforts and set clear metrics. Define what a successful outcome would look like and get your company's management team involved. Create visibility for the financial outcome of your enforcement efforts to ensure continued support for the topic.
2. Make sure the means you choose are compliant with local laws. The enforcement company you plan to work with may need regulatory permission to act as a legal service provider and/or payment service provider. Make sure they have this permission before you start.
3. Select only content for which you have the copyright or the rights to pursue infringements for your copyright enforcement activities. Be prepared to prove your rights in the content to the infringing party if requested. Get your individual contributors on board and ask them to assign the exclusive right to pursue infringements to your agency.
4. Create a reporting system in which it is transparent to your individual contributors which payments to them are the result of copyright enforcement activities.
5. When selecting the territories for your copyright enforcement activities, select only those territories for which you have access to complete licensing history of each picture. Ask your enforcement partner to give you a realistic assessment for how effectively cases can be pursued in each country.

6. If you plan to pursue cases in territories in which you sell through a partner, have your local partner manage infringements or involve the local partner in your efforts.

Processing Cases.

1. To avoid conflicting or unjustified claims, complete all checks in your documents (full licensing history including end-user details, contracts with clients/photographers, invoices, sales reports of partners), before initiating a claim.
2. Always make a friendly post-licensing offer as a first step.
3. Make sure that you remain in full control of your case and that the claim remains yours. You must remain in a situation to decide, if and by what means a case is pursued. You must always remain in a situation to withdraw a case.
4. Ask for realistic license fees or damages and be willing to settle for reasonable amounts. Do not allow your copyright enforcement partner to set claim amounts that can't be supported by your license fee structure.
5. Keep communication open with infringers and try to find an amicable solution.
6. Do not initiate legal claims against clients or potential clients.
7. Use credible escalation threats only. Do not threaten to escalate without having a legal basis for escalation.

This document does not constitute legal advice. Please speak to a lawyer in the appropriate jurisdiction for questions about specific cases.