



TARIFF 34-02: SATELLITE RADIO TRANSMISSIONS

Tariff for the **Transmission of Sound Recordings** via a **Satellite Radio System**.

Effective from: 01 January 2024 to 31 December 2024.

1. The **Transmission of Sound Recordings** via an **In Store Broadcasting System** 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 a **SATELLITE RADIO 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 SAMPRA's "General Terms and Conditions", 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 **Transmission** of sound recordings using the services of a satellite radio 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 SAMPRA tariffs.
5. Penalty Clause – A SAMPRA licence must be obtained before commencement of the **Transmission of Sound Recordings** via a **Satellite Radio Broadcasting System**. If any such **Transmissions** is done without first obtaining or renewing the licence, a surcharge will be added to this tariff. This is designed to act as a deterrent to unlicensed **Satellite Radio 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 a **Satellite Radio 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:

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

| SATELLITE RADIO TRANSMISSION FOR COMMERCIAL SITES | |
|---|---|
| Size of Premises (Audible Area in Square Metres) | Licence Fee Per Store Per Annum (Exclusive of VAT) |
| 1 - 50 | R 204.40 |
| 51 - 100 | R 408.75 |
| 101 - 200 | R 613.14 |
| 201 - 300 | R 817.53 |
| 301 - 500 | R 1 021.90 |
| 501 - 750 | R 1 226.32 |
| 751 - 1000 | R 1 430.67 |
| 1001 - 1250 | R 1 635.05 |
| 1251 - 1500 | R 1 839.44 |
| 1501 - 1750 | R 2 043.83 |

| SATELLITE RADIO TRANSMISSION FOR COMMERCIAL SITES | |
|---|---|
| Size of Premises (Audible Area in Square Metres) | Licence Fee Per Store Per Annum (Exclusive of VAT) |
| 1751 - 2000 | R 2 248.18 |
| 2001 - 2500 | R 2 452.57 |
| 2501 - 3000 | R 2 656.96 |
| 3001 - 3500 | R 2 861.34 |
| 3501 - 4000 | R 3 065.71 |
| 4001 - 4500 | R 3 270.12 |
| 4501 - 5000 | R 3 474.48 |
| 5001 - 6000 | R 3 678.87 |
| 6001 - 7000 | R 3 883.25 |
| 7001 - 8000 | R 4 087.61 |
| 8001 - 9000 | R 4 292.01 |
| 9001 - 10000 | R 4 496.40 |
| | |
| Every additional 1 to 1000 (Above 10000) | R 204.40 |

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). 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 **Satellite Radio 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 **Satellite Radio Broadcasting System**
- as well as the subscription fee paid by the subscriber for obtaining the service from the operator of the **Satellite Radio Broadcasting System**
- 7.4 “**Satellite Radio Broadcasting System**” means a system whereby **Sound Recordings** are **Transmitted** to **Subscribers** via a satellite radio 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 SAMPRA 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 **Satellite Radio Broadcasting System** to be rendered acoustically audible at specific retail outlets.
- 7.8 "**Transmission/Transmitted/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**.

Should you require additional information, please contact our Licensing Team as per details below:

Telephone : 011 - 561 9679 / 561 9660 / 789 5784
Email : licensing@sampra.org.za