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TARIFF - VARIOUS

BACKGROUND MUSIC – HOTELS & CASINOS

Explanatory Notes for the communicating to the public of sound recordings in hotels and casinos.

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**.
2. This document sets out how the tariffs applicable to **HOTELS & CASINOS** are determined as they do not fall under one specific tariff but various tariffs based on audible area and music usage thereof when **background music** is used.

Below are some examples of possible applicable tariffs, but not limited to, based on type of business and usage thereof:

Tariff 01	: Shop & Stores
Tariff 02	: Restaurants, Cafes, Bars, Canteens & Coffee Shops
Tariff 04	: Offices
Tariff 07	: Fitness Centres, Gymnasiums & Health Clubs
Tariff 10-01	: Exhibitions, Trade Fairs, Theme/Amusement Parks – With Admission Fees
Tariff 10-02	: Exhibitions, Trade Fairs, Theme/Amusement Parks – Without Admission Fees
Tariff 12	: Telephone Music on Hold
Tariff 13	: Mobile DJ's
Tariff 14	: Jukeboxes
Tariff 15	: Games Arcades & Bowling Alleys
Tariff 17	: Hairdressing, Barber, Beauty & Other Salons (includes Health Spas)
Tariff 19	: Events, Functions & Conference Facilities
Tariff 20	: Theatres & Concert Venues
Tariff 21-01	: Cinema Complexes
Tariff 21-02	: Cinema Complexes – Foyers, Bars, Restaurants & Other Areas
Tariff 22	: Circuses
Tariff 23	: Festivals & Related Events – With Tickets Sales or Admission Fees
Tariff 25	: Festivals & Related Events – Without Tickets Sales or Admission Fees
Tariff 27	: Puppet/Marionette/Magic Shows
Tariff 28-01	: Museums & Art Galleries – Permanent Exhibitions
Tariff 28-02	: Museums & Art Galleries – Temporary Exhibitions
Tariff 29	: Ships & Other Watercrafts
Tariff 30	: Swimming Pools
Tariff 33	: Caravan Parks & Camping Sites
Tariff 38	: Multi Stalls Within An Event
Tariff 39	: Miscellaneous (Reception Areas, Foyers, etc.)

3. Where sound recordings are played as featured music rather than for background music, the following additional tariffs will apply:

Tariff 03	: Specially Featured Entertainment (Discos, Nightclubs, etc.)
Tariff 37	: Featured Entertainment

4. The various tariffs are 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.sampira.org.za>) or obtained by contacting SAMPRA (see contact details here above).
5. 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.
6. The Licence Fee payable is based on the applicable tariff(s) and criteria for each specific tariff. VAT will be added to the fee(s) at the current rate.

7. 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.

"Featured Music" means the playing of sound recordings as a main or special attraction that is essential to the operation of the premises and/or the main event.

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