



# NAMIBIAN SOCIETY OF COMPOSERS AND AUTHORS OF MUSIC

(An Incorporated Association not for gain)  
Reg. No. 21/93/338

NASCAM House  
No. 5, Johnson Street  
Eros, Windhoek  
NAMIBIA

P.O. Box 86500, Eros  
Tel: +264-61-229116 / 249234  
Cell: 081 229 5453  
Fax: +264-61-249240  
Fax to email: 088 655 6248  
E-mail: namsoc@iafrica.com.na

## TARIFF - VARIOUS: BACKGROUND MUSIC – HOTELS & CASINOS

Tariff for the communicating to the public of sound recordings including public performance.

Effective from: 01 January 2023

The communicating of sound recordings to the public is a restricted act in terms of the NAMIBIAN Copyright Act (Act 6 of 1994, as amended) and copy right and related rights Act (8 of 2016, section 10 as amended) and requires a licence from NASCAM for the use of sound recordings and performing rights. This document sets out

This document sets out how the tariffs applicable to **HOTELS & CASINOS** are determined as they do not fall under one specific tariff but various tariffs based on audible area and music usage thereof when **background music** is used.

Below are some examples of possible applicable tariffs, but not limited to, based on type of business and usage thereof:

### Tariff 01: Shop & Stores

#### Tariff 38-02 Tariff 39

Tariff 02 Tariff

04 Tariff 07

Tariff 10-01

Tariff 10-02

Tariff 12 Tariff

13 Tariff 14

Tariff 15 Tariff

17 Tariff 19

Tariff 20 Tariff

21-01 Tariff 21-

02 Tariff 22

Tariff 23 Tariff

25 Tariff 27

Tariff 28-01

Tariff 28-02

Tariff 29 Tariff

30 Tariff 33

Tariff 38-01

<b>: Restaurants, Cafes, Bars, Canteens &amp; Coffee Shops</b>	<b>: Hairdressing, Barber, Beauty &amp; Other Salons (includes Health Spas)</b>
	<b>: Events, Functions &amp; Conference Facilities</b>
<b>: Offices</b>	<b>: Theatres &amp; Concert Venues</b>
<b>: Fitness Centres, Gymnasiums &amp; Health Clubs</b>	<b>: Cinema Complexes</b>
	<b>: Cinema Complexes – Foyers, Bars, Restaurants &amp; Other Areas</b>
<b>: Exhibitions, Trade Fairs, Theme/Amusem ent Parks – With Admission Fees</b>	<b>: Circuses</b>
	<b>: Festivals &amp; Related Events – With Tickets Sales or Admission Fees</b>
	<b>: Festivals &amp; Related Events – Without Tickets Sales or Admission Fees</b>
	<b>: Puppet/Marionette/Magic Shows</b>
<b>: Exhibitions, Trade Fairs, Theme/Amusem ent Parks – Without Admission Fees</b>	<b>: Museums &amp; Art Galleries – Permanent Exhibitions</b>
	<b>: Museums &amp; Art Galleries – Temporary Exhibitions</b>
	<b>: Ships &amp; Other Watercrafts</b>
	<b>: Swimming Pools</b>
<b>: Telephone Music on Hold</b>	<b>: Caravan Parks &amp; Camping Sites</b>
<b>: Mobile DJ's</b>	<b>: Multi Stalls Within An Event</b>
	<b>: Multi Stages Within An Event</b>
<b>: Jukeboxes</b>	<b>: Miscellaneous (Reception Areas, Foyers, etc.)</b>
<b>: Games Arcades &amp; Bowling Alleys</b>	

Where sound recordings are played as featured music rather than for background music, the following additional tariffs will apply:

### **Tariff 03: Specially Featured Entertainment (Discos, Nightclubs, etc.)**

### **Tariff 37: Featured Entertainment**

The various tariffs are subject to NASCAM's "General Terms and Conditions for Communicating Sound Recordings to the Public Licences", a copy of which can be accessed on NASCAM's website

or obtained by contacting NASCAM (see contact details here above).

Penalty Clause – A NASCAM licence should be obtained before sound recordings are publicly communicated. Should sound recordings be communicated to the public without first obtaining or renewing

a licence, a surcharge can be added to this tariff. This is designed to act as a deterrent to unlicensed communications to the public of sound recordings.

The licence fee payable is based on the applicable tariff(s) and criteria for each specific tariff.

Definitions:

**“Audible Area”** means the total area, measured in square metres, in which the publicly performed sound recordings can be heard on the premises (whether indoors or outdoors). If there are a number of storeys, floors or levels within the premises (including mezzanine floors or balcony areas), the audible area of each storey, floor or level should be included for the purposes of measuring the total audible area of the premises.

**“Background Music”** means the playing of recorded music to create an atmosphere or ambience that is not a special feature of, or essential to, the main event or is not essential to the operation of the premises.

**“Featured Music”** means the playing of sound recordings as a main or special attraction that is essential to the operation of the premises and/or the main event.

**“Repertoire”** means the collection of copyright sound recordings owned or controlled by members of NASCAM from time to time.

**Should you require additional information, please contact our Licensing Team as per details below:**

**Telephone**                    **:+26461229116**

**Email**                        **: namsoc@iafrica.com.na**