



PRESS RELEASE

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COURT ALLOWS COLLECTIVE MANAGEMENT ORGANISATIONS TO PROCEED WITH ROYALTY COLLECTIONS

Kenya Association of Music Producers has applauded today's High court orders issued by Hon Justice W. Korir **quashing Kenya Copyright Board's (KECOBO) revocation of KAMP and other CMOs licenses.** The Court's decision clears the way for the three collective Management Organizations i.e. KAMP, PRISK and MCSK to continue executing their royalty collecting mandate within the Joint Copyright and Related Rights licensing framework.

The Hon. Justice Weldon Korir made the decision following an urgent application filed by the Kenya Association of Music Producers (KAMP) at the High Court Constitutional and Human Rights Division at Milimani. Pursuant to the court orders, Hon. Justice Korir also ordered the Respondents to render an account to the court on the collections by 3rd of November 2021. **Justice Hon. Weldon Korir noted that the owners of copyright works were going to suffer during the three (3) months envisaged by the regulator before issuance of a new license to another CMO.** When put to task, KECOBO failed to state clearly who will be collecting royalties during the period.

This decision comes as a relief to KAMP and other CMOs as it allows them to continue executing their mandate of collecting royalties on behalf of the rights holders. KECOBO had initially moved to Court on 14th July 2021 with several prayers to Court among them: an order barring three CMOs from operating, accessing or otherwise interfering with their banks accounts; and order directing KECOBO to collect and distribute royalties to the copyright holders on its own or through an agent. The Court however declined to grant orders sought on **27th July 2021**. The case was later heard on 18th August 2021 where CMOs were allowed to continue with their operations until 3rd November 2021 when the matter is scheduled for hearing. Soon after the regulator went ahead to deregister CMOs contrary to court orders.

"During this period we have lost a lot of revenue based on the sudden decision that saw users of music exploit works without clear directions of an alternative collecting mechanism. This is procedural and uncalled for since exploitation of our members works should NOT BE FOR FREE," says Mr. Anthony Karani, Kenya Association of Music Producers Chairman.

"We therefore urge the users of copyright to NOTE and abide by the Court's decision through payment of royalties within established mechanisms. We also urge users of copyrighted who are yet to acquire copyright licenses to do so for the greater good of Kenyan producers, artists and performers. Noted Mr. Anthony Karani.

The chair also reiterated that the association is **working closely with all the stakeholders**, including the regulator and other government agencies to identify and resolve challenges bedeviling the sector for the sake of artists.

The copyright sector applauds Hon. Justice Weldon Korir for safeguarding the Constitutional rights of copyright holders. It must be reiterated that copyright is a private right and the Government role is that of regulating and providing an enabling environment for CMOs and their members,



Dr. Mbugua Njoroge

Chief Executive Officer

“ENDS”

Notes to the Editor

Kenya Association of Music Producers (KAMP) was incorporated in 2003, registered and granted its license to operate as a Collective Management Organization (CMO) in May 2008 by the Kenya Copyright Board. KAMP is a non-profit company with the bulk of revenue being distributed to the membership and affiliated copyright holders. It represents the rights and interests of producers of sound recordings. A Producer of Sound Recordings, under the Act, means the person who made all the arrangements for the affixing in any format and makes that product commercially available in the market place; Phonogram Producers, Music Producers or Record Labels.