



# **RWANDAN SOCIETY OF AUTHORS**

## **TARIFFS FOR PUBLIC PERFORMANCE, BROADCASTING, TELECOMMUNICATION AND DIGITAL-ONLINE SERVICES**

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**KIGALI, 2018**

## **PREAMBLE**

The Board of Directors of Rwandan Society of Authors,

Pursuant to Law N° 31/2009 of 26/10/2009 on the Protection of Intellectual Property, especially in its Articles 13, 200, 253 and 254;

Considering that Rwandan Society of Authors (RSAU) is officially recognized by the competent Authority as a company of Collective Management of Copyright & Related Rights and as such perform activities including representation and management of license granting scheme, collection, calculation and distribution of remuneration arising from the use of the rights as provided by Law N° 31/2009 of 26/10/2009 on the Protection of Intellectual Property;

Having reviewed the “Tariff on royalties’ payable for public performance, reprography, broadcasting of musical and audiovisual works” of 1<sup>st</sup> March 2016;

Has adopted the “tariffs for public performance, broadcasting, telecommunication and digital-online services” as follows:

### **Article 1: Definitions**

In these Tariffs, the terms referred to below shall have the following meanings:

- a) **Audiovisual Work:** a work that consists of a series of related images which impart the impression of motion, with or without accompanying sounds, susceptible of being made visible, and where accompanied by sounds, susceptible of being audible;
- b) **CMO:** a Collective Management Organization formed by virtue of Article 253 of the Law on the protection of Intellectual Property;
- c) **Royalties:** a share of proceeds paid to a creator or publisher in respect of exploitation of a copyright work;
- d) **License:** is an official permission or permit to use copyrighted works.
- e) **Public performance:** the recitation, playing, dancing, acting, or otherwise performing the work, either directly or by means of any device or process. In the case of audiovisual work, it is the showing of its images in sequence or making its accompanying sounds audible, and in the case of a phonogram, making the recorded sound audible, in each case at a place or places where persons outside the normal circle of the family and its closest acquaintances are or can be present , irrespective of whether they are or can be present at the



same place and time, or at different places and/or times, and where the performance can be perceived without the need for communication to the public;

- f) **Flat fee:** refer to a rate that does not vary with usage or time of use.
- g) **Government station:** a station where funding comes from the government
- h) **Commercial station:** is a privately owned station by individuals or corporate media
- i) **Religious, Academic or Community station:** are stations with its core focus being religious or academic.
- j) **Copyrighted work:** any literary, artistic, scientific, local or foreign published and unpublished work;
- k) **Essential users:** music is indispensable to the business establishment; the business cannot operate without music; it is integral to the business processes of the establishment;
- l) **Important users:** music provides significant entertainment to customers and can allure them to the business;
- m) **Incidental users:** music is incidental to the business; it adds value to the business through provision of passive background entertainment.

## **Article 2: Scope**

In application of Articles 200, 253 and 254 of Law N° 31/2009 of 26/10/2009, this document sets tariffs payable annually by establishments carrying out public performances and broadcasting of musical and audiovisual works as royalties as set out in Annex I.

The tariff applies to each form of background, light and/or other music played by means of radio, TV, CD player and/or other playback equipment.

## **Article 3: License to broadcast, communicate to the public, publicly perform and reproduce**

No person shall broadcast, communicate to the public, publicly perform or reproduce a work in which copyright and related rights subsists except under a license issued by a Collective Management Organization hereunder referred to as the CMO or, in special cases provided for by the law, by the right holder.





#### **Article 4: Application for License**

Every application for license shall be made to the CMO in the form set out in Annex II.

#### **Article 5: Issue of License**

- (1) Subject to article (3), the society shall issue a license in the form set out by the CMO hereto defined in Annex II, subject to:
  - (a) such conditions as specified in the licensing contract, including the submission, in the form set out by the CMO, of a broadcast, communication to the public, publicly perform and reproduce;
  - (b) the payment by the applicant of the fees corresponding to the appropriate tariff classification specified hereto;

Provided that the CMO shall have the power to adjust the tariff rates by reference to the Official Consumer Price Index, as published by the relevant authorities. Which Tariff adjustment shall not exceed rate of inflation as determined by the above mentioned Index, this adjustment should be approved by the relevant authorities.

#### **Article 6: License to be displayed**

The applicant shall publicly display the license in a prominent and visible position.

#### **Article 7: Distribution**

The CMO shall pay in accordance with its procedures royalties or other appropriate remuneration accrued or due to the person entitled thereto out of the fees collected by the CMO under these tariffs.

#### **Article 8: Appeals**

An applicant who is aggrieved by any condition endorsed by the CMO on a license or with the decision of the CMO refusing to issue a license may before the public performance is held and, in any case, within fourteen days from the date the condition is endorsed or the decision is made, appeal to the competent Authority to review or rescind the condition or decision, as the case may be.

#### **Article 9: Penalty for failure to pay royalties**

Failure to comply with the law and pay royalties for the use of copyrighted works, the concerned party should not be entitled to the discount as provided in the Tariff by the CMO.

Failure to pay the invoice promptly will result in the cancellation of the total discount. The basic fee plus the statutory interest and costs incurred both in and out of court will then be due and payable by the music user.

#### **Article 10: Gross Revenue**

Any license year includes: the actual gross amounts received by the Licensee, its agents, servants, licensees and subsidiary or associated companies by way of license or subscription fees and revenue derived from download; advertisements and advertising programs, broadcast by the Licensee;

#### **Article 11: Basis for calculation of fees**

These tariffs contain a list of the fees which are applicable to user's specific situation. The tables in Annex I show the basic fee and the net fee after discount. A user will pay the net fee when he/she/it registers his/her/its music use with RSAU and pay the invoice in a timely manner. In that case, the CMO will deduct a discount not exceeding 33.33% from the basic fee.

If a RSAU inspector discovers music use in the field that has not been registered of the client's own accord, the user will have to pay the basic fee. Companies that have already been registered will automatically receive the maximum discount, provided they pay their invoice in a timely manner.

#### **Article 12: Transitional Provision**

All contract signed referring to the provisions of former tariff are legally binding for all. Any clause of an ongoing contract contrary to the provisions of this tariff must be modified within three (3) months from the date on which this tariff comes into force. This tariffs shall not in any case cause termination of ongoing contracts without consultation.

#### **Article 13: Amendment**

The Copyright Office reserves the right to approve the amendment to this tariff whenever necessary.

#### **Article 14: Enter into force**

This Tariff shall come into force on the date of its approval by the competent authority.

**KIGALI, on 24/10/2018**



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**CHAIRMAN,  
RWANDAN SOCIETY OF AUTHORS (RSAU)**



## **ANNEX I: Tariff Classification**

### **I. PUBLIC PERFORMANCE**

#### **1. BUSINESS RESTAURANTS, FAST FOOD JOINTS, CANTEENS & SIMILAR ESTABLISHMENTS**

<b>Surface Area-M<sup>2</sup></b>	<b>Basic fee</b>	<b>Net Fee after Discount</b>
Till 100 m <sup>2</sup>	45,000	30,000
101-200 m <sup>2</sup>	56,250	37,500
201-400 m <sup>2</sup>	67,500	45,000
401-800 m <sup>2</sup>	77,625	51,750
801-1600m <sup>2</sup>	85,400	57,000
For every additional 1.600 m <sup>2</sup> or a part thereof	37,500	25,000

The license fee is based on the number of the square meters (m<sup>2</sup>) of the area where the music is played.

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

#### **2. SUPERMARKET/DEPARTMENT STORES/DIY STORES & SIMILAR ESTABLISHMENTS**

<b>SURFACE AREA-M<sup>2</sup></b>	<b>Basic Fee</b>	<b>Net fee after discount</b>
Till 100m <sup>2</sup>	75,000	50,000
101-200m <sup>2</sup>	93,750	62,500
201-400m <sup>2</sup>	112,500	75,000
401-800m <sup>2</sup>	129,375	86,250
801-1600m <sup>2</sup>	142,350	94,800
For every additional 1.600 m <sup>2</sup> or a part thereof	52,500	35,000

The license fee applies to retail spaces in general retail business as described above and does not apply to small shop, such as fashion stores, bakery's, butchers, greengrocer shops, etc....



The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

### 3. RETAIL SPACES/SMALL SHOPS & SIMILAR ESTABLISHMENTS

<b>FTE-Full Time Equivalent</b>	<b>Basic Fee</b>	<b>Net fee after discount</b>
Up to 5	37,500	25,000
6-10	46,875	31,250
11-25	56,500	37,500
26-50	64,700	43,125
51-100	71,150	47,800
For every additional 100 Fte's	37,500	25,000

The license fee applies to retail spaces of general business (small shops) that not belong in the category of supermarket/department stores or do it yourself stores.

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

### 4. SHOPPING MALLS/GALLERIES/SHOPPING STREETS

<b>SURFACE AREA-M<sup>2</sup></b>	<b>Basic Fee</b>	<b>Net fee after discount</b>
Till 100m <sup>2</sup>	75,000	50,000
101-200m <sup>2</sup>	93,750	62,500
201-400m <sup>2</sup>	112,500	75,000
401-800m <sup>2</sup>	129,375	86,250
801-1600m <sup>2</sup>	142,350	94,800
For every additional 1.600 m <sup>2</sup> or a part thereof	52,500	35,000

If the music is played via the facade and/or porch/doorway of shops in shopping streets, the formula for calculating the correct number of square meters is the total length of the facades multiplied by a factor of three. The minimum period for which a license may be concluded is one month. The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

### 5. ADVERTISING COMPANIES IN OR UPON PREMISES SUCH AS MOBILE ADVERTS

<b>Number of performance</b>	<b>Basic Fee</b>	<b>Net fee after discount</b>
For every performance	22,500	15,000



The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

**6. LIVE BANDS, ORCHESTRAS, INSTRUMENTALISTS, VOCALIST, KARAOKE(LIVE MUSIC) – TO BE PAID BY THE OWNERS OF VENUES**

<b>Performance per week</b>	<b>Basic fee</b>	<b>Net fee after discount</b>
Once	112,500	75,000
Twice	140,625	93,750
For every additional performance	52,500	35,000

The license fee is based on the number of the public performance in a week organized by the owner of the venues where the music is played.

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

**7. LENDING AND SALES OF SOUND RECORDING AND AUDIO-VISUAL RECORDINGS**

<b>Establishment</b>	<b>Basic fee</b>	<b>Net fee after discount</b>
Wholesalers	300,000	200,000
Retailers	150,000	100,000
Mobile Retailers	75,000	50,000

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

**8. PERFORMANCE OF VISUAL RECORDINGS**

<b>Surface Area M<sup>2</sup></b>	<b>Basic fee</b>	<b>Net Fee after discount</b>
Till 100m <sup>2</sup>	52,500	35,000
101m <sup>2</sup> - 200m <sup>2</sup>	65,625	43,750
201m <sup>2</sup> - 400m <sup>2</sup>	78,750	52,500
401m <sup>2</sup> - 800m <sup>2</sup>	90,563	60,375
For every additional 800 m <sup>2</sup> or a part thereof	52,500	35,000

The license fee is based on the number of square meters (m<sup>2</sup>) of the area where the audio-visuals recordings is played.



The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

## 9. PUBLIC PERFORMANCE OF MUSIC AT COMMUNITY EVENTS

	<b>Basic fee/Per Event</b>	<b>Net fee after discount / Per event</b>
Religious event	22,500	15,000
Social/Workplace event	30,000	20,000
Public event	75,000	50,000
Private event	150,000	100,000
Other event	75,000	50,000

The license fee is based on the number of event organized.

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

## 10. PERFORMANCES BY MC AND DJS

<b>Per MC or DJ</b>	<b>Basic Fee</b>	<b>Net fee after discount</b>
Per MC or DJ	75,000	50,000

The license fee is applicable to every MC or DJ in small events.

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

## 11. HAIR/GROOMING SALONS/PERSONAL BEAUTY CARE/PEDICURE/MASSAGE

<b>FTE-Full Time Equivalent</b>	<b>Basic Fee</b>	<b>Net fee after discount</b>
Till 5	37,500	25,000
6-10	46,850	31,250
11-25	56,250	37,500
26-50	64,600	43,150
51-100	71,150	47,450
For every additional 100 Fte's	37,500	25,000

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

This relates to the use of background music during the treatment of customers in the field of beauty treatments, pedicures, massages, hair styling and/or nail treatments, both in publicly accessible commercial premises and in home-based spas.

## **12. GYMS/FITNESS CENTRES-(BACKGROUND MUSIC)**

<b>SURFACE AREA-M<sup>2</sup></b>	<b>Basic Fee</b>	<b>Net fee after discount</b>
Till 100m <sup>2</sup>	45,000	30,000
101-200m <sup>2</sup>	56,250	37,500
201-400m <sup>2</sup>	67,500	45,000
401-800m <sup>2</sup>	77,750	51,800
801-1600m <sup>2</sup>	85,400	56,950
For every additional 1.600 m <sup>2</sup> or a part thereof	37,500	25,000

The license fee applies to all areas where the background Music played. In case the fitness centre also has a separate catering area at its disposal, the fee for the hotels restaurants and cafe will apply to that specific area.

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

## **13. GYMS/FITNESS CENTERS-(FOREGROUND MUSIC)**

<b>SURFACE AREA-M<sup>2</sup></b>	<b>Basic Fee</b>	<b>Net fee after discount</b>
Till 100m <sup>2</sup>	75,000	50,000
101-200m <sup>2</sup>	93,750	62,500
201-400m <sup>2</sup>	112,500	75,000
401-800m <sup>2</sup>	129,375	86,250
801-1600m <sup>2</sup>	142,400	94,950
For every additional 1.600 m <sup>2</sup> or a part thereof	52,500	35,000

The license fee applies to the use of foreground music used as in Zumba classes, les mills body pump and aerobic classes.

In case the fitness centre also has a separate catering area at its disposal, the fee for the hotels restaurants and cafe will apply to that specific area.

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

#### 14. BUSES, TOURING CARS, AEROPLANES, BOATS, TRAIN

<b>SURFACE AREA M<sup>2</sup></b>	<b>Basic Fee</b>	<b>Net fee after discount</b>
Till 100 m <sup>2</sup>	225,000	150,000
101-200m <sup>2</sup>	281,250	187,500
201-400m <sup>2</sup>	337,500	225,000
401-800m <sup>2</sup>	405,000	270,000
801-1600m <sup>2</sup>	445,500	297,000
For every additional 1.600 m <sup>2</sup> or a part thereof	150,000	100,000

The number of square meters is determined by dividing the number of seats: 2.

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

#### 15. FESTIVALS, EXHIBITIONS, FAIRS, and SIMILAR ESTABLISHMENT

<b>SURFACE AREA M<sup>2</sup></b>	<b>Basic Fee</b>	<b>Net Fee after discount</b>
Till 100 m <sup>2</sup>	45,000	30,000
101-200 m <sup>2</sup>	56,500	37,500
201-400 m <sup>2</sup>	67,500	45,000
401-800 m <sup>2</sup>	77,600	51,750
801-1600 m <sup>2</sup>	85, 588	56,925
For every additional 1.600 m <sup>2</sup> or a part thereof	37,500	25,000

The license fee is based on the number of square meters of the area where the music is played subject to negotiation with the organizers on the way of payment.

The minimum period, for which a license may be concluded is one month, the fee is calculated on pro rata basis.

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.



## 16. WELLNESS/SWIMMING POOLS

<b>SURFACE AREA-M<sup>2</sup></b>	<b>Basic Fee</b>	<b>Net fee after discount</b>
Till 100m <sup>2</sup>	30,000	20,000
101-200m <sup>2</sup>	37,500	25,500
201-400m <sup>2</sup>	45,000	30,000
401-800m <sup>2</sup>	51,750	34,500
801-1600m <sup>2</sup>	56,900	37,950
For every additional 1.600 m <sup>2</sup> or a part thereof	22,500	15,000

The license fee applies to the use of background music in changing rooms, solariums, sauna's, relaxation rooms.

In case the wellness centre also has a separate catering area at its disposal, the fee for background music in hotels restaurants and cafes will apply to that specific area.

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

## 17. BACKGROUND MUSIC IN HOTELS, BARS, PUBS, RESTAURANTS, OTHER SIMILAR ACCOMMODATION ESTABLISHMENTS

<b>SURFACE AREA-M<sup>2</sup></b>	<b>Basic Fee</b>	<b>Net Fee after discount</b>
Till 100m <sup>2</sup>	427,500	285,000
101-200m <sup>2</sup>	534,375	356,250
201-400m <sup>2</sup>	641,250	427,500
401-800m <sup>2</sup>	737,438	491,625
801-1600m <sup>2</sup>	811,181	540,788
For every additional 1.600 m <sup>2</sup> or a part thereof	262,500	175,000

The license fee is based on the number of square meters (m<sup>2</sup>) of the area where the music played.

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.



### 18. DISCOTHEQUES/NIGHT CLUB (FEATURING MUSIC)

<b>SURFACE AREA-M<sup>2</sup></b>	<b>Basic Fee</b>	<b>Net fee after discount</b>
Till 100m <sup>2</sup>	675,000	450,000
101-200m <sup>2</sup>	843,750	562,500
201-400m <sup>2</sup>	1,012,500	675,000
401-800m <sup>2</sup>	1,164,375	776,250
801-1600m <sup>2</sup>	1,280,850	853,800
For every additional 1.600 m <sup>2</sup> or a part thereof	375,000	250,000

The license fee is based on the number of square meters (m<sup>2</sup>) of the area where the music is played.

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

### 19. COMMUNITY CENTERS, CLUB HOUSES

<b>SURFACE AREA-M<sup>2</sup></b>	<b>Basic Fee</b>	<b>Net fee after discount</b>
Till 100m <sup>2</sup>	15,000	10,000
101-200m <sup>2</sup>	18,750	12,500
201-400m <sup>2</sup>	22,500	15,000
401-800m <sup>2</sup>	25,875	17,250
801-1600m <sup>2</sup>	28,463	18,975
For every additional 1.600 m <sup>2</sup> or a part thereof	11,250	7,500

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

### 20. DISTRIBUTION OF MUSIC TO THE HOTEL ROOMS/BUNGALOWS AND SIMILAR ACCOMMODATION ESTABLISHMENTS

<b>Number of Rooms</b>	<b>Basic Fee</b>	<b>Net fee after discount</b>
Till 50	75,000	50,000
51-100	93,750	62,500
101-150	112,500	75,000
151-200	129,500	86,250
For every additional 200 Rooms or a part thereof	52,500	35,000

The license fee is based on the number of the rooms/bungalows to where the music is distributed. (Availability of TV's/Radio's etc... in hotel room or bungalow).

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

## **21. WORKING AREAS; offices, warehouses, garages, Factories etc....**

<b>FTE-Full Time Equivalent</b>	<b>Basic Fee</b>	<b>Net fee after discount</b>
Till 10	37,000	25,000
11-25	46,850	31,250
26-50	56,500	37,500
51-100	64,600	43,150
101-200	71,150	47,450
For every additional 200 Fte's or a part thereof	37,500	25,000

The license fee is based on the number of employees than can listen to the music.

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

## **22. BACKGROUND MUSIC ON WEBSITES**

<b>Fixed Fee</b>	<b>Basic Fee</b>	<b>Net fee after Discount</b>
Per website	75,000	50,000

The license fee is based on a fixed fee per website.

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

## **23. TELEPHONE LINES -MUSIC ON HOLD**

<b>Number of connections</b>	<b>Basic fee</b>	<b>Net Fee after Discount</b>
Up to 50	37,500	25,000
51-100	46,850	31,250
101-150	56,250	37,500
151-200	64,650	43,125





For every additional 200 lines	37,500	25,000
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The license fee is based on the number of telephones lines to which can be derived.

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

#### **24. WAITING ROOMS, LOUNGES, RECEPTION AREAS AND SIMILAR PREMISES**

<b>SURFACE AREA-M<sup>2</sup></b>	<b>Basic Fee</b>	<b>Net fee after discount</b>
Till 100m <sup>2</sup>	45,000	30,000
101-200m <sup>2</sup>	56,250	37,500
201-400m <sup>2</sup>	67,500	45,000
401-800m <sup>2</sup>	77,750	51,800
801-1600m <sup>2</sup>	85,400	56,950
For every additional 1.600 m <sup>2</sup> or a part thereof	37,500	25,000

The license fee is based on the number of square meters (m<sup>2</sup>) of the area where the music played.

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

#### **25. STADIUM/FIELD SUCH AS SPORT FIELDS/ SPORT FACILITIES**

<b>SURFACE AREA-M<sup>2</sup></b>	<b>Basic Fee</b>	<b>Net fee after discount</b>
Till 100m <sup>2</sup>	75,000	50,000
101-200m <sup>2</sup>	93,750	62,500
201-400m <sup>2</sup>	112,500	75,000
401-800m <sup>2</sup>	129,375	86,900
801-1600m <sup>2</sup>	142,400	94,950
For every additional 1.600 m <sup>2</sup> or a part thereof	52,500	35,000

This fee related to the use of music prior, during and after a sport event and is based on the number of square meters (m<sup>2</sup>)/number of seats: 4.

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

## 26. CAR PARK AND GARAGES

<b>SURFACE AREA-M<sup>2</sup></b>	<b>Basic Fee</b>	<b>Net fee after discount</b>
Till 100m <sup>2</sup>	45,000	30,000
101-200m <sup>2</sup>	56,250	37,500
201-400m <sup>2</sup>	67,500	45,000
401-800m <sup>2</sup>	77,750	51,800
801-1600m <sup>2</sup>	85,400	56,950
For every additional 1.600 m <sup>2</sup> or a part thereof	37,500	25,000

The license fee is based on the number of square meters (m<sup>2</sup>) of the area where the music played.

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

## 27. MEDICAL TREATMENT ROOM(S) SUCH AS DENTIST/ DOCTOR ETC.

<b>Per treatment room</b>	<b>Basic Fee</b>	<b>Net fee after discount</b>
Per treatment	37,500	25,000

This license fee relates to the use of music in treatment rooms/dentist-doctor-operation facilities etc.

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

## II. BROADCASTING, TELECOMMUNICATION AND DIGITAL/ONLINE SERVICE PROVIDERS

### A. For radio/television Broadcasts/Mobile & Telecommunication in Rwanda

#### 1. Religious, Academic or Community station

Station	Fees	Net fee after Discount
Per Station	750,000	500,000

#### 2. Commercial stations

Station	Fees	Net fee after Discount
Per Station	1,500,000	1,000,000

#### 3. Government station

Station	Fees	Net fee after Discount
Per Station	4,500,000	3,000,000

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.

### B. For Telecommunication Digital/Online service providers

- 1. Ring back service:** (audio-only sound recording, the sole purpose of which is to be heard by a Caller when making a call on a Telephone to a User's Telephone during the time between initiating a call and the User's phone being answered so as to connect the call)

**Fees:** Gross Revenue generated from ring back services to consumers (VAT not included) subject to fee of 15% of Gross Revenue per ring back tone delivered

Definition of Gross Revenue is available in Article 1.





## 2. Downloads:

**Fees:** Gross Revenue generated from download (VAT not included) subject to fee of 17% of Gross Revenue per download

Definition of Gross Revenue is available in Article 1.

## 3. Web-casting: (refers to online radio webcast channels that are exclusive to the internet)

### a) Religious, Academic or Community station

Station	Fees	Net fee after Discount
Per Station	300,000	200,000

### b) Commercial stations

Station	Fees	Net fee after Discount
Per Station	750,000	500,000

### c) Government station

Station	Fees	Net fee after Discount
Per Station	2,250,000	1,500,000

Definition of Gross Revenue is available in Article 1 above.

## 4. Simul-casting:

The possibility is offered by the CMO to obtain a joint broadcast and web-cast license or to obtain individual/separate licenses for each distinct activity (broadcast and/or web-cast)

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.



### C. CABLE AND SATELLITE OPERATORS

Station	Fees	Net fee after Discount
Per Station	7,500,000	5,000,000

The above mentioned tariffs are on an annual basis, excluded VAT and subject to adaption based on the Consumer Price Index.



## **ANNEX II: FORMS**

### **I. CATERING INVENTORY FORM**



**RSAU - RWANDA SOCIETY OF AUTHORS**

NO 31/2009 OF 26/10/2009 LAW ON THE PROTECTION OF INTELLECTUAL PROPERTY

<p><b>CATERING LICENSE APPLICATION FORM</b></p> <p>O Date: _____</p> <p>O Name Inspector: _____</p> <p><b>GENERAL INFORMATION:</b></p> <p>Business name: _____</p> <p>Contact person: _____</p> <p>Company address: _____</p> <p>P.O. Box / Town: _____</p> <p>E-mail address: _____</p> <p>Telephone: _____</p> <p><b>TYPE OF BUSINESS</b></p> <p><input type="checkbox"/> Bar</p> <p><input type="checkbox"/> Restaurant</p> <p><input type="checkbox"/> Hotel</p> <p><input type="checkbox"/> Discotheque / Nightclub</p>	<p><b>PUBLIC USE OF MUSIC</b> <i>More choices are possible.</i></p> <p><input type="checkbox"/> Lobby .....m<sup>2</sup></p> <p><input type="checkbox"/> Lounge .....m<sup>2</sup></p> <p><input type="checkbox"/> Restaurant .....m<sup>2</sup></p> <p><input type="checkbox"/> Bar .....m<sup>2</sup></p> <p><input type="checkbox"/> Discotheque / Nightclub .....m<sup>2</sup></p> <p><input type="checkbox"/> Distribution of signal to # rooms .....</p> <p><input type="checkbox"/> On-hold telephone</p> <p><input type="checkbox"/> Working spaces / offices / warehouse / kitchen for employees .....fte's</p> <p><input type="checkbox"/> Website :https://www.....</p> <p><input type="checkbox"/> <b>OTHER WAYS OF PUBLIC MUSIC USE:</b></p>	<p><b>DECLARATION OF NO MUSIC USE:</b></p> <p>We hereby officially declare that the Law for the Protection of Intellectual Property Rights in Rwanda does not apply in our situation because neither our office, nor our employees are using any means to play music in public. We are aware that the public use of music without a license is a breach of the applicable Intellectual Property Rights!</p> <p>Name: _____</p> <p>Position: _____</p> <p>Telephone number: _____</p> <p>e-mail address: _____</p> <p>Place &amp; Date: _____ Signature: _____</p>
<p>SIGNATURE INSPECTOR</p>	<p>SIGNATURE MANAGER / PROPIETOR</p>	<p><b>OFFICIAL USE ONLY</b></p> <p>LICENSE NUMBER: _____</p> <p>LEGAL DEPARTMENT: _____</p>



## II. GENERAL INVENTORY FORM



**RSAU - RWANDA SOCIETY OF AUTHORS**

NO 31/2009 OF 26/10/2009 LAW ON THE PROTECTION OF INTELLECTUAL PROPERTY

<p><b>GENERAL LICENSE APPLICATION FORM</b></p> <p><input type="checkbox"/> Date:</p> <p><input type="checkbox"/> Name Inspector:</p> <p><b>GENERAL INFORMATION:</b></p> <p>Business name:</p> <p>Contact person:</p> <p>Company address:</p> <p>P.O. Box / Town:</p> <p>E-mail address:</p> <p>Telephone:</p> <p><b>TYPE OF BUSINESS</b></p> <p><input type="checkbox"/> Small shop</p> <p><input type="checkbox"/> Supermarket</p> <p><input type="checkbox"/> Department store / Self-service</p> <p><input type="checkbox"/> Office / working space</p>	<p><b>PUBLIC USE OF MUSIC</b> <i>More choices are possible.</i></p> <p><input type="checkbox"/> In working accommodations such as kitchens, offices and warehouses for ..... number of employees (fte's) working in these locations:</p> <p><input type="checkbox"/> On hold position of the telephone</p> <p><input type="checkbox"/> Website / Page:</p> <p><input type="checkbox"/> In the shop surface .....m<sup>2</sup></p> <p><input type="checkbox"/> Number of employees in the shop: .....</p> <p>Type of shop:</p> <p><input type="checkbox"/> Retail</p> <p><input type="checkbox"/> Supermarket</p> <p><input type="checkbox"/> Department store / Self-service</p>	<p><b>DECLARATION OF NO MUSIC USE:</b></p> <p>We hereby officially declare that the Law for the Protection of Intellectual Property Rights in Rwanda does not apply in our situation because neither our office, nor our employees are using any means to play music in public. We are aware that the public use of music without a license is a breach of the applicable Intellectual Property Rights!</p> <p>Name:</p> <p>Position:</p> <p>Telephone number:</p> <p>e-mail address:</p> <p>Place &amp; Date: _____ Signature: _____</p>
<p>SIGNATURE INSPECTOR</p>	<p>SIGNATURE MANAGER / PROPIETOR</p>	<p><b>OFFICIAL USE ONLY</b></p> <p>LICENSE NUMBER:</p> <p>LEGAL DEPARTMENT:</p>



### III. LICENCE FORM



RWANDAN SOCIETY OF AUTHORS

#### LICENSE (RSAU N° .....)

Owner: .....

Business Section: .....

Licensee: .....

Physical Address: .....

Postal Address: .....

Is hereby licensed by Rwandan Society of Authors (RSAU) to engage in communication to the public of sound recordings in accordance with Article 253 of the Law N° 31/2009 on 26/10/2009 on Protection of Intellectual Property rights at the Territory of the Republic of RWANDA, Subject to the conditions specified in the contract.

This certificate is valid from .....

Issued on .....

\_\_\_\_\_  
Signature of Issuing Authority

A handwritten signature in blue ink, appearing to be a stylized 'W' or 'V' followed by a flourish.

A handwritten signature in blue ink, consisting of a large, stylized 'S' or 'L' shape with a flourish.

## IV. **LICENSING PROCESSES and PROCEDURES**

### **By Licensing Officials**

#### ❖ **Provide a client with full information**

- ✓ Introduction letter
- ✓ Copy of the Copyrights & Neighboring Rights Act
- ✓ Application form and draft of the Licensing Agreement
- ✓ Copy of the relevant tariffs; not the entire tariff structure

#### ❖ **Invoicing**

- ✓ Request the business details from a client
- ✓ Use the information to draft a Pro-forma Invoice
- ✓ Request an invoice number from Finance Department
- ✓ Copy the final invoice to Finance and send to the client
- ✓ Make payment follow-ups up to one (1) month
- ✓ Follow up the payment for a period not exceeding one (1) month, If payment is not done then hand over to Finance (Credit control)

#### ❖ **For complying clients**


- ✓ Follow up the signing of the Agreement
- ✓ Send receipt and certificate to the client (keep copies on the file)

#### ❖ **For non-complying clients** (Those who refuse to apply or those who take time to provide the relevant information)

- ✓ Either provide a potential client with Memorandum of Understanding (MOU) or
- ✓ unauthorized usage of copyright works letter
- ✓ A maximum of 3 months is allowed to follow-up a client, if non-compliance persists, then hand over to The Licensing Manager, who will forward to Legal Department.
- ✓ Provide/state details on the file note such as terms of payments
- ✓ No Licensing Officer should forward the files to either Finance or Legal Services but rather should forward them to the Licensing Manager / or CEO
- ✓ Make a courtesy call at least once during the licensing period (For those clients that have complied)

#### ❖ **For renewals**

- ✓ Remind a client about renewal at least 3 months before the expiry date
- ✓ Prepare the new invoice and request for an Annexure from the Licensing Manager
- ✓ Request for the Certificate after payment is made





- **Monitoring**
  - ❖ **All Users**
    - ✓ At least two (2) site visits to be conducted per annum to assess the level of adherence
    - ✓ Those who are not complying to be taken to task i.e. forwarded to Legal Services.
  - ❖ **Events**
    - ✓ Monitoring of events to be done to ensure compliance
    - ✓ Reports regarding monitoring of events to be sent to the Licensing Manager
    - ✓ To ensure playlists are submitted and forwarded to Documentation & Distribution
    - ✓ Request for monitoring allowance and transport to be done and submitted to the Licensing Manager at least (3) days prior to the event
- **Reports**
  - ✓ Prepare monthly reports and submit to the Licensing Manager before or by the 3<sup>rd</sup> of every month.

**Kigali on 24/10/2018**


  
 .....
   
**SIGNED AND APPROVED BY**
  
**THE OFFICE OF THE REGISTRAR GENERAL**
  
**RWANDA DEVELOPMENT BOARD**