

# DSM Directive Survey

## Questions for Sub-licensees

### Section 2.4: Contractual fairness & remuneration

*The section focuses on the provisions of the DSM Directive concerning transparency, remuneration, revocation rights, and alternative dispute resolution (ADR).*

*For the next few questions please note that Article 19 institutes transparency requirements for the benefit of authors and performers. Their contractual counterparties must provide them up to date, relevant and comprehensive information on the exploitation of their works / performances at least once a year. Transparency obligations also extend to those to whom rights have subsequently been licensed (sub-licensees).*

**Q108. Do you provide additional information relating to the exploitation of works or performances to authors and performers since the implementation of the Directive compared to before?**

- a) Information on the different modes of exploitation of work or performance (for example: broadcasting, online streaming, sub-licensing)
  - b) Frequency of use of the work or performance through different modes of exploitation (for example streaming numbers)
  - c) Information on the revenue generated by each mode of exploitation
  - d) Information on the revenue generated overall
  - e) Information on remuneration due
  - f) Other information
1. We don't provide this information
  2. We started providing this information after the introduction of the Directive
  3. We already provided this information before the introduction of the Directive

*Grid question with the following answer options:*

**Q109. How often do you provide information on the exploitation of works or performances to authors and performers who have transferred their rights or licensed their works to you for exploitation?**

*Instructions: Please select one option.*

1. I provide information more than once a year
2. I provide information at least once a year
3. I provide information less frequently than once a year
4. I only provide information on request
5. Never
6. I don't know

**Q110. Are there instances where the information on exploitation you provide is more limited?**

*Instructions: Please select all that apply.*

1. Yes, due to administrative burdens
2. Yes, due to legal limitations
3. No
4. I don't know

*(if respondents select 1 or 2, a pop-up box will appear)*

**Q110\_1 [If Q110=1,2] Please elaborate on the reasons why you were not able to provide the information and how often such situations arise.**

*OPEN QUESTION*

**Q111. Are there any applications or other technologies you use to report and provide transparency information to authors and performers?**

*Instructions: Please select one option.*

1. Yes: please specify which applications or technologies
2. No
3. I don't know

**Q112. How costly is the process of providing additional transparency when compared to your usual administrative costs?**

*Instructions: Please select one option.*

1. Extremely costly
2. Quite costly
3. Not very costly
4. Not at all costly
5. Insignificant
6. I don't know

**Q118. What unexpected benefits or challenges have you experienced in relation to the transparency obligations set out in Article 19 of the Directive?**

*OPEN QUESTION*

*For the next few questions, please note that Article 21 provides an Alternative Dispute Resolution mechanism for disputes between authors / performers and their counterparties relating to transparency and contract adjustments in connection with the exploitation of their works or performances. This is intended to offer an option where authors and performers may be reluctant to enforce those rights before a court or tribunal.*

**Q121. In case of disputes concerning transparency obligations or contract adjustments, have you used Alternative Dispute Resolution (ADR)?**

*Instructions: Please select all that apply.*

1. Yes, for issues with the transparency of exploitation of works or performances
2. Yes, for claims for additional remuneration (contract adjustment)
3. I was not aware of the possibility of Alternative Dispute Resolution
4. I was not involved in disputes concerning the transparency obligations or contract adjustment
5. I used other means to invoke these rights
6. I don't know

**Q121\_1 [If Q121=5] What other means than ADR do you use to address disputes?**

*OPEN QUESTION*

**Q121\_4 [If Q121=1,2] How many times were you involved in ADR proceedings?**

*Open numeric*

**Q121\_6 [If Q121=1,2] Overall, how would you evaluate the process?**

*Instructions: Please select one option.*

1. Very positively
2. Rather positively
3. Rather negatively

4. Very negatively
5. Don't know

**Q121\_7 [If Q121\_6=3,4] What were the issues that you encountered during the process?**

*Instructions: Please select all that apply.*

1. The other party did not abide by the outcome
2. Relevant data to substantiate the claim was not available
3. I lacked means to defend the case
4. The process was lengthy and burdensome
5. Other (please explain)

**Q121\_8 [If Q121=1,2] What suggestions do you have for improving the effectiveness or efficiency of the alternative dispute resolution process?**

*OPEN QUESTION*

## **Section 2.5: Other impacts**

*The following questions concern the value added by the Directive, as an EU-level intervention, compared to the pre-existing situation in the Member States. Please respond based on your direct experience.*

**Q126. Based on your experience, please indicate one key benefit or value added by the DSM Directive, if any?**

*OPEN QUESTION*

*The following questions concern the efficiency of the Directive and aim to assess the incurred costs of the Directive. Please respond based on your direct experience.*

**Q127. To what extent has your organisation incurred compliance costs because of the Directive?**

*Instructions: Please select one option.*

1. To a great extent
2. To some extent
3. To a little extent
4. Not at all
5. I don't know

**Q128. What is the nature and level of those compliance costs and in relation to which of the Directive's provisions are they incurred?**

*OPEN QUESTION*

*The following questions concern the coherence of the Directive and aim to assess to what extent the provisions of the Directive are coherent with other national or international laws.*

**Q129. How well do the DSM Directive's provisions align with other relevant EU legislation (e.g., GDPR, AI Act, Digital Services Act, Orphan Works Directive)?**

*Instructions: with 1 being not at all aligned and 5 being fully aligned.*

1. Slider: 1 2 3 4 5

**Q129\_1 [If Q129=1 or 2] Please specify any particular laws where you have noticed alignment or conflict.**

*OPEN QUESTION*

**Q130. Have you experienced any legal or practical tensions or conflicts between the DSM Directive as implemented and other national laws in your country?**

*Instructions: Please select one option.*

1. Yes
2. No
3. I don't know

**Q130\_1 [If Q130=Yes] Please describe the tension or conflict and its impact.**

*OPEN QUESTION*