

ATTENTION MUSICIANS!

Category: Media and OTT

written by Yashoda Rajoo | May 23, 2018



If music be the food of love, play on...as long as you have a valid copyright licence.

The music and entertainment industry relies on various legal aspects to protect the interests of businesses and individuals working in the media field. It can be applied to all forms of music and entertainment, including composition, publishing, film, broadcasting, and theatre. This draws on the knowledge of experts in the areas intellectual property law, employment law, commercial law, and privacy law amongst others.

Section 9 of the Copyright Act 1978 ("**the Act**") states that copyright in relation to a sound recording, allows the holder the exclusive right to *inter alia*:

Broadcast the sound recording

Cause the sound recording to be transmitted in a diffusion service, unless the service transmits a lawful broadcast, including the sound recording, and is operated by the original broadcaster

Communicate the sound recording to the public.

Generally, copyright in a sound recording is infringed if a person other than the copyright owner or a person authorised by the copyright owner does any of the actions illustrated in the Act.

If you are broadcasting or playing sound recordings in public, a licence is required. Warning notices prohibiting the unauthorised use of sound recordings typically appear on the labels of the form of music you are purchasing. The South African Music Performance Rights Association ("**SAMPRA**") issues licences to South African radio broadcasters, shops, restaurants, pubs and clubs and other music users who use sound recordings (records, tapes, CDs) in their transmissions which are audible in public.

It is imperative that you obtain a licence from SAMPRA before you broadcast or communicate any protected sound recordings to the public. Failure to do so may leave you vulnerable to legal action for copyright infringement, and this is a "record" you do not want!