

SOUTH AFRICAN MUSIC PERFORMANCE RIGHTS ASSOCIATION
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TARIFF 02

BACKGROUND MUSIC – RESTAURANTS, CAFES, BARS & COFFEE SHOPS

Tariff for the communicating to the public of sound recordings

Effective from: 1 January 2011 to 31 December 2011.

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 **bars, restaurants, canteens, cafes and coffee shops**.
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 restaurants, cafes, coffee shops and bars 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**.
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:

| BACKGROUND MUSIC - RESTAURANTS, BARS, CAFES | |
|---|--|
| Fees: | |
| Size of Premises (Audible Area in square metres) | Licence Fee per outlet per Annum (Exclusive of VAT) |
| Up to 50 | R 584.64 |
| 51 to 100 | R 1 169.28 |
| 101 to 200 | R 2 338.56 |
| 201 to 300 | R 3 507.84 |
| 301 to 400 | R 4 677.12 |
| Each additional 1 to 100 (Above 400) | R 1 169.28 |

FOR INFORMATION ONLY

6. DEFINITIONS:

“Audible Area”. The total area, measured in square metres, in which the sound recordings are rendered audible on your premises (whether indoors or outdoors). For the avoidance of doubt, this is not confined to the area to which customers have access and can include the area behind any serving counter and the back office.

If there are a number of storeys, floors or levels within your 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 your premises.

“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 SAMPRO from time to time.