

**Kingdom of Cambodia
Nation Religion King**

**Ministry of Culture and Fine Arts
No. 112 PR.K**

**Prakas (Proclamation)
On the
Collective Management Organization**

Minister of Culture and Fine Arts

- Having seen the constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0913/903 dated September 24, 2013 on the appointment of the Royal Government of Cambodia;
- Having seen the Royal Decree No. NS/RKT/09013 dated December 21, 2013 on the reshuffling and supplementary members of the Royal Government of the Kingdom of Cambodia;
- Having seen the Preah Reach Kram No. 02/NS/94 dated July 20, 1994 of promulgating the law on the organization and functioning of the Council of Ministers;
- Having seen the Preah Reach Kram No. NS/RKM/0196/02 of January 24, 1996 of promulgating the Law on the establishment the Ministry of Culture and Fine Arts;
- Having seen the Preah Reach Kram No. NS/RKM/0303/008 of March 05, 2003 of promulgating the law on the establishment of Copyright and Related Rights;
- Having seen the Sub-decree No. 24 S.E, Dated March 19, 2007 on the organization and functioning of the Ministry of Culture an Fine Arts;
- Pursuant to the necessity of the Ministry of Culture and Fine Arts

HEREBY DECIDE

Article 1

This Prakas aims to manage, recognize and control the establishment of Collective Management Organization (CMO) in the Kingdom of Cambodia.

Article 2

This Prakas aims to establish CMO in order to:

- Protect the authors' copyright and related rights in the Kingdom of Cambodia and overseas.
- Ensure to legally exploit authors' copyright and related rights.
- Encourage and promote the production of new work which falls within literary, scientific, artistic or musical domain in the development of cultural industry.
- Contribute to the promotion of economic and social welfare factor.
- Fulfill the obligation of the Kingdom on intellectual property in the WTO.

Article 3

The keywords used in this Prakas are defined as following:

- CMO shall be the representative of the authors, composers, right holder or related right holders in the protection and management of economic rights and moral rights.
- Licensing refers to the written agreement between CMO and consumers.
- Consumers refer to anyone who consumes the work to seek his/her own benefit.
- The location of work exploitation refers to the place of work consumption or the place of exploitation.

Article 4

CMO is established by the author or right holder and is native to Cambodia.

This organization has the role and duty to protect and manage economic rights and moral rights on behalf of its members in front of the law.

The organization has duties as following:

- Provide licensing consumers.
- Collect royalty from the place of exploitation of its members and divide it with its members in accordance with the statute of the organization.
- Solve the conflict related to the use of work.
- Protect the work of its members.
- Make the list of price rate of work with the recognition of the Ministry of Culture and Fine Arts.
- Make transparent accounting list
- Create procedure and mechanism to manage and follow up the use of work
- Perform daily administrative work in accordance with the expertise of the association
- Create statute for the association according to the rule and legal standard of the Kingdom of Cambodia.

All kinds of exploitation of its members' work in other countries, CMO shall collaborate with overseas CMO or any related organization to collect and share royalty and to protect other benefits of its members.

Article 5

The organization and functioning of CMO shall be operated in accordance with its own statute. The extending of branch, the relocation and the shifting of boards of directors and amendment of structure of the CMO must be reported to the Ministry of Culture and Fine Arts.

Article 6:

CMO is established to manage one or more rights as following:

- Rights of reproducing literary and art work.
- Rights of publishing work.
- Rights of derivation work.
- Rights of performance.
- Rights of communicating to the public.
- Rights of public distribution.

CMO must register for formal recognition from the Ministry of Culture and Fine Arts attached with statutes and internal regulation of the association.

Article 7

The application to establish CMO must be submitted to the Department of Collective and Related Rights of the Ministry of Culture and Fine Arts.

Article 8

The duration of approval or rejection of the application shall be made within ten (10) business days.

In case, the applicant fails to send all required materials to establish CMO, the Ministry of Culture and Fine Arts shall notify in writing to the applicant to ask for modification within ten business days. The Ministry of Culture and Fine Arts shall decide to

recognize the establishment of CMO within five days after the receipt of the completed application.

The recognition of CMO is valid for five years and shall be renewed every two years.

Article 9

CMO must set the condition for membership entry as following:

Authors, composers, right holders and related right holders shall be Cambodian citizen and expat who resides or have office in the Kingdom of Cambodia, who has work deposited in the CMO.

Article 10

The funding sources of the CMO are:

- Funding from the collection of royalty for the consumption of work.
- Funding from generous donors, development partners or the government and
- Other legitimate funding sources.

CMO uses its fund to spend on the organization and functioning or to spend on other operations of the association in accordance with its statute.

Article 11

The Natural Person, Legal Entity or Juridical Person who intends to use any work of the CMO must seek permission from that organization. The CMO must grant permission for the use of work if the user agrees to pay royalty in accordance with the price rate and condition of the organization. The permission must be contracted which mentions the type of work, number of work, location and period of work consumption. The consumer must inform in writing to the association if he/she wants to change something that is not written in the contract.

Article 12

In any conflict between the CMO and its member or user, each party has the rights to request for help from the Ministry Culture and Fine Arts to collaborate before bringing that case to the court.

Article 13

CMO must send quarterly and annual report to the Ministry of Culture and Fine Arts to be evaluated about integrity and transparency of the organization.

The Ministry of Culture and Fine Arts has the duty to inspect all activities of the CMO to ensure accuracy of association's operation, duty and obligation under the copyright and related rights law, organization's statute and legal standards in case the irregularity occurs.

Article 14

The Ministry of Culture and Fine Arts may annul the recognition or temporarily suspend the functioning of the CMO in case irregularity occurs in the organization or in case the organization implements its work contradicted to the regulation.

The re-functioning of the CMO can be made unless the investigation of the irregularity by the Ministry of Culture and Fine Arts completed and the organization is granted new permission from the Ministry of Culture and Fine Arts.

The CMO may interrupt its activity by sending a request to the Ministry of Culture and Fine Arts for review and approval.

The decision of the Minister of Culture and Fine Arts is an objective for the lawsuit at the court.

Article 15

Any individual violating this Prakas must be punished in front of the law.

Article 16

The Director of Cabinet, Inspector, Director of Internal Auditing, Director General of Administration and Finance, Director of Copyright and Related Rights Department and other relevant directors of the units and Director of Provincial Department of Culture and Fine Arts implement this Prakas from the day of this signature.

Phnom Penh, 05 July 2016
Minister

Phoeurng Sackona

Received Places:

- Council of Ministers
- All Ministries-Institutions
- Secretariat of Senate
- Secretariat of National Assembly
- Cabinet of Prime Minister Hun Sen
- All city/provincial halls
- As stipulated in Article 16
- Royal Gazette
- Doc-Archive.