

DECREE NO. 2004-733 OF JUNE 21, 2004 ESTABLISHING A PUBLIC REGISTER OF CINEMATOGRAPHY AND AUDIOVISUAL WORKS

The President of the Republic,

Having regard to the Constitution, in particular Articles 43 and 76 thereof,

Having regard to Law No. 2002-18 of April 15, 2002 on Regulations for the Organization of Cinematographic and Audiovisual Production, Exploitation and Promotion Activities,

Having regard to Decree No. 2004-561 of April 21, 2004 appointing the Prime Minister,

Having regard to Decree No. 2003-671 of August 28, 2003 appointing ministers, as amended by Decree No. 2004-562 of April 22, 2004,

Having regard to Decree No. 2004-564 of April 26, 2004 allocating State services, the supervision of public establishments, national companies and public companies to the Office of the President, the Office of the Prime Minister and the ministries,

The Council of State heard at its meeting of January 2, 2001,

On the basis of the report of the Minister of Culture and Classified Historical Heritage,

HEREBY DECREES:

Article 1. A public register, numbered and initialed by the President of the Dakar Regional Court, is hereby established at the Ministry responsible for cinematography and audiovisual works for the purpose of registering and publishing instruments, contracts, judgments and agreements issued in connection with the production, distribution and exploitation in Senegal of Senegalese and foreign films printed on chemical or magnetic media.

Article 2. The Public Register of Cinematography and Audiovisual Works shall be under the responsibility of a curator, chosen from among officials serving in the relevant subsector, who has received appropriate training.

Article 3. No contract, agreement or instrument concerning a given film may be entered in the Public Register unless the provisional or final title of the film has already been registered with the curator. The title shall be registered by the producer of the film or his representative.

Article 4. For films whose titles have already been registered in accordance with the terms of the previous Article, the information below, as applicable, shall be entered in the Public Register at the request of the most diligent party:

Translated from French

1. assignments and transfers to a society of the right of ownership or exploitation and grants of the right of exploitation of the film or a part thereof now or in the future;
2. assignments, transfers and delegations of all or part of the current or future revenue from a film, in the form of ownership or as a guarantee;
3. pledges of all or part of the rights referred to in the previous subparagraph;
4. agreements relating to the distribution of the film;
5. agreements restricting free disposal of all or part of the film and of current and future revenue from it;
6. assignments of priority, subrogations and total or partial cancellations relating to rights under the aforementioned agreements;
7. court decisions and arbitral awards relating to one of the rights referred to in the previous subparagraphs.

Article 5. Instruments, contracts, agreements and judgements shall be registered through the deposit in the Public Register of two plain copies, two certified copies or two true copies of the instruments, agreements or judgments, which shall mention the serial number assigned to the film in question. However, one plain copy or certified copy may be replaced by a true copy.

The copies shall be certified as accurate by the applicant. Footnotes and deleted words shall be counted and approved. One of the documents shall be kept in the Public Register and the other shall be returned to the submitter once the curator has noted the registration on it.

In the event of failure to submit the title of the film and to register the aforementioned instruments, agreements or judgments, the rights under said instruments, agreements or judgments shall not be effective against third parties.

Article 6. Under the authority of the Director of Cinematography, the curator of the Public Register of Cinematography shall have responsibility for:

- assigning a serial number to every film whose title is registered;
- opening a register in which he shall enter, on a daily basis and in chronological order, instruments requested and submitted with a view to their registration;
- providing copies or extracts of statements submitted for the Register and of documents submitted in support of registrations or certificates.

Information may be provided orally.

Translated from French

Article 7. The curator of the Public Register of Cinematography and Audiovisual Works shall issue to anyone who so requests a copy or extracts of statements submitted for the Public Register and of documents submitted in support of registrations or certificates. Information may be provided orally.

Article 8. A royalty shall be collected on all applications for registration, requests for information and issuances of statements, certificates, copies or extracts; it shall be paid into the fund for promotion of the cinematographic and audiovisual industry.

Article 9. The curator shall not judge the validity of the instruments submitted to him for publication. However, he shall be liable for any damage resulting from the omission from the Public Register of Cinematography and Audiovisual Works of registration requests received by the curator's office or for failing to mention, in the statements or certificates he issues, one or more existing registrations. He shall be relieved of liability where the omission or failure is due to insufficient information for which he cannot be held responsible.

Article 10. The Minister of Economy and Finance and the Minister of Culture and Classified Historical Heritage shall be responsible, each within his respective area of competence, for the enforcement of the present Decree, which shall be published in the Official Gazette.

Done at Dakar,

By
Abdoulaye WADE
President of the Republic

Macky SALL
Prime Minister