

RULES OF ELECTION 2015 OF THE RIGHTS MANAGEMENT SOCIETY

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RIGHTS MANAGEMENT SOCIETY

(Established under section 43 of the Copyright Act 2015)

Rules for Election of the Board of the Rights Management Society with the approval of the Minister in accordance with sections 43 (4) (h) and 51 of the Copyright Act 2014

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1. Short title

These Rules, made in accordance with sections 43 (4) (h) and 51 of the Copyright Act 2014, may be cited as the Rules of Election 2015 of the Rights Management Society and as approved by the Board at its meeting held on 30 April 2015.

2. Interpretation

In these Rules, unless the content otherwise requires —

‘Society’ means the Rights Management Society established under section 43 of the Copyright Act 2014.

‘Election’ means election of 3 Members of the Society in accordance with the provision of section 43 (h) of the Copyright Act 2014.

‘Returning Officer’ means any Officer designated by the Electoral Commissioner’s Office.

‘Author and Composer’ means the natural person who has created a musical work.

‘Music Publisher’ means the person who has obtained a license from the Author and Composer to publish a musical work.

‘Other works’ means any literary or audiovisual or theatrical or choreographic or fine and visual art works.

3. Mode of Election

- a) The Election of the Members of the Board shall be conducted by the Electoral Commissioner’s Office.
- b) Three (3) Members shall be elected to the Board as follows:
 - i. One member in the category Author and Composer in the field of Music;
 - ii. One member in the category Music Publisher;
 - iii. One member in the category Otherworks.
- c) Elected Members shall hold office for three (3) years.

4. Notice of Election

- (1) The Notice of Election to the Board of the Society will be published in at least two (2) daily newspapers at least five (5) weeks before the Polling day.

- (2) The day on which the Returning Officer will receive Notices of candidatures will be fixed by the Board.
- (3) The day on which the voting will be held will be fixed by the Board.
- (4) Copies of the Notice of Election shall also be sent by the Officer in Charge of the Society to all Members by post.

5. Notice of Candidature

- (1) Forms of Notice of Candidature shall be obtained at the seat of the Society or from the Returning Officer.
- (2) Every candidate shall make and subscribe on his/her Notice of Candidature a declaration that he is qualified as per section 6 below to be elected as Member of the Board in his respective category.

6. Eligibility

- (1) A Member is eligible to stand as candidate in only one of Categories A to C with the following conditions:
 - (i) Any person who has been found guilty of the breach of Copyright Act shall not be eligible to stand as candidate for at least five (5) years;
 - (ii) Three (3) persons to patronize the candidates for the Election;
 - (iii) Members have the choice **t9** choose their own category;
 - (iv) Subscription fees should have been paid by 5 June 2015;
 - (v) Knowledge in Management of Copyright and Related Rights;
 - (vi) Fluent in English and French;
 - (vii) Availability of time for documentation;
 - (viii) Be able to attend meetings during week days at 2 p.m.

(2) One Member - Author and Composer in the field of Music (Category A)

Opened to those Members who have received royalties for the past two distributions prior to the date of the Election.

(3) One Member - Music Publisher (Category B)

Opened to those Members who have received royalties for the past two distributions prior to the date of Election.

(4) One Member - Otherworks (Category C)

- (i) Opened to Members who have at least one publication in literary work.
- (ii) Opened to Members having evidence of knowledge and proof of work in any field on copyright matters other than the two above mentioned fields.

7. Right to Vote

Every Member who has been on the register of the Society and who has paid his/her subscription fees for the calendar year 2014 / 2015 by 30 June 2015 shall have the right to vote on the day of the coming Election.

8. Proxies

- (i) Any Member wishing to vote by proxy may apply to the Returning Officer in person not less than seven (7) days before the day of the Election.
- (ii) The Proxy shall be a Member of the Society satisfying the criteria at Paragraph 7.
- (iii) A Member can act as proxy for a maximum of two (2) Members.

9. Vote by Ballot

- (1) Voting shall be by secret ballot.

- (2) There shall be a single ballot paper consisting of three (3) parts of different colours, one part of the Categories A, B and C respectively.
- (3) Each part of the ballot paper shall display the names and particulars of the candidates in alphabetical order.

10. Mode of Voting

- (i) Each Member must vote in all the under mentioned categories and for the required number of candidates in each category as specified below:
 - (a) One (1) candidate in category A;
 - (b) One (1) candidate in category B;
 - (c) One (1) candidate in category C; and
- (ii) If a Member
 - Does not vote in any category;
 - Votes for more or less than one (1) candidate in the categories A, B and C;

(His /her vote/s will be void and will not be counted)

11. Counting and Proclamation of Result

- (1) Counting shall start immediately at the close of the voting process.
- (2) The Returning Officer shall, as soon as he/she has ascertained the result of the Poll, forthwith publicly announce such result and shall declare to be elected as Members of the Board of the Rights Management Society, the candidate polling the highest number of votes from each of the categories A, B and C.

- (3) Whenever there is an equality of votes between any candidates, in any category, the Election as between the candidates with an equal number of votes shall be decided by the drawing of lots in the presence of the Returning Officer.

12. Powers of the Board

In the event that there are less candidates elected than the number of seats to be filled in any one of the three categories, the Board will reserve its rights and powers to co-opt any Member of the Society to fill the vacant seat.

Three consecutive absences without valid reason and without informing the Board shall automatically dismiss a Member from the Board.

13. Existing Rules

All existing Rules related to Election have been superseded.