

*(Legislative Supplement No. 23)*

LEGAL NOTICE NO. 57

**THE COPYRIGHT ACT**

(No. 12 of 2001)

**COLLECTING SOCIETY TARIFFS**

IN EXERCISE of the powers conferred by section 46 A (a) of the Copyright Act, 2001, the Attorney-General approves the collecting society tariffs set out in the Schedule, with effect from the date of publication to the 31st December, 2018. The Copyright Act (Kenya Association of Music Producers and Performance Rights Society of Kenya) Tariffs, 2015\* is revoked.

**SCHEDULE**

**THE JOINT MUSIC ROYALTY TARIFFS, 2017**

Place of exploitation of music	Rate	Nature of rights exploited	
		Sound and musical rights	Visual, sound and musical rights
Air craft	Per number of seats		
	For first 50 seats	@Kes. 1,039 per seat	@Kes. 1234 per seat
	Next 50-100	@Kes 693 per seat	@Kes.823 per seat
	Over 100	@Kes. 428 per seat	@Kes.504 per seat
Small public service vehicles (tuk-tuks and motor cycles)	Per day	Kes. 300 per year for motor cycles	N/A
		Kes. 900 per year for Tuk tuks	N/A
Video exhibitions or video halls	Annual, flat	N/A	Kes. 6,000
Juke boxes	Per unit, flat rate per year	Kes. 9,000	Kes. 12,000
Non-resident deejays and vee-jays	Per unit, flat rate per person, per year	Kes.12,000	Kes. 15,000
Music on hold	Per land line, per year	Kes.150	N/A
Concerts	Per day, number attending Up to 3,000 attending or annual max	Kes. 25,000 or 250,000 per year	Kes. 30,000 or Kes. 300,000 per year
	Per day, number attending Over 3,000 attending or Flat rate per year or annual max	Kes.35,000 or 350,000 per year	Kes. 40,000 or Kes.400,000 Per year
Roadshows	Per truck day or per year for corporate, NGOs, Government and politicians or annual max	Kes.30, 000 per truck day or Kes. 620,000 per year	N/A

Place of exploitation of music	Rate	Nature of rights exploited	
		Sound and musical rights	Visual, sound and musical rights
	Per truck day or per year for small and medium enterprises or annual max	Kes15,000 per truck day or kes.285,000 per year	N/A
	Per truck day or per year for individuals or annual max	Kes 7,500 per truck day or Kes. 160,000 per year	N/A
Promotional activities	Per activation location per day for corporate, NGOS, government and politicians or annual max	Kes.30,000 per truck day or Max of Kes.600,000 per year	N/A
	Per activation location per day for small and medium enterprises or annual max	Kes. 15,000 per truck day or max of Kes. 300,000 per year	N/A
	Per activation location per day for individuals or annual max	Kes.7, 500 per truck day or max of Kes. 150,000 per year	N/A
live music performances	Per venue or per performance less than 100 persons/seats or annual max	Kes. 25,000 or max of 500,000 per year	
	Per venue or per performance of 101- 400 pax/seats or annual max	Kes.50, 000 or max of Kes. 1,000,000 per year	
	Per venue or per performance of over 401 pax/seats or annual	Kes.100,000 or max of 1,500,000 per year	
Cover bands	Annual, per group	Kes. 150,000	
Choirs	Annual, per group	Kes. 12,000	
Nightclubs and discotheques (city) (Nairobi, Mombasa, Kisumu, Eldoret Nakuru)	Annual tier 1: 1 to 250 capacity	Kes 78,000	Kes 78,000
	Annual tier 2: 251 to 500 capacity	Kes 150,000	Kes 150,000
	Annual tier 3: 501 to 750 capacity	Kes.300,000	Kes 300,000
	Annual tier 4: >750 capacity	Kes.550,000	Kes.550,000
Nightclubs & discotheques (urban centres)	Annual Tier 1: up to 250 pax	Kes. 58,500	Kes. 58,500
	Annual Tier 2: 250-500 pax	Kes.112,500	Kes.112,500
	Annual Tier 3: over 500-750 pax	Kes.225,000	Kes.225,000
	Annual Tier 4: over 750 pax	Kes. 412,000	Kes. 412,000
elevators and lifts	Annual per carrying capacity subject to a minimum	Kes. 570	Kes.700
		Kes.7,000	Kes. 8,750

Place of exploitation of music	Rate	Nature of rights exploited		
		Sound and musical rights	Visual, sound and musical rights	
Cinemas	Annual, per square foot up to 1000 sq. ft	Kes.13	Kes.16	
	Annual, per Square Foot 1001-2000 sq. ft.	Kes.12	Kes.15	
	Annual, per Square Foot 2,001-4,000 sq. ft	Kes.10	Kes.12	
	Annual, per Square Foot, over 4,000 sq. ft.	Kes.10	Kes.11	
	Annual minimum	Kes.5,250	Kes.6,250	
Private members' clubs	Class A (> 5,000 Members or 4-Star & above)			
	Annual, per Square Foot Tier 1: up to 1,000 Square Feet	Kes 13.20	Kes 16.45	
	Annual, per Square Foot Tier 2: 1,001 to 2,000 Square Feet	Kes 11.60	Kes 14.60	
	Annual, per Square Foot Tier 3: 2,001 to 4,000 Square Feet	Kes 9.60	Kes 12.10	
	Annual, per Square Foot Tier 4: > 4,000 Square Feet	Kes 8.50	Kes 10.75	
	Annual Minimum Fee	Kes 5,250	Kes 6,250	
	Class B (< 5,000 Members or 3-Star & below)			
	Annual, per Square Foot Tier 1: up to 1,000 Square Feet	Kes 11.20	Kes 13.03	
	Annual, per Square Foot Tier 2: 1,001 to 2,000 Square Feet	Kes 9.60	Kes 11.27	
	Annual, per Square Foot Tier 3: 2,001 to 4,000 Square Feet	Kes 7.60	Kes 8.93	
	Annual, per Square Foot Tier 4: > 4,000 Square Feet	Kes 6.50	Kes 7.67	
	Annual, minimum	Kes 5,000.00	Kes 6,000	
	Halls, shops, stores, showrooms, banking and similar premises	Annual, per Square Foot up to 1000 sq. ft	Kes 13.20	Kes 16.45
		Annual, 1001 to 2000 sq. ft	Kes 11.60	Kes 14.60
Annual, per Square Foot, 2001-4,000sq.ft		Kes 9.60	Kes 12.10	
Annual, per Square Foot, over 4001 sq. ft.		Kes 8.50	Kes. 10.75	
Annual, minimum		Kes 5,250	Kes.6,000	
Gymnasiums, fitness centres, hair salons, barbers, beauticians, spas, etc	Annual per Square Foot	—	—	
	Annual minimum	Kes 5,250	Kes 6,250	

Place of exploitation of music	Rate	Nature of rights exploited	
		Sound and musical rights	Visual, sound and musical rights
new media	Caller ring back tones percentage of net revenue (after VAT & Excise Duty)	50%	50%
	Ring tones percentage of net revenue (after VAT & Excise Duty)	50%	50%
	Sound recording downloads	12%	12%
	Video downloads percentage of net revenue (after VAT & Excise Duty)	12%	12%
	Sound recording streaming percentage of net revenue (after VAT & Excise Duty)	half of agreed tariff of radio	half of tariff of radio
	Video streaming percentage of net revenue (after VAT & Excise Duty)	half of agreed tariff of TV	half of tariff of TV
	Video webcasting percentage of net revenue (after VAT & Excise Duty)	half of agreed tariff of TV	half of tariff of TV
	Sound recording simulcasting percentage of net revenue (after VAT & Excise Duty)	half of agreed tariff of radio	
	Video simulcasting percentage of net revenue (after VAT & Excise Duty)	half of agreed tariff of TV	half of tariff of TV
	Sound recording webcasting percentage of net revenue (after VAT & Excise Duty)	half of agreed tariff of radio	half of tariff of radio
Hotels, restaurants and bars	4 and 5 star establishments, per square foot	Tier 1-Up to 1000 ft.: kes.13.20	Kes. 16.45
		Tier 2-1001 -2000 ft: kes. 11.60	Kes. 14.00
		Tier 3-2001-4,000 ft: Kes. 9.50	Kes. 12.10
		Tier 4-over 4000 ft: Kes. 8.50	Kes. 10.75
	3 star establishments , per square foot	Tier 1- Up to 1000ft: Kes. 11.20	Kes.10.70
		Tier 2- 1001-2000 ft: Kes.9.60	Kes. 8.93
		Tier 3- 2001-4000 sq. ft: kes.7.60	Kes. 8.93
		Tier 4- Over 4000 sq.ft: kes. 6.50	Kes.7.67

Place of exploitation of music	Rate	Nature of rights exploited	
		Sound and musical rights	Visual, sound and musical rights
	Others per square feet subject to a minimum of kes. 5,250	Tier 1- Up to 1000 sq.ft: kes.9.20	Kes.10.70
		Tier 2- 1001-2000 sq. ft: kes. 7.60	Kes. 8.93
		Tier 3- 2001-4000 sq. ft: kes. 5.60	Kes. 6.60
		Tier 4- Over 4000 sq. ft: kes. 4.50	Kes.5.33
			Kes 13.20
Industrial premises, factories, staff, canteens, engineering workshops, greenhouses, packhouses, etc	Annual, per Square Foot Tier 1: up to 1,000 Square Feet	Kes 11.60	Kes 14.60
	Annual, per Square Foot Tier 2: 1,001 to 2,000 Square Feet	Kes 9.60	Kes 12.10
	Annual, per Square Foot Tier 3: 2,001 to 4,000 Square Feet	Kes 8.50	Kes. 10.75
	Annual, per Square Foot Tier 4: > 4,000 Square Feet	Kes. 5,250.00	Kes. 6,250.00
	Annual, minimum	Kes. 2,000	Kes.2,500
Public service vehicles	Annual per Vehicle, company vehicles	Kes.2,000	n/a
	Annual per Vehicle, taxis	Kes.5,000	Kes.6,500
	Annual per Vehicle, tour vans	Kes.7,000	Kes.10,500
	Annual per Vehicle,14 seats	Kes.14,200	Kes.17,200
	Annual per Vehicle,15-35 seat	Kes. 24,550	Kes.29,600
	Annual per Vehicle,36-55 seats	Kes.30,700	Kes.36,550
	Annual per Vehicle, over 55 seats		
Broadcasting (Radio)	Amount per month per commercial station using not more than 30% of music content with national coverage Flat rate	Kes. 450,000	
	Amount per month per commercial station using up to 70% of music content with national coverage Flat rate	Kes. 600,000	
	Amount per month per commercial station using more than 70% music content with national coverage	Kes. 700,000	
	Amount per month per commercial station using not	Kes.200,000	

Place of exploitation of music	Rate	Nature of rights exploited	
		Sound and musical rights	Visual, sound and musical rights
	more than 30% music content with regional coverage		
	Amount per month per commercial station using not more than 70% music content with regional coverage	Kes. 300,000	
	Rate per month per commercial station using more than 70% music content with regional coverage	Kes. 350,000	
	Non-commercial, national radio, per month	Kes. 150,000	
	Non-commercial, regional radio, per month	Kes. 120,000	
	Community and institutional radio, per month	Kes. 10,000	
	Broadcasting (Television)	Commercial, per month	Kes. 150,000
Non-commercial, per month		Kes. 50,000	
Community or institutional, per month		Kes. 5,000	
Professional training programmes, dance schools, deejay schools and music schools except primary, secondary and tertiary institutions, accredited by the ministry of education	Annual, per Class, up to 25 students	Kes.1,050	Kes. 1,325
	Annual, per Class between 26-50 students	Kes.3,000	Kes.3,750
	Annual, per Class over 51 students	Kes.4,000	Kes.7,000

## GENERAL CONDITIONS

1. The license shall be payable annually with the joint invoice being payable within two months of issue.
2. The penalty for non-compliance shall be 5% of the tariff compounded for the period it remains unpaid.
3. Businesses starting during the license term will pay due amounts on pro-rata basis.
4. This tariff shall be subject to an annual increment pegged on the prevailing rate of inflation.

5. The following events are exempted from royalty payments—
- (a) small businesses that use transistor radios in their business premises;
  - (b) charity and fund raising events.

Dated the 24th March, 2017.

GITHU MUIGAI,  
*Attorney-General.*

\*L.N. No. 192 of 2015.