



SOUTH AFRICAN MUSIC PERFORMANCE RIGHTS ASSOCIATION
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TARIFF 34

SATELLITE RADIO TRANSMISSIONS / NARROWCASTING FOR COMMERCIAL SITES

The highlighted phrases are defined terms. Refer to the paragraph 7 for the definitions.

Tariff for the **Transmission of Sound Recordings** via an **In Store Broadcasting System**.

Effective from: 1 January 2019 to 31 December 2019.

1. The **Transmission of Sound Recordings** via an **In Store Broadcasting System** is a restricted act in terms of the South African Copyright Act and requires a licence from SAMPRAs for the use of **Sound Recordings**. This document sets out SAMPRAs tariff for the **Transmission of Sound Recordings** via an **In Store Broadcasting System** in shops, stores, showrooms, offices, banking halls, wholesale warehouses, garage forecourts, supermarkets, departmental stores, airports, clothing stores, casinos, hospitals, clinics, educational establishments, libraries, common areas of shopping centres and similar premises.
2. This tariff is subject to SAMPRAs "General Terms and Conditions", which can be accessed on SAMPRAs website (<http://www.sampra.org.za>) or obtained by contacting SAMPRAs (see contact details here above).
3. This tariff applies to the **Transmission** of sound recordings using the services of an **In Store Broadcasting System** to communicate such sound recordings in shops or stores as background music.
4. This tariff does not pertain to the communicating to the public of **Sound Recordings**, which is licensable under different SAMPRAs tariffs.
5. Penalty Clause – You should obtain your SAMPRAs licence before you can commence with the **Transmission of Sound Recordings** via an **In Store Broadcasting System**. If you continue with any such **Transmissions** 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 **In Store Broadcasting System of Sound Recordings**.
6. The Licence Fee payable under this tariff is the greater of:
 - 12,5 % of the **Gross Revenue** received by an operator of an **In Store Broadcasting System** for providing the service to the **Subscriber**; or
 - a fee per store (based on the size of the store and the rate table below) in which the **Sound Recordings** that are **Transmitted** are rendered acoustically audible:

FOR INFORMATION ONLY

| NARROWCASTING / TRANSMISSION FOR COMMERCIAL SITES | |
|--|---|
| Fees: | |
| Size of Premises (audible Area in square metres) | Licence Fee per store per Annum (exclusive of VAT) |
| Up to 50 | R 160.51 |
| 51 to 100 | R 320.99 |
| 101 to 200 | R 481.49 |
| 201 to 300 | R 641.99 |
| 301 to 500 | R 802.48 |
| 501 to 750 | R 963.01 |
| 751 to 1000 | R 1 123.48 |
| 1001 to 1250 | R 1 283.98 |
| 1251 to 1500 | R 1 444.49 |
| 1501 to 1750 | R 1 604.99 |
| 1751 to 2000 | R 1 765.46 |
| 2001 to 2500 | R 1 925.96 |
| 2501 to 3000 | R 2 086.47 |
| 3001 to 3500 | R 2 246.97 |
| 3501 to 4000 | R 2 407.45 |
| 4001 to 4500 | R 2 567.96 |
| 4501 to 5000 | R 2 728.46 |
| 5001 to 6000 | R 2 888.96 |
| 6001 to 7000 | R 3 049.45 |
| 7001 to 8000 | R 3 209.93 |
| 8001 to 9000 | R 3 370.45 |
| 9001 to 10000 | R 3 530.95 |
| Every additional 1 to 1000 (Above 10000) | R 160.51 |

7. DEFINITIONS:

- 7.1 **"Audible Area"** means the total area, measured in square metres, in which the **Sound Recordings** that are communicated to the public (as per the provisions of Section 9 of the Copyright Act, 1978), is rendered acoustically audible on the premises (whether indoors or outdoors). For the avoidance of doubt, the assessment is not confined to the area to which customers have access and includes the area behind any serving counter and the back office. If there are a number of storeys, floors or levels within your premises (including mezzanine floors or balcony areas), the area of each storey, floor or level in which the **Sound Recordings** are rendered acoustically audible, should be included for the purposes of measuring the total **Audible Area** of your premises.
- 7.2 **"Free To Air Service"** means any transmission systems now known or hereafter discovered, by means of which a person can receive **Transmissions** of programming containing **Sound Recordings** without the payment of a premium (which premium does not include the statutory licence fee payable to the SABC), in order to receive such programme, and shall include, without limitation, satellite system, mobile system, cable system or any other transmission system used for the **Transmitting of Sound Recordings**;

- 7.3 **"Gross Revenue"** means the amount in South African Rands derived by the operator of the **In Store Broadcasting System** from the **Transmission** of:
- 7.3.1 advertisements and sponsored promotions; and
 - 7.3.2 features that include **Sound Recordings, Transmitted** by the operator of the **In Store Broadcasting System**
- as well as the subscription fee paid by the subscriber for obtaining the service from the operator of the **In Store Broadcasting System**
- 7.4 **"In Store Broadcasting System"** means a system whereby **Sound Recordings** are **Transmitted** to **Subscribers** against payment of a fee;
- 7.5 **"On Demand"** means an on demand program distribution service whereby a subscriber is able to receive individual **Sound Recordings** (as distinguished from an entire programming service or program channel), however delivered, now known or hereafter discovered, including without limitation, to any device, where such program can be viewed at a start time selected by the subscriber;
- 7.6 **"Sound Recordings"** means the collection of copyright sound recordings owned or controlled by members of RiSA from time to time, and the collection of copyright sound recordings which SAMPRA has agreed to administer on behalf of third parties from time to time.
- 7.7 **"Subscriber"** means a customer/person paying a subscription fee to receive the transmission of **Sound Recordings** from the **In Store Broadcasting System** to be rendered acoustically audible at specific retail outlets.
- 7.8 **"Transmitting"** means the broadcasting (as defined in the Copyright Act, 1978) and/or the diffusion (as defined in the Copyright Act, 1978), by whatever means, whether wire or wireless, now known or hereafter discovered (including without limitation, the Internet and other technology), including without limitation by telecast, simulcast, narrowcast, streaming and whether by way of satellite, analogue or digital terrestrial or cable transmission to specific retail outlets who are Subscribers to the service, and is not a **Free To Air Service** or **On Demand Service**;