



# 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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## STATEMENT BY MUSIC COPYRIGHT SOCIETY OF KENYA (MCSK) ON THE COPYRIGHT (AMENDMENT) LAW 2021

The Kenya Music Copyright Society of Kenya has received with great joy the signing into law by His Excellency the President, the Copyright (Amendment) Law 2021 which confers great benefits to artists through the ring back tunes.

The new law provides for a fair formula for sharing of revenue from ring back tunes between artists/copyright holders and telecommunication companies.

The law opens new opportunities for musicians to reap the full dividends of digital migration by ensuring that musicians are entitled to the lion's share of the moneies generated from ring back tunes.

Section 30 (C) of the new Copyright law now provides that artists or the copyright holders will get not less than 52% of monies generated from ring back tunes while service providers get 8.5%, and the telecommunications operator 39.5%.

The law has also enhanced take down procedures, the role of Internet Service Providers (ISPs) and judicial reliefs that will protect children from exposure to harmful content and curb digital piracy.

The law gives copyright holders and musicians in particular, more powers and control of their works.

Indeed, this development heralds a brighter future for Kenyan artists to benefit optimally from their musical works.

The exploitation of musical works through technology has been largely tilted in favour of business people including tech companies, telecommunications operators and broadcasters, while the real owners of copyright get peanuts.

Lack of a structured revenue sharing formula that gives recognition to copyright owners has for long led to a situation where many artists continue to be exploited and to languish in poverty while users of the artistic works declare huge profits every year.

It's therefore gratifying to see that with the new law, musicians who are the copyright owners will be the main beneficiaries and that the new law will minimize, if not eliminate infringement of copyright works by players in the digital space.

For music to be taken as a serious career, the rights of our talented artists must take centre stake. Deployment of technology must also confer benefits to the copyright owners rather than become an impediment or tool for exploitation or copyright infringement.

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The MCSK therefore welcomes the new law and commits to work with all stakeholders to ensure smooth and effective implementation of the same to the benefit of our members.

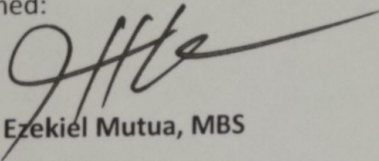
MCSK would like to thank His Excellency the President and the Government of Kenya, particularly the Ministry of ICT, Innovations and Youth Affairs, for giving due attention to the welfare of artistes and supporting the process of reviewing the copyright law.

We are also most grateful to Homa Bay Woman Representative Hon. Gladys Wanga who sponsored the Copyright (Amendment) Bill 2021 and guided the process through the floor of Parliament to ensure that the views of musicians were taken into consideration. We also thank all Members of Parliament who supported the process and ensured that the views submitted by MCSK and other stakeholders were incorporated into the final document.

MCSK's will work with all relevant stakeholders to ensure efficient and effective collection and distribution of royalties to our artists. We look forward to the time when by ensuring effective deployment of technology, Kenyan musicians will benefit fully from their creativity and become powerful champions and custodians of societal values and socio-economic development.

For sure, a new dawn has come for Kenyan music industry and the future can only be all the more bright.

Signed:



Dr. Ezekiel Mutua, MBS

Chief Executive Officer

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