

SOUTH AFRICAN MUSIC PERFORMANCE RIGHTS ASSOCIATION
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TARIFF 04

BACKGROUND MUSIC – FACTORIES, WORKSHOPS & OFFICES

Tariff for the communicating to the public of sound recordings

Effective from: 1 January 2016 to 31 December 2016.

1. The communicating of sound recordings to the public is a restricted act in terms of the South African Copyright Act 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 **factories, workshops and offices**.
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 or obtained by contacting SAMPRA.
3. This tariff applies to the communicating to the public of sound recordings in factories, workshops, warehouses and offices 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. Apart from these exceptions, all other types of public performance are classified as **background music**. If you are at all unsure whether you need a different SAMPRA licence as well as, or instead of, a licence to communicate sound recordings to the public as **background music**, please see the relevant section of the website, or contact us directly. SAMPRA assumes an eight hour trading day.
4. Penalty Clause – You should obtain your SAMPRA licence before you can publicly communicate sound recordings. If you continue with the communicating to the public without first obtaining or renewing your 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 Fees payable under this tariff are set out in the table below:

<u>BACKGROUND MUSIC IN FACTORIES, WORKSHOPS & OFFICES:</u>	
SIZE OF THE BUSINESS	LICENCE FEE PER ANNUM (EXCLUSIVE OF VAT)
1 – 10 employees	R 765.43
11 - 25 employees	R 1 224.67
Every additional 1 - 25 Employees (above 25)	R 48.99 per employee

6. DEFINITIONS:

“Employees”. This tariff requires all full time, part time and temporary employees to be counted when calculating the licence fees. Where independent contactors work at the premises on a regular basis, they should also be counted as employees. Note that only employees, who work within an area where the sound recordings are audible, should be counted for these purposes.

“Background Music”. 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.