

PROCEDURE FOR USAGE ADJUDICATIONS – PAIC

NOVEMBER 2022

The agent and service company are both required to read and sign this document before the adjudication process can commence.

1. The procedure is in terms of Clause 2.9 of the **PERFORMERS AGREEMENT FOR INTERNATIONAL MEDIA CONTENT** – “the PAIC”. Please read this clause so that you are familiar with the aim of the process and the procedures to be followed
2. Should a production company wish to lodge a usage dispute they must refer it to the CPA. Similarly, should an agent wish to lodge a usage dispute they must refer it to the talent association to which they belong (i.e. NAMA, SAPAMA, PMA, OSCASA etc).

Production companies and/or agents are not, under any circumstances, to launch this process themselves or try to cherry-pick panel members who they believe may be sympathetic to them.

3. This process will be managed by the person at the Association who is appointed in this role by the Executive Committee of the association. Discussions or questions related to the dispute must not be raised with outside parties (i.e. other producers, agents or casting directors) at any point in the process as their opinion has no relevance. There should be no canvassing of opinions or interference by either party. If either party interferes in the process the outcome will immediately default to the benefit of the opposing party.

4. The following information must be provided to the CPA or Talent Association:

- Name of the commercial
- Name of the Client/Production Company
- Name of the Artist’s agent
- Role/Category the person is cast in
- What the agent is asking to be upgraded to
- A Copy of the PAIC or Performers Release Form
- A Photograph of the Performer
- A Frame grab of the shot the performer appears in
- A Quick Time of Commercial or Link to the on-line commercial (a link is preferable please)

Important - Please use the “Usage Dispute Form” to provide this information. You can download this document on the CPA’s website – Please go to the “Resources” Menu Item and select “Talent: PAIC” from the drop down menu to access the document.

5. Once all the information has been submitted the designated person at the CPA/Talent Association will advise the opposing party (i.e. the production company or the agency concerned) of the dispute and afford them a period of 24 hours to put forward any additional information they think may be relevant.
6. Once this waiting period is up and, regardless of whether the information outlined in point 5 has been submitted or not, the designated person will forward the query on to the panel which will comprise of the appointed CPA representative, a representative of the relevant talent association and one mutually agreed upon independent casting director (i.e. a casting director who has had no involvement in the job.) In the interests of fairness different casting directors should be called upon to adjudicate on usage disputes.
7. The panel is requested not to discuss the commercial with those involved or outside parties. The panel may discuss the merits of each case between themselves before reaching a final verdict.
8. Once all the responses have been finalized and sent back in writing, the designated person will advise both parties in writing of the outcome. They will also send a copy of the other two e-mails confirming the votes to the designated person at the other Association. (i.e. the CPA will send proof of the outcome of voting to the NAMA representative). This will confirm the outcome for the records of both Associations.
9. Once a final decision has been made no further correspondence will be entered into and no additional opinions or interference will be entertained. If either party is not in agreement with the outcome they are advised to take the matter up through the channels open to them.

Signed: _____ On behalf of _____ (name of company)

Date: _____