



## Music Copyright Society of Kenya Limited

NON-PROFITMAKING-NO SHARE CAPITAL-LIMITED BY GUARANTEE-AFFILIATED TO THE  
INTERNATIONAL CONFEDERATION OF COPYRIGHT SOCIETIES - CISAC *Reg. C5/83*

Mombasa , Kisumu , Bungoma  
Machakos , Nyeri , Nakuru , Eldoret

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## RADIO AND TELEVISION BROADCASTING SERVICES

### (Tariffs "BR" & "BTV")

As reviewed in January 2014

#### 1. SCOPE OF TARIFF

This tariff applies to Broadcasts of musical works falling within the repertoire of MCSK. For the purposes of this tariff "Broadcast" shall be assigned the meaning giving to it in Section 2 of the Copyright Act, Act No. 12 of 2001 (as amended) and shall include the emitting of programme carrying signals to a satellite.

#### 2. GENERAL CONDITIONS AND DEFINITIONS

- 2.1 This TARIFF applies only to broadcasts covered by a license from MCSK, obtained before broadcast commenced. Any broadcast programmes not so covered will be assessed at double this tariff. MCSK is not bound to offer a license under this tariff in respect of any broadcast services for which application was not made in advance.
- 2.2 The LICENCE FEES are based on a percentage of "gross Income" and/or gross expenditure earned or incurred by the BROADCASTER (SERVICE) from advertising and license fees and a fee per subscriber, whichever is higher.
- 2.3 MCSK reserves the right to make such variations in this tariff as it considers appropriate when licensing SERVICES which in its opinion, do not fall within the scope of this tariff.

#### 3. DEFINITIONS

- 3.1 "Gross Revenue" for any license year means the actual gross amounts received by the SERVICE, its Agents, servants licensees and subsidiary or associated companies from license revenue, advertisements and advertising programmes broadcast by the SERVICE, excluding any commission, not exceeding 20%, paid by the SERVICE, its Agents, servants, licensees and subsidiary or associated companies to advertising agents and brokers during such license year or such other period of one year as may have been

agreed with the ORGANISATION in writing, all such particulars being certified as correct by the SERVICE's auditors.

- 3.2 "Gross Expenditure" include but are not limited to the following: Gross salaries, wages or emoluments paid to announcers and presenters, studio engineers, controllers/technicians, programme compilers/producers and music librarians.

Gross fees paid to third parties for services of - announcers and presenters, studio engineers, controllers/technicians, programme compilers/producers and music librarians, including payments to providers of music programme material. The actual gross expenses incurred in connection with the hire of studio facilities and related equipment. The cost incurred in the hire of transmission equipment including payments made to signal distributors (Channel hosting) for the use of facilities to enable the signal of the service to be transmitted and any similar expenses incurred for the purposes of broadcasting.

- 3.3 For the purposes of this tariff "Copyright Musical Content" shall mean the total duration of broadcast of all the musical works by the SERVICE which are eligible for copyright in terms of the Copyright Act and fall within MCSK's repertoire expressed as a percentage of the total duration of the broadcasts as a whole.

- 3.4 MCSK reserves the right to make such variations in this tariff as it considers appropriate when licensing broadcasters which, in its opinion, do not fall within the scope of this tariff.

#### 4. **TARIFF RATES**

<b>"Copyright Musical Content"</b>	<b>% License fee based on Gross Income/Expenditure.</b>
1 – 29.9 %	1.67%
30 – 69.99%	3.75%
70 – 100%	5.50%

Subject to the following minimum **"Actual License Fees" per month**, payable in advance, as adopted from negotiations with Media Owners Association in December 2005, and reviewed and re-published in January 2014;

<b>1. Commercial Broadcasting</b>	
A) Multi Regional	Kshs. 72,000.00
B) Regional	Kshs. 40,000.00
<b>2. Non Commercial Broadcasting</b>	
A) Multi Regional	Kshs. 36,000.00
B) Regional	Kshs. 30,000.00
<b>3. Institutional/Educational Broadcasting</b>	Kshs. 30,000.00

**NOTE: Kindly note that Television broadcasting shall be charged at one third (1/3) of the minimum Actual License fees above that is applicable in radio broadcasting.**

In accordance with the envisaged license Categories in **Sec. 46B (2)** of the **Kenya Communications (Amendment) Act of 2009**, the Classifications above have the following meaning;

**a) Commercial Broadcasting**

All broadcasters that are fully for profit, including Public broadcasting services, Community Broadcasting Services, Private/Commercial Broadcasting Services, Subscription broadcasting services and Signal distribution Services.

**b) Non – Commercial Broadcasting**

All the broadcasting Services that are **NOT** fully for profit.