

## **Document 20**

Email from SKY Italia S.r.l on the implementation in Italy of the  
CRM directive, 8/07/2016, (Ref. Ares(2016)5839013)

Non disclosure

## **Document 21**

Email from SESAC, Independent management entities, 16/08/2016,  
(Ref. Ares(2016)5835576)

**From:** [REDACTED]@lausen.com]  
**Sent:** Tuesday, August 16, 2016 9:56 PM  
**To:** [REDACTED] (CNECT)  
**Cc:** [REDACTED]  
**Subject:** independent management entity

Dear [REDACTED]

thank you very much for your time and the offer to discuss the question we have with regard to the "DIRECTIVE 2014/26/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market".

SESAC is about to set up an independent management entity which is going to be located in the EU in order to license authors and publishers rights on a pan European bases within the legal framework of the above mentioned directive. The independent entity will be an entity according to Article 3 (b) of the directive. Our question is as follows:

In Article 2 the directive mentions which Articles are to apply to which kind of entity. Article 2 No. 2 states that Titel III only applies to collective management organizations. Independent entities are not mentioned here. That is why we are of the opinion that Titel III is not applicable to an independent entity. Article 2 No. 4 does not mention Titel III either.

We therefore conclude that an independent management organization can do the Multi-territorial licensing without the obligations of Titel III. We are not of the opinion that the above mentioned facts lead to the conclusion that an independent management organization is not allowed to do any Multi-territorial licensing.

We would like to discuss with your lawyers, whether our assumption is correct?

Please put us in contact with the respective lawyer on your side.

Best regards,

[REDACTED]

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