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TARIFF 39

BACKGROUND MUSIC – MISCELLANEOUS

Tariff for the communicating to the public of sound recordings

Effective from: 1 January 2020 to 31 December 2020.

1. The communicating of sound recordings to the public 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 in its **repertoire**. This document sets out SAMPRA's tariff for the communicating to the public of sound recordings in all **ESTABLISHMENTS** such as (but not limited to) **SHOWROOMS, OFFICES, BANKING HALLS, GARAGE FORECOURTS, AIRPORTS, CASINOS, HOSPITALS, CLINICS, HOTEL RECEPTION AREAS, EDUCATIONAL ESTABLISHMENTS, LIBRARIES AND COMMON AREAS OF SHOPPING CENTRES**, when **background music** is used which are not covered under any other tariff.
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 (<http://www.sampra.org.za>) or obtained by contacting SAMPRA (see contact details here above).
3. This tariff applies to the communicating to the public of sound recordings in establishments mentioned (but not limited to) in 1 above 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.
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 are set out in the table below:

Size of Premises (Audible Area in Square Metres)	Licence Fee Per Store Per Annum (Exclusive of VAT)
1 - 50	R 939.24
51 - 100	R 1 878.46
101 - 200	R 2 817.69
201 - 300	R 3 756.93
301 - 500	R 4 696.16
501 - 750	R 5 635.38
751 - 1000	R 6 574.62
1001 - 1250	R 7 513.85
1251 - 1500	R 8 453.09
1501 - 1750	R 9 392.32
1751 - 2000	R 10 331.54
2001 - 2500	R 11 270.77
2501 - 3000	R 12 209.99
3001 - 3500	R 13 149.22
3501 - 4000	R 14 088.47
4001 - 4500	R 15 027.72
4501 - 5000	R 15 966.94
5001 - 6000	R 16 906.18
6001 - 7000	R 17 845.41
7001 - 8000	R 18 784.63
8001 - 9000	R 19 723.88
9001 - 10000	R 20 663.09
Every additional 1 to 1000 (Above 10000)	R 939.24

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

6. DEFINITIONS:

“**Audible Area**” means the total area, measured in square metres, in which the publicly performed sound recordings can be heard on the premises (whether indoors or outdoors). If there are a number of storeys, floors or levels within the premises (including mezzanine floors or balcony areas), the audible area of each storey, floor or level should be included for the purposes of measuring the total audible area of the premises.

“**Background Music**” means 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.