



Music Copyright Society of Kenya Limited

NON-PROFITMAKING-NO SHARE CAPITAL-LIMITED BY GUARANTEE-AFFILIATED TO THE INTERNATIONAL CONFEDERATION COPYRIGHT SOCIETY - CISAC

Reg. C5/83

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Opp. Uhuru Gardens
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NYANZA REGION
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1st Floor, Wing A
KISUMU
Tel: 0724-507-792

CENTRAL KENYA
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PRESS STATEMENT

STATEMENT ON COMPLAINTS ON UNAUTHORIZED RE-PRODUCTION AND PERFORMANCE OF MUSICAL WORKS.

For Immediate Release
18th January 2023

Our attention has been drawn to the ongoing debate regarding the increasing cases of unauthorized reproduction/re-recording of already published musical works and the subsequent exploitation of musical works for commercial purposes without the necessary permission from the owners of the works.

We note that most of the artists involved in these complaints are ignorant of the law hence the need for us to issue clarification and guidance to avoid protracted legal battles involving our members.

We note that this is indeed a gray area that calls for immediate direction, guidance, and further education for our esteemed members.

MCSK would therefore like to take this early opportunity to inform our members and all other persons and entities involved in these violations of the copyright law of the consequences.

The Copyright Act no. 12 of 2021, clearly states that it is illegal to publicly perform and or reproduce in any form, already published musical works without express authorization by the original rightsholder(s) in the respective musical works.

Section 26 (1) of the said Act, clearly defines the nature and kind of rights that accrue to the right-holder in a musical work, together with the prohibited acts that include reproduction and unauthorized performances.

Section 35 (1) provides for the infringement clause and the civil remedies available to the rightsholder whose work(s) has been infringed.

Section 38 provides for the criminal offenses and penalties that accrue in excess of One Million Kenya Shillings or a 4 years jail term or both.

We note that most upcoming artists and media houses have engaged in these obvious infringements and some have even gone ahead to upload the unauthorized re-productions on their online channels.

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It's for this reason that MCSK has moved to intervene by opening a Complaints Desk at our offices across the country and at our Headquarters in Nairobi where these and other Copyright related cases can be reported.

MCSK has assembled a team of lawyers who will provide legal advice and guidance and help to arbitrate on any cases touching on our members to avoid protracted legal battles.

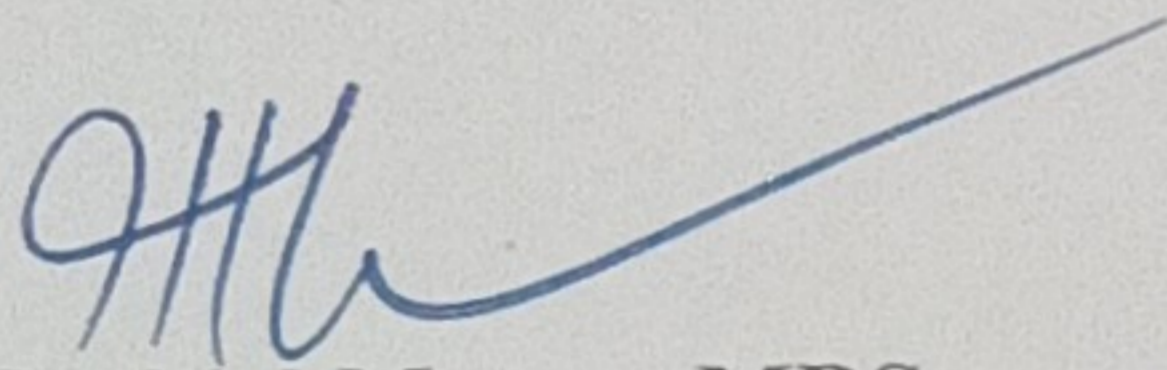
Those interested in using our services can submit any complaints through MCSK regional offices across the country, write an email or simply visit our offices to record the complaint.

MCSK shall continue to support fair, transparent, and equitable administrative actions that are geared towards improving the environment that Intellectual Property is managed, administered, and enforced in Kenya for the benefit of the creative industry as a whole.

We recognize that well-managed, paid and protected, Intellectual Property is the driver of all developed economies in the world.

We are therefore committed to supporting our members to fully explore their creativity without infringing on other people's rights or breaking the law.

Thank you.



Dr. Ezekiel Mutua, MBS
Chief Executive Officer