



MEMBERSHIP RULES

RULE ONE

AIMS

1. The aims of SAMPRA's Membership Rules are to outline the rules regarding:
 - 1.1 application for Membership;
 - 1.2 admission to Membership;
 - 1.3 succession upon the death of a Performer Member;
 - 1.4 termination of Membership; and
 - 1.5 notification of ownership of sound recordings and recorded performances.

RULE TWO

DEFINITIONS

2. The following definitions are used in these Rules:

Affiliated CMO	any of the CMOs in other countries, having objects similar to those of SAMPRA, with which SAMPRA is for the time being affiliated;
Board	the board of directors of SAMPRA;
Chairman	the independent chairman of the Board as appointed by the directors of the Board from time to time;
Copyright Act	the Copyright Act, No.98 of 1978, as amended;
Copyright Owner	the owner of copyright in any sound recording as contemplated in the Copyright Act, registered with SAMPRA and whose name appears on the SAMPRA Register of Members;

Copyright Owners' Chamber	the chamber which comprises all Members of the Company who are Copyright Owners;
Distribution	any distribution which may, pursuant to the Rules, be made among the members and Affiliated CMOs out of the monies received by SAMPRA in respect of the exercise of the Public Playing Rights; and "Distributed" and "Distributable" have corresponding meanings;
Featured Performer	an individual recording artist in whose name the sound recording was recorded, or a member of a band/group/ensemble and who made an audible performance to the recorded performance;
Member	a member of SAMPRA, whether a Performer or a Copyright Owner admitted to membership, and who has the rights, privileges and obligations provided for members in the Company's rules, and " Members " and " Membership " shall bear the corresponding meaning;
Non-Featured Performer	a recording artist, including a performing producer, who has been engaged for a session specifically to make one or more recorded backing performances which subsequently are included in the sound recording;

Other Featured Performer	a recording artist whose contribution in the sound track would otherwise fall within the Non-Featured Performer category but merits Featured status. Participants who may fall into this category are limited to a lead vocalist or an instrumentalist not exclusively contracted to the commissioning record label or whose professional name appears with or is linked to the name of the contracted artist(s) with making the recording; or a performing artist who is entitled under the terms of a contract with the contracted artist to receive royalties from sales of the recording;
Performer	a musician or a vocalist who makes a performing contribution to the performance that is recorded;
Performers' Chamber	the chamber which comprises all Members of the Company who are Performers;
Performers' Protection Act	the Performers' Protection Act, No.11 of 1967, as amended;
Performance	includes, unless otherwise stated, any mode of acoustic presentation, including any such presentation by means of broadcasting or the causing of a work to be transmitted to subscribers to a diffusion service or by the use of a record, tape or by means of any device or process;

Performing Producer	a studio producer who contributes an audible performance (e.g. play an instrument/sing) or inaudible performance (conduct or musically direct the live performance as it is being recorded). Alterations made to the track after the recording has been made (edits, remixes, etc) do not qualify for Equitable Remuneration unless these new versions involve new audible performances;
Profile	information regarding the usage of Sound Recordings;
Public Playing Right	the right of a rightholder to receive a Royalty in terms of section 9A of the Copyright Act, and/or the right to receive a royalty in terms of section 5(1)(b) of the Performers' Protection Act, as the context dictates (commonly referred to as 'Needletime Right');
Regulations	the Regulations on the Establishment of Collecting Societies in the Music Industry, published on 1 June 2006 (Notice No.517, GG No.28894);
Repertoire	the body of Sound Recordings licensed by SAMPRA;
Royalties	the royalties (including foreign royalties) paid by SAMPRA to its Members;

SAMPRA

the South African Music Performance Rights Association NPC (Registration No. 2000/028009/08), a non-profit company accredited as a collective management organisation authorised to represent the Public Playing Rights of owners of copyright in sound recordings and performers, jointly, in terms of Regulation 3(1)(c) of the Regulations;

Sound Recording

any fixation or storage of sounds, or data or signals representing sounds, capable of being reproduced, but does not include a soundtrack associated with a cinematograph film;

South African Rights

all of the various rights in Sound Recordings and Recorded Performances under the Copyright Act, the Performers Protection Act, and the Regulations, that are administered by SAMPRA on behalf of its Record Company and Performer Members; and

Successor Member

an Heir of a deceased Performer Member of SAMPRA.

RULE THREE

APPLICATION FOR MEMBERSHIP

3. There is no joining fee. Applicants may apply for membership if they hold the public performance in South Africa for repertoire.

RULE FOUR

ADMISSION TO MEMBERSHIP

4. An applicant will be admitted as a Member if the applicant is a performer or copyright owner who has received one or more remunerations from SAMPRA, pursuant to the conclusion of the mandate contract with the applicant, provided that the total amount of these remunerations reaches the threshold referred to in Rule 12.1 of SAMPRA's Distribution Policy.

RULE FIVE

SUCCESSION

5. Membership of a performer member ceases upon the member's death, but the following rules will apply:
 - 5.1 On the death of a member, SAMPRA should be notified as soon as practicable possible so that it can be established to whom future royalties should be paid;
 - 5.2 SAMPRA shall continue to pay royalties to the deceased performer member's executors, or until a successor member is admitted, whichever is earlier;
 - 5.3 Admission as a successor member is carried out in such a way as to cause the royalties to be paid in accordance with the deceased member's Will or operation of law;
 - 5.4 If the deceased member did not leave a Will, the law prescribes who is to inherit his or her assets, including royalty payments from SAMPRA. Therefore, in the absence of a valid Will, all royalties will be paid to those legally entitled.

RULE SIX

TERMINATION

6. Membership will be terminated:
 - 6.1 upon the death of a performer member; or
 - 6.2 when the copyright owner ceases to exist; or
 - 6.3 by termination by the member; or
 - 6.4 by termination by the Board, in writing and stating the reasons for the decision, if:
 - 6.4.1 the member acts contrary to SAMPRA's rules; or
 - 6.4.2 the member performs or has performed activities which are seriously damaging to the interests of SAMPRA and/or the interests of other members.

RULE SEVEN

APPEAL

7. Within three months after the notice of termination has been made known to the member, the member may appeal against the termination decision to the Chairman of the Board.

RULE EIGHT

NOTIFICATION OF OWNERSHIP OF SOUND RECORDINGS AND RECORDED PERFORMANCES

8. Members shall notify SAMPRA, in a format prescribed by SAMPRA, of ownership of sound recordings, in the case of copyright owners, or recorded performances in which they feature, in the case of performers.
 - 8.1 A Featured Performer on the track, in the case of solo artists, shall notify to SAMPRA, on specifically created forms for this purpose, or in the manner prescribed by SAMPRA, all recorded performances in which he or she is the featured performer as defined in Rule 2, and shall also list all performing artists eligible to register as either Non-Featured or Other Featured Performers to the product;
 - 8.2 A representative of Featured Performers, in the case of a band or group or ensemble, shall notify to SAMPRA, on specifically created forms for this purpose or in the manner prescribed by SAMPRA, all recorded performances in which he or she is the featured performer as defined in Rule 2, and shall also list all performing artists eligible to register either as Featured Performers, or Non-Featured Performers, or Other Featured Performers to the product;
 - 8.3 A Featured Performer, in the case of solo artists, or a representative of Featured Performers, in the case of a band or group or ensemble, shall deposit with SAMPRA, upon request by SAMPRA, a copy of the CD or tape sleeve, or any other form of proof of recorded performance, of each registered product;
 - 8.4 Every Non-Featured Performer on a track shall, on registering products in which they performed, deposit with SAMPRA evidence required by SAMPRA to support their claim in the manner prescribed by SAMPRA;

- 8.5 Every Other Featured Performer on a track shall, on registering products in which they performed, deposit with SAMPRA evidence required by SAMPRA to support their claim in the manner prescribed by SAMPRA; and
- 8.6 SAMPRA shall not be responsible for any loss or damage sustained by any Featured Performer Member, or Non-Featured Performer Member, or Other Featured Member by reason of his or her failure to comply with the provisions of this Rule.

RULE NINE

SUPPORTING EVIDENCE FOR REGISTRATION OF CLAIMS

- 9. Non-Featured and Other Featured Performers are required to produce supporting evidence when registering their claims, if they have not already been credited by the Featured Performer. one the following to support their claim:
 - 9.1 Non-Featured Performers are required to produce one of the following to support their claim:
 - 9.1.1 record/CD/tape sleeve inlay crediting performance; or
 - 9.1.2 featured performer's official website crediting performance at date of processing the notification; or
 - 9.1.3 official correspondence from record company confirming instrumental or vocal contribution; or
 - 9.1.4 letter from fixer, studio producer or orchestral manager confirming contribution category; or
 - 9.1.5 signed verification from one of the featured artists or their management; or
 - 9.1.6 signed verification from at least two other non-featured musicians already confirmed on the recording; or
 - 9.1.7 signed verification from the record company.

- 9.2 Other Featured Performers are required to produce one of the following to support their claim:
 - 9.2.1 product sleeve front cover or spine showing the performer's name with the name of the Featured Performer or linked thereto with the words 'featuring', 'with', 'and', 'meets', 'versus' or derivations thereof; or
 - 9.2.2 a contribution as a lead vocalist; or
 - 9.2.3 a contract between the performer and the Featured Performer entitling the performer to receive royalties as a singer or musician from sales of the recording; or
 - 9.2.4 official correspondence from the Featured Performer or their management confirming contributing category.
- 9.3 Performing Producers are categorised under the Non-featured category, and are required to produce one of the following to support their claim:
 - 9.3.1 record/CD/tape sleeve inlay crediting production; or
 - 9.3.2 contracted artist's official website crediting performance; or
 - 9.3.3 official correspondence from record company; or
 - 9.3.4 certification letter from one or more of the featured performers who performed on the recording, or the record label to which they are contracted; or
 - 9.3.5 evidence of a contract requiring the Producer to produce an initial performance which is artistically and musically satisfactory, or any other evidence which the producer may show which satisfies the criterion of a performing contribution; or
 - 9.3.6 signed verification from the record company.