

SOUTH AFRICAN MUSIC PERFORMANCE RIGHTS ASSOCIATION
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TARIFF 28

BACKGROUND MUSIC – MUSEUMS & ART GALLERIES

Tariff for the communicating to the public of sound recordings

Effective from: 1 January 2019 to 31 December 2019.

1. The communicating of sound recordings to the public is a restricted act in terms of the South African Copyright Act and requires a licence from SAMPRA for the use of sound recordings in its **repertoire**. This document sets out SAMPRA's tariff for the communicating to the public of sound recordings at exhibitions and displays held in **MUSEUMS AND ART GALLERIES**.
2. This tariff is subject to SAMPRA's "General Terms and Conditions for Communicating Sound Recordings to the Public Licences", a copy of which can be accessed on SAMPRA's website or obtained by contacting SAMPRA.
3. This tariff applies to the communicating to the public of sound recordings in museums and art galleries as **background music**. There are specific types of communicating sound recordings to the public that SAMPRA does not classify as **background music** and which are licensed under separate tariffs. Apart from these exceptions, all other types of public performance are classified as **background music**. Additional use of background music in other areas (bars, restaurants, etc.) to be charged using the appropriate tariffs. SAMPRA assumes an eight hour trading day.
4. Penalty Clause – You should obtain your SAMPRA licence before you can publicly communicate sound recordings. If you continue with the communicating to the public without first obtaining or renewing your licence, a surcharge can be added to this tariff. This is designed to act as a deterrent to unlicensed communications to the public of sound recordings

5. Fees:

For permanent exhibitions or displays R1 710.31 per annum

During non-permanent exhibitions or displays
for periods not exceeding 11 weeks R 147.38 per week

This tariff is subject to a minimum fee of R719.02 per annum.

VAT should be added at the current rate to the above charges.

6. Explanatory Notes:

A flat rate charge is a fee that takes into account the way that sound recordings are used at your premises. The fee ensures that you are not required to provide a complicated set of answers about your business. No matter how much or how little you play recordings, under this tariff you will only have to pay a flat fee for your licence.

7. DEFINITIONS:

"Background Music". The playing of recorded music to create an atmosphere or ambience that is not a special feature of, or essential to, the main event or is not essential to the operation of the premises.

"Repertoire" means the collection of copyright sound recordings owned or controlled by members of SAMPRA from time to time.