

SOUTH AFRICAN MUSIC PERFORMANCE RIGHTS ASSOCIATION NPC
20 DE KORTE STREET
BRAAMFONTEIN
JOHANNESBURG
2001
TEL: 011 - 561 9679 / 789 5784 / 561 9660
FAX: 011 - 789 5799
EMAIL: LICENSING@SAMPRA.ORG.ZA

TARIFF 35

ONLINE RADIO STATIONS

Tariff for the **Transmission of Sound Recordings** via an **Online Radio Station**.

Effective from: 1 January 2020 to 31 December 2020.

1. The **Transmission of Sound Recordings** via an **Online Radio Station** is a restricted act in terms of the South African Copyright Act (Act 98 of 1978, as amended) and Performers Protection Act (11 of 1967, as amended) and requires a licence from SAMPRA for the use of **Sound Recordings**. This document sets out SAMPRA's tariff for the **Transmission of Sound Recordings** via an **ONLINE RADIO STATION**.
2. This tariff is subject to SAMPRA's "General Terms and Conditions", which can be accessed on SAMPRA's website (<http://www.sampira.org.za>) or obtained by contacting SAMPRA (see contact details here above).
3. This tariff applies to the **Transmission** of sound recordings using the services of an online radio station. A SAMPRA licence will cover you for playing recorded music on your online radio station.
4. Penalty Clause – A SAMPRA licence should be obtained before sound recordings are publicly communicated. Should sound recordings be communicated to the public without first obtaining or renewing a 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. The Licence Fee payable under this tariff is **R3,500.00 per annum**, and 5.5 % of **Net Revenue** should there be any income derived from advertising, sponsorships or subscriptions per radio station.

VAT will be added to the fee at the current rate.

6. DEFINITIONS

6.1 "**Net Revenue**" means the amount in South African Rands derived by the Online Radio Station from:

- 6.1.1 advertisements and sponsored promotions; and
- 6.1.2 subscriptions.

- 6.2 “**Online Radio Station**” means a radio station that uses an online radio system to transmit **Sound Recordings** to Users.
- 6.3 “**Online Radio System**” means a system whereby **Sound Recordings** are **Transmitted** from the Internet directly to a user’s computer or phone or like devices.
- 6.4 “**Sound Recordings**” means commercially released music that is owned or controlled by members of SAMPRA from time to time, and for which SAMPRA licenses to third parties from time to time.
- 6.5 “**Transmission**” means the broadcasting and/or the diffusion 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.