

SAMPRA

south african music performance rights association

NOTICE TO ALL BROADCASTERS AND OTHER COMMERCIAL USERS OF MUSIC SOUND RECORDINGS

In June 2002, President Mbeki signed into law amendments to the Copyright Act and the Performers' Protection Act. These amendments granted the owners of copyright in music sound recordings the exclusive right:

- "to do or to authorise the doing of any of the following acts in the Republic...
- Broadcasting the sound recording.
- Causing the sound recording to be transmitted in a diffusion service, unless that service transmits a lawful broadcast, including the sound recording, and is operated by the original broadcaster.
- Communicating the sound recording to the public."

Although owners and performers have been entitled to be paid by broadcasters and other users for the commercial use of their sound recordings since June 2002, there has been a long delay in implementing these rights by owners of sound recordings. The delay has been caused primarily by the delay in publishing regulations to govern collecting societies which implement and administer the right.

SAMPRA has been accredited by the Department of Trade and Industry's Companies and Intellectual Property Registration Office (CIPRO) as a registered collecting society that represents all members of RiSA – the *Recording Industry of South Africa*. RiSA is the internationally recognized representative association of all South Africa's leading record companies and has more than 700 members who collectively comprise more than 95% of the South African music recording industry.

The purpose of this notice is to inform all broadcasters, and all other commercial businesses that use recorded music through any form of broadcasting or through a diffusion service or through communicating sound recordings to the public or to their customers, that they have been obliged in terms of this legislation to pay a royalty for all such usage to the owner of each such sound recording since June 2002 – and that SAMPRA has commenced issuing licences and collecting royalties on behalf of its members.

The copyright owner of the music sound recording, as defined in this legislation, is the person who invested in making the sound recording, being the record company or record label.

The copyright owner of the music sound recording has an exclusive right to receive a royalty but has an obligation to share the royalty with the performer whose performance/s is/are embodied in each sound recording.

In this way, investors in sound recordings will be remunerated for their investment and risk in creating new sound recordings that are used in the course of the third parties' commercial activities, while performers will be remunerated for their performance contributions to those recordings.

SAMPRA has begun to issue licences to users across a wide range of commercial activities.

SAMPRA has more than 30 published tariffs that are applicable to various categories of use. Details of the applicable tariffs are available on SAMPRA's website (<http://www.sampra.org.za>) or can be obtained from SAMPRA's offices at Suite 4, 150 Bram Fischer Drive cnr Republic Road, Randburg.

Information and advice regarding your obligations and rights under the legislation can be obtained by telephoning,

David du Plessis, SAMPRA's CEO, Ignatius Smit, SAMPRA's National Commercial Manager, or Malcolm Roberts, SAMPRA's Manager of Legal Affairs, during business hours on (011) 886-1342.

SAMPRA representatives have embarked on a national licensing programme and have been mandated to make contact with all users in all the relevant usage categories.

The trading names of record companies and labels that are members of RiSA and the copyright owners of the sound recordings which may not be broadcast, diffused or communicated to the public without payment of a licence fee are listed below. These record companies and labels own an estimated 95% of music sound recordings that have been played on South African radio stations since June 2002 and that are currently played by broadcasters. SAMPRA offers users a blanket license in respect of all repertoire owned by these record companies and labels, but is not able to license music sound recordings that are owned by non-members of RiSA.

All these owners assert their copyright ownership on all sound carriers, accompanying artwork and packaging of all sound recordings released by them.

12 Inch Productions
2 Way Music Production
247 Records
357 Entertainment
3rd Sound Production
50 Way Entertainment
999 Music
A Class Effort Music
A K Music Entertainments
Abahumeleli Records
ABK Entertainment
Ada Enup Publishing Online
ADM Casting Lab
Africa FTW Records
African Cream Music
African Dope Publishing
African Dream Records
African Marimba Entertainment
Afrika Homebrew Entertainment
Afrimusic Records
Afrifex Ngwenya Records
Afro Soul Records
Afrolic Entertainment
Afro-Sound Promotions
AKA Records
Aloemed Music Production
Alpheus Music Productions
Ama Groove Records
Amabutho Records
Amadodana Ase Phomolong
Records
Amadwala Records
Amandia Ethu Music Productions
Amanxusa Music Productions
Amashayina-Amahle-Music
Records
Amatshawe Records
AMG Records
Amorous Music
Amplitude Records International
AMS Records
Anneke de Villiers Records
Ard Music
Ariola Records
Arista Records
Art of Joy Records
Ash Records
Ashley Stone Records
As-Shams Music
Asterix Music
A-Team Music Production
Atlantic Records
ATO Records
AV Advertising / AVA Studios
Azam Khan Recording Studios
B J Music Productions
B.A.M Records
B.B.A Recordings
B.E Records
B.M.C Records
Baby Blue Productions
Back to Front Entertainment
Backyard Traxx Production
Bakstena Worx Production
Baloyi Record Bar Enterprise
Bambino Music Management
Barapedi Ba Morena Productions
Barking Bare Productions
Barry and Bester Records
Basia Music Productions
Bathshua Community Focus
Records
Bazozwa Music Productions
B-Base Productions
BBM Music
Beat Of Noise Productions
Benecia Records
Benixo Entertainment
Berril van Amburg Records
Bethu Records
BFD Music Records
Bhasabha Entertainment
Big Bee Music Entertainment
Big Dawg Productions
Big Five Records
Black Sounds Records
Black Vision Records
Blackies Music
Blaq Records and
Entertainment

BlazaBhu Rekordz
Blos Music
Blue Bird Records
Blue Note Records
BMG Heritage Records
BNA Records
Bokone Music
Bonsai Entertainment
Bonzo Music
Book of Acts Records
Boomerang Music
Borza Entertainment
Boss Music
Botztor Productions
Bra Moss Music
Brainwave Projects 494 Records
Brother Lungisa Music
Productions
Buddy Electro Music
Bula Music
Buttabing Records
C - Class Music Company
C & M Records
C K Records
C Mayaba Music Production
Calphus and the True
Worshippers Records
Camden Records
Camp Music Entertainment
Capitol Records
Catwalk Records
Caveman Music
CBS Records
CCP Records
C.R Intenso SA
Celestial Music Records
Chaba sa Rantso Music Central
Chain Records
Chaka Chaka Promotions
Champions Music Production
Charies-Bongani Entertainment
Ficksburg Artist and Harmony
Chissa Records
Chris Faya Productions
Christ Worship House Records
Christian Foundation Apostolic
Church Records
Chrysalis Records
CK Music and Entertainment
Clamber Club Records
C-Lota Productions
C-Max Records
CMB Production
Coded Records
Coleske Artists Records
Colin Records
Collaboration Music
Colossal Records
Columbia Records
Concert Camp Records
Concord Records
Condry Ziqubu Production
Coolspot Records
Creative Kingdom Records
Creative Wavelab Music
Cross iPhoyisa Productionz
C-Skelem Entertainment
Cube Music
Culture Spears
Curb Records
Cut 'n Editing Music Studio
Da Most Records
Dagcity Music Productions
Dalom Music Distributors
Dan's Music Production
Dashmesh International S.A.
Dasmus Records
David Gresham Records
Decca Records
Deep 6 Records
Def Jam Records
Deric Walsh Records
Demor Music
Deutsche Grammophon
Deutsche Harmonia Mundi
Diamond Entertainment in RSA
Dig Easy Music
Digi Zanzai Records
GRP
Guerrilla Warfare
DNC Music
Dojob Records

Dotted Line Entertainment
Double Gold Music
Double Trouble Entertainment
Douglas Music
A M Ackermann Records
Dream Builder Entertainment
Dreamworks Records
Drocnoc Music
Dub's & Chillza Music
Productions
Dumo Jam Entertainment
DVE Music
E R M Productions
E.E.E. Entertainment
Eastcrew Music Publishers
ECM
Eazyplay Records
Egbonas Music
E-Jam Records
Elcra CD Diakonia Aids Ministry
Electromode Music
Elektra
Elfas & Simba Records
El's Music Connexion
Emerald Sky Records
EMI
Emvakomkhukhu Records
End-Times Music Production
Epic
Erato
ESP Records
EZ Music
Ezemandiondo Records
Ezomdabu Records
F.G Music Productions
Faith Records
Fantasia Music Distribution
Isigubhu Records
Isicholo Entertainment
Isigubhu Records
Island Records
Itumelo Record's
Izingane Zoma Music
J and D Recording Studio
J & Z Mantshinga Music
Distribution
J Records
J.E.V. Records Music Productions
J.Z Records
Jabsi Music
Jabula House of Music
Production
Jak de Priester Records
Jeel's Music Production
Jennifer Zamudio Records
Jilli Productions
Jive / Silverstone
JNS Musik
Joseph Matsheka Records
Jostri Music
JSV Digital Multimedia Studio
JTZ Music Production
Jua Kali Studios
June 6 Music
Just Music
Jxmpumlwana Productions
JZB Records
K Musican
Kalabash Music
Kalawa Jazzme Records
Kaleng Records
Kassie Projects Entertainment
Kassiedotcom Music
Entertainment
Kay Tune Promotions
KBZB Entertainment
Keevision Run Away Music
Kempen Music
Khaba Music
Khanqula Music
Khomani Music Production
Khululani Publishing
King David's Family Worship
Kisanji Entertainment
KJ Music Production
Kobeta's Productions
Koloi Music Production
Kopano Ke Matla Music
Production
Kotulo Music Productions
KRD Recording Services
KSM Music
KT Records

Kusasaletu Records
L G Records
L S Records
Landmark Music Production
Language 12 Records
Late Knight Records
Laurie Levine Records
LCL Recording Studio
LD Records
Lee Thorp Entertainment
Legacy
Lema Music Production
Lemona Music Publishers
Lesotho Music Center
Leswinene Music Enterprises
Liber8 Records
Lightway Music
Liss Records
Live at the Shack Entertainment
Livewire Sound Corporation
Liyana Music
Lize Beekman Records
Liz-Tainment Records
LMF Music
Lolihop Records
Londos Records
Lordsfire Recordz
Lovemore Tainments
Loxion Records
LTP Publishing and Related
Aspects
Lusa Music Productions
Luvhambo Records
Luxmi Stars Music Productions
M S Records
Macc Records
Machance Music Productions
Macksie K Productions
Macric Entertainment
Mad Music Mafia Records
Magrogen Records
Magwagwale Music Productions
Mahandule Records
Mahima Promotions
Majozitainment Records
Mak Johns Music Productions
Makhoakhoa Music Productions
Makwela Music Productions
Malanks Music
Malekutu Music Productions
Maltre' Productions
Manetrade Records
Marabi Media
Maranatha Record
Marang Music
Marketricks Productions
Marubini Music Publishers
Masana Records
Mashile Productions
Masiqhame Records
Mastermax Productions
Matebeleland Young Brothers
Music
Matebesi Music Productions
Mathambo Music
Matmo Recording Company
Matwabeng Recording Music
Studio
Mavuka Productions
May & the Elements Performing
Arts
Mazinga TV Productions
Mbox Music Production
Mbokodo Publishers Records
MC Records
MC Vibes
MCA Records
MD Music Productions
MDK Records
Medu Multimedia & Film
Productions
Melodi Music
MELT Music Phase Two
Merchant Gospel
Mercury
Meriska Els Records
MGG Music Productions
Mighty Music Africa
Mike Fuller Music Records
Milestone Studios

Miltons Business Consultants
Mission Possible Records
Mist Records
Mkeshange Productions
Millo Productions
Miozi Records
Mmetla Tselu Productions
Mo' Money Records
Modisagoble Production
Moelamash Productions
Mogipa Entertainment
Mohlamonyane Music
Molly Maletle Productions
Moloi Chief Workz
Molotsi Productions
Mom Entertainment
Monster Records
Montreal Entertainment
Monument Records
Mo-Nyuku Entertainment
Mowstar Entertainment
Mor'geez Records
Moribo Music
Morning Star Music
Moskito Music Productions
Moss Music Production
Motown
Motswako Underground
Moza-Rose Music Production
MP Tlami Music Production
Mphoza Entertainment
Mphutlane's Recording Studio
MPS Records
MST Entertainment
Mtezi Music & Film Production
Mthonjeni Music Production
MP Tlami Music Records
Mulo Production
Munene Records
Murray Lubbe Records
Musa & Music Recording
Company
Music Alliance
Music for Pleasure
Music Promotions 4 U
Music Replication
Music Time Entertainment
Musketeer Records
Mutha Deer Records
Muzio Records
MVA Productions
Mxmnn Entertainment
Mzamazani Abel Chauke
Records
N & M Music Publisher
N 3 Records
NA and House Music
NABS Records
Narada
Native Young Productions
Nats Media Records
NB Music Records
NCA Music Productions
Ncashanganga Record Studio
Ndaka Music
Nephawe N Saul Records
New Dimension Music
New World Music
Nexdoor Entertainment
Next Music
Nkosi Ikhona Records
Nkosinathi Music Recording
Nonesuch
Nonhlanhla Music Production
Nosenaga Music
Notae Entertainment
Nothembi & Son Music Arts
Crafts
Ntlyiso Entertainment
Nu Age Music
NW Audio Visual Productions
NW Records
Ny-E-Zi Records
O.O.M. Music Productions
Odyssey Music Management
One Minute Trolley Dash Records
One Twin Records
One Wish Entertainment
Onixon Records
Open Mic Productions
Outrageous Records

Overtone Magazine
Palomino Productions
Paradise
Paradise Music Productions
Paraphone
Patrick van Blerk Music
Phillips
Picat Productions
PinaKulo Music Productions
Platoon Records
Plum Productions
PLUSH Records
PM Records
Polydor
Premium Records
Progress Records
Prokely Entertainment
PS Records
Punana Jams Records
Puncho Richards Music
Productions
Pure Black Production
Purpleseeds Sound
Puthamelo Trading Enterprises
Qadi Entertainment Productions
Qedi and Tebonza Music Projects
Quai Trading & Ubuntu
Records
Que Records
Randzo Music
Ras Kaiser Music Productions
Ray Mpitshi Gazi Entertainment
RayCat Music Production
RCA
Readers Digest South Africa
Real Beat Entertainment
Reaper Records
Red Tomahawk
Revolver Records
Rhema Ministries
Rhythm Records
Richie-S Records
Risana Records
Roan Antelope Records
Roar Agencies
Rock Star Entertainment
Roopnands Records
Royal Community Recording
Studio
Rudeboy Productions
S and B Intelligent Construction
S.N.A.B. Music Recording
Company
Sabsam Music Publishing
Samara Records
Sammy Music Production
Sampsons Records
Sarepta Music
Saul Production
SD Music Productions
Seamless Enterprise
Sebetsa Music Productions
Sebtainment Production
Select Music
Senzo Sibiyi Trading & Ent.
Serius Entertainment
Sesalos Records
Seven Entertainment
SG Productions
Sgandavu Entertainment
SGM Music
Shandel Music Publishing
Sheer Sounds
Shifty Records
Shirmane Music Productions
Shiririsa Music
Shoteli Music Production
Sihle Kunene Music Production
and Multimedia
Siki Siki Records
Silver Solutions 994 Records
Silvertone Records
Simple M. Records
Simtha Music

Singabanqobi Production
Sinqobile Music Production
Siphos's Records & Promotions
Siyagruva Records
Siyayana Management
Sizoqhubeka Recording
Enterprises
Skatch Music
Skroof International Publishing
Skulyty Music Productions
Staaptiger Music Productions
Smoked-Out Entertainment
SMP Music Productions
Snare Production
Solid Entertainment
Sollymans Recording Studio
Soma Music Production
Songo Records
Sonke Records
Sony BMG Africa
SOT Music Production
Soul Candi Records
Soul Quest Records
Incorporation
Soul Village Entertainment
Soulbent Productions
Souljah Entertainment
Soulman Sol Music
Soundstone Music
Sound of Sounds
Sound Source Productions
South Coast Music
Southern Gypsy Queen Records
Sovereign Entertainment
Spectrum
Spirit Music
Spitfire Music SA
Starkii
Stegertainment Records
Sterling Sound
Stick-Out Music
Sting Music
Suave Entertainment
Sudden Eclipse Entertainment
Sulta Productions
Sulushelo Promotions
Sunset Records
Sunshine Music
Superhuman Productions
Swazi - Junxion Records
Sweet Sounds & Chocolate
Music
Symmetry Productions
Sy-Zee Music
TACC Record Company
Talentab 1 & A Recording Studio
Tandoor Music Records
Tau Productions
Taung Music Production
T-Bose Production
T-Dee R Entertainment
Telarc
Teldec
Telesto Music
Tenore Recordings
Tequila Records
Terraplane Music
Tetelstai Multi Productions PTY
Thalombzi Music
The Breeze Records
The Hens Music Entertainment
The Independent Armchair
Theatre
The Music Industry
The Nations Music Studios
The New World Order
Entertainment
The Perfect Pitch
The Swazi Church In Zion
Themba Lokugcina Records
Themz & Rhythz SA
Themza Music Production
Thosa Productions and Projects
Thuthuka Records
Thy Kingdom Come Productions
Tiawoun Production
Till Dawn Entertainment
TK Productions
Tlatso Makhetha Music
Production
TLK Music Productions

TNS Music Productions
TNT Entertainment
Toboyi Music Publishing
Treasure Records
Tree Shade Music Publishers
TRIO Records
Trojan Records
Truly Sound Recordings Music
TS Records
Tshepang Morena Music
Publishers
Tshidi Recording
Tsin Music Production
Tsoetsi's at Work Entertainment
Tuliter Entertainment Production
Tyson and Mjay Music
Production
U Go Boy Entertainment
U4J Records
Ubomi Music Production
Ubuntu Records
U-Com Entertainment
Udumo Entertainment &
Production
Uju Music
Umnendi Music
Umyanya Entertainment
Undacava Records
Underground Music Production
United Hits Productions
Universal Sound
Universal Sound & Music
Unreleased Records
Uproot Records
Uptown Trading 440 Records
Uthuli Music
Uvo Records
V1 Advertising
Value Music
Vee Gee Productions
Vee's DJ Stable
Vegaster Records
Venus Cassetts
Verve
VGM Records
Vibe Music
Vibrations Recording Studio
Vince Records
Virgin
Vision Africa
Vision Music
VKC Music Productions
VMP Music
Voice Africa Productions
Vonk Records
Vuka Back to Africa
Volunbe Music Investments
Wagon Productions
Warner Music
Watershed Studio
Wazi Music Production
Why Not Entertainment
Wilbur 4C Entertainment
Windham Hill
Wind-Up Records
Wisko Music Publishers
Witobza Productions
Wolla Music & Entertainment
Wonke Wonke Music Production
www.Muzikstore.co.za
Xiavelo Business Solution
Xiluba Music
Xiluba Music Productions
Xzekuti Entertainment
Y.W.M Productions
Y.M.M Music Production
Yada Music Productions
Yana Music Entertainment
Yombo Trading and Projects
Zabalaza Megatainment
Zano Productions
Zasha Music Productions
Zat Records
Zayaba Records
Zigzat Entertainment
Zimele Music Productions
ZooH Unlimited Production

Explanatory Notes :

From the earliest days of music sound recording until 1965, the right of producers of sound recordings to be paid for the broadcast, diffusion and communication of their sound recordings to the public in the course of all commercial and business activities existed in South African law. In 1965, the right was removed by Parliament at the instance of the government of the day and the lobby of commercial users of recorded music. It has taken the recording industry and the South African performer community more than 40 years to restore a right that should never have been taken away.

South African businesses have become accustomed to making payment of a licence fee to SAMRO. There is no connection whatsoever between SAMRO and SAMPRA. The SAMRO payment, only covers the copyright in the underlying musical work – the composition itself – and is not shared in any way by the owner of the sound recording who has invested in the making of the sound recording, or the performer whose performance is embodied in the sound recording.

Under the amendments to the Copyright Act and the Performers' Protection Act, copyright owners of sound recordings and performers will now also derive benefit from broadcast, diffusion and communication of their sound recordings in any public or commercial environment by a third party user in the course of such user's commercial or business activities.

In other words, when you pay SAMRO you pay a royalty that is intended to go to the composer of each song that you play. When you pay SAMPRA, you pay a royalty that goes to the artist who performs that song and to the record company that has invested in the recording of that song by that artist.

If a user raises a dispute regarding a licence royalty charged by SAMPRA in terms of the applicable tariff, the user may (until such time as the matter is resolved by the Copyright Tribunal), continue to use the sound recordings in SAMPRA's repertoire if the user pays a licence fee proposed by SAMPRA into an escrow account.