

THE COLLECTING SOCIETY TARIFFS

[Legal Notice 57 of 2017]

IN EXERCISE of the powers conferred by section 46A(a) of the Copyright Act (Cap. 130), 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

Place of exploitation of music	Rate	Nature of rights exploited	
		Sound and musical rights	Visual, sound and music 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
	Annual, flat	N/A	Kes. 6,000
Video exhibitions or video halls			
Juke boxes	Per unit, flat rate per year	Kes. 9,000	Kes. 12,000
Non-resident deejays and veejays	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 Upto 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 annual max	Kes. 35,000 or 350,000 per year	Kes. 40,000 or Kes. 400,000 Per year
	Flat rate per year or annual max		
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	

[Subsidiary]

		Sound and musical rights	Visual, sound and music rights
	Per truck day or per year for small and medium enterprises or annual max	Kes 15,000 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	Ken. 150,000	
Choirs	Annual, per group	Kes. 12,000	
Nightclubs and discotheques (city)	Annual tier 1: 1 to 250 capacity	Ken 78,000	Ken 78,000
(Nairobi, Mombasa, Kisumu, Eldoret Nakuru)	Annual tier 2: 251 to 500 capacity	Ken 150,000	Ken 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	Ken. 58,500	Ken. 58,500
	Annual Tier 2: 250.500 pax	Kes. 112,500	Kes. 112,500

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		Annual Tier 3: over 500-750 pax	Kes. 225,000	Kes. 225,000
		Annual Tier 4: over 750 pax	Ken. 412,000	Ken. 412,000
elevators and lifts		Annual per carrying capacity subject to a minimum	Kes. 570 Ken. 7,000	Kes. 700 Ken. 8,750
Place of exploitation of music	Rate	Nature of rights exploited Sound and musical rights		Visual, sound and music 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

[Subsidiary]

	Annual, per Square Foot Tier 4: > 4,000 Square Feet	Kes 8.50		Kes 10.75
	Annual Minimum Fee Class B (<5,000 Members or 3-Star & below)	Kes 5,250		Kes 6,250
	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 music 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 12%	12%	12%
	12% of net revenue (after VAT & Excise Duty)		
	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	half of agreed tariff of radio	half of tariff of radio

[Subsidiary]

Hotels, restaurants and bars	revenue (after VAT & Excise Duty)			
	4 and 5 star	Tier 1-Up to 1000	Kes. 16.45	
	establishments, per	ft.: kes. 13.20		
	square foot	Tier 2-1001 -2000	Kes. 14.00	
		ft: kes. 11.60		
		Tier 3-2001-4,000	Kes. 12.10	
		ft: Kes. 9.50		
		Tier 4-over 4000 ft:	Kes. 10.75	
		Kes. 8.50		
	3 star	Tier 1- Up to 1000ft:	Kes. 10.70	
Place of exploitation of music	establishments , per	Kes. 11.20		
	square foot	Tier 2- 1001-2000	Kes. 8.93	
		ft: Kes.9.60		
		Tier 3- 2001-4000	Kes. 8.93	
		sq. ft: kes.7.60		
		Tier4- Over 4000	Kes. 7.67	
		sq.ft: kes. 6.50		
	Rate	Nature of rights exploited		
		Sound and	Visual, sound	
		musical rights	and music	
Industrial premises, factories, staff, canteens, engineering workshops, greenhouses, packhouses, etc	Others per square feet subject to a minimum of kes. 5,250		Tier 1- Up to 1000 sq.ft:	Kes. 10.70
			kes.9.20	
			Tier 2-	Kes. 8.93
			1001-2000 sq.	
			ft: kes. 7.60	
			Tier 3-	Kes. 6.60
			2001-4000	
			sq.ft: kes. 5.60	
			Tier 4- Over	Kes. 5.33
			4000 sq. ft: kes. 4.50	
Industrial premises, factories, staff, canteens, engineering workshops, greenhouses, packhouses, etc	Annual, per	Kes 13.20		Kes 16.45
	Square Foot			
	Tier			
	1:up to 1,000			
	Square Feet			
	Annual, per	Kes 11.60		Kes 14.60
	Square Foot			
	Tier			
	2: 1,001 to			
	2,000 Square			
Industrial premises, factories, staff, canteens, engineering workshops, greenhouses, packhouses, etc	Feet			
	Annual, per	Kes 9.60		Kes 12.10
	Square Foot			
	Tier			
	3: 2,001 to			
	4,000 Square			
	Feet			

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[Subsidiary]

	Annual, per Square Foot Tier 4: >4,000 Square Feet	Kes 8.50	Kes. 10.75
	Annual, minimum	Kes. 5,250.00	Kes. 6,250.00
Public service vehicles	Annual per Vehicle, company vehicles	Kes. 2,000	Kes.2,500
	Annual per Vehicle, taxis	Kes. 2,000	n/a
	Annual per Vehicle, tour vans	Kes. 5,000	Kes. 6,500
	Annual per Vehicle, 14 seats	Kes. 7,000	Kes. 10,500
	Annual per Vehicle, 15-35 seat	Kes. 14,200	Kes. 17,200
	Annual per Vehicle, 36-55 seats	Kes. 24,550	Kes. 29,600
	Annual per Vehicle, over 55 seats	Kes. 30,700	Kes. 36,550
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	Kes. 700,000	

[Subsidiary]

	more than 70% music content with national coverage Amount per month per commercial station using not more than 30% music content with regional coverage	Kes. 200,000		
Place of exploitation of music	Rate		Nature of rights exploited Sound and musical rights	Visual, sound and music rights
	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,	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

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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.
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