

**COPYRIGHT SOCIETY OF BOTSWANA**

**TARIFFS FOR THE USE OF PROTECTED WORKS (Music) AS ESPOUSED BY THE  
COPYRIGHT AND NEIGHBOURING RIGHTS ACT CAP 68:02**

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## 1. DEFINITIONS OF TERMS

**COSBOTS:** Copyright Society of Botswana

**CIPA:** Companies and Intellectual Property Authority

**Operating budget:** an operating budget portrays a company/organization's expenses, expected costs and estimated income, considering the annual performance.

**Royalty fee:** in the context of copyright is the amount of money that a user of copyright protected works must pay for the use of the said work/s. The fees cover the privilege of using the copyright owner's works.

**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.

**Important Users:** Music provides significant entertainment to customers and is used to lure them to the business.

**Incidental Users:** Music is incidental to the business; it adds value to the business through provision of passive background entertainment.

**Value Added Tax:** Every Licensee under this tariff will pay to COSBOTS, in addition to the license fee due under the tariff, a sum in respect of Value Added Tax calculated at the relevant statutory rate on the annual license fee payable and COSBOTS shall provide a Tax Invoice in relation to the fee payable, to the Licensee.

**Gross Annual Budget:** A detailed projection of all estimated income and expenses based on forecasted sales revenue during a given period (usually one year).

**Gross Annual Revenue:** Total amount of income earned annually before deduction of taxes.

## 1.1. Acronyms

- (COS-BR) Broadcasters Tariff
- (COS-WB) Web-casters Tariff
- (COS-NR) Narrowcasters / Target Caster Tariff
- (COS-CO/SB) Cable Operators/ Satellite Broadcasters Tariff
- (COS-CE) Corporate Events Tariff
- (COS-EPFlat01) Event Promoter Flat Tariff (Where there is admission fees paid)
- (COS-EPFlat02) Event Promoter Flat Tariff (where there is no admission fee)
- (COS-ETA) Exhibitions, Trade Fairs, Amusement Parks Tariff
- (COS-RD) Ringtones, Ring Backs, Caller ID Tariff
- (COS-JBX) Jukebox Tariff
- (COS-DJ) Mobile Disc Jockey Tariff
- (COS-ACM) Hotel Rooms, Motel, Lodges, B &B, Ranches, Accommodation establishments; Tariff (annual fee per room)
- (COS-MoH) Music on Hold Tariff
- (COS-Ent) Restaurants, cafes, bars, coffee bars, canteens , Tariff, etc
- (COS-ReT) RETAILERS Tariff
- (COS-BS) Beauty spas Tariff
- (COS-HS) Hair salons Tariff
- (COS-DISCO): Nightclubs, discotheques Tariff
- (COS-CBM) CINEMA Background Music Tariff
- (COS-LP) Live Performers Singers and instrumentalists Tariff
- (COS-DC) Dance classes/Ballet dance classes Tariff
- (COS-GR) Gym Rooms Tariff
- (COS-MS) Musical shows Tariff
- (COS-CS) Circus Tariff
- (COS –AC) Aircraft Tariff
- (COS-PT) Public Transport Tariff
- (COS-CG) Casinos and other Gaming Establishments Tariff
- (COS-OBHR) Offices, Banks, Hospitals, Reception Areas and similar Tariff



## **2. TARIFFS FOR USE OF PROTECTED WORKS**

### **Introduction:**

The Copyright Society of Botswana (COSBOTS) is the Collective Management Organization in Botswana; incorporated in 2008 as a Private Company Limited by Guarantee. COSBOTS is mandated by the Copyright and Neighbouring Rights Act CAP 68:02 to among others, license and collect royalties from users of protected works to distribute to copyright owners, as well as setting royalties in accordance with international standards.

The following tariffs shall determine the royalties to be collected by the Copyright Society of Botswana (COSBOTS) on behalf of members for:

- a. The adaptation of works, performances and sound recordings
- b. The insertion of works, performances or sound recordings in other scopes
- c. The use of the works for publicity purposes.

The tariffs shall fix the remuneration for artistic works communicated to the public, depending on the methods of mechanical rights and communication to the public, in respect of music of both national and foreign origin as outlined in the Constitution of COSBOTS and the Copyright and Neighbouring Rights Act CAP 68:02.

The distribution of royalties for members of COSBOTS and for members of sister societies shall be carried out in accordance with the Distribution Rules of COSBOTS.

Users are categorised into three groups, based on the value of the usage of music, (refer categories below) add to their business establishment and that is reflected under each category as follows;

## 2.1 Category of Users

The following table indicates usual prescribed list of the users under each category:

ESSENTIAL USERS	IMPORTANT USERS	INCIDENTAL USERS
<ol style="list-style-type: none"> <li>1. Broadcasters</li> <li>2. Live performance at concerts, and festivals</li> <li>3. Night Clubs, music promoters,</li> <li>4. Dancing and Singing Shows</li> <li>5. Juke box</li> <li>6. Beer Festivals</li> <li>7. Advertising Jingles</li> <li>8. Cable Operators (cable casters)</li> <li>9. Distributors of encrypted satellite signals</li> </ol>	<ol style="list-style-type: none"> <li>1. Bars and liquor restaurants</li> <li>2. Cabaret/Dinner</li> <li>3. Events, Music Awards Functions</li> <li>4. Music Tutors</li> <li>5. Gymnasia</li> <li>6. Circus</li> <li>7. Music Theatre</li> <li>8. Beauty Pageants and Fashion-shows</li> <li>9. Bars and liquor restaurants</li> <li>10. Cabaret/Dinner</li> </ol>	<ol style="list-style-type: none"> <li>1. Trade Fairs, exhibitions</li> <li>2. Shops/Franchises/chain stores</li> <li>3. Public Transport Providers</li> <li>4. Music on hold</li> <li>5. Corporate Institutions with waiting halls</li> <li>6. Interval music in cinemas</li> <li>7. Beauty &amp; Hair Salon and Boutiques</li> <li>8. Hotels &amp; Lodges</li> <li>9. Functions</li> </ol>

### ESSENTIAL USERS

## 2.2 Broadcasters tariff (COS-BR)

This annual tariff applies to broadcasters' communication of sound recordings and music to the public and is applicable to both television and radio broadcasting. The tariff is based on the broadcaster's previous year's audited financials or forecasts where previous books are not available. A fixed fee will be negotiated where both audited financials and forecasts are not available. A percentage of the gross annual revenue/budget and the broadcaster's music content will determine the license fee.

PERCENTAGE OF THE MUSIC CONTENT	PERCENTAGE OF THE GROSS ANNUAL REVENUE/BUDGET
70% - 100%	6.5%
30% - 69.9%	3.5%
1% - 29.9%	1.75%

## 2.3 Web-casters tariff (COS-WB)

This annual tariff applies to webcasters' communication of sound recordings and music to the public. The tariff is based on the webcaster's previous year's audited financials or forecasts where previous books are not available. A fixed fee will be negotiated where both audited financials and forecasts are not available. A percentage of the gross annual revenue/budget and the broadcaster's music content will determine the license fee.

PERCENTAGE OF THE MUSIC CONTENT	PERCENTAGE OF THE GROSS ANNUAL REVENUE/BUDGET
70% - 100%	2.5%
30% - 69.9%	2%
1% - 29.9%	1.5%

## 2.4 Narrowcasters / target caster tariff (COS-NR)

This annual tariff applies to narrowcasters 'communication of sound recordings and music to the public. The tariff is based on the narrowcaster's previous year's audited financials or forecasts where previous books are not available. A fixed fee will be negotiated where both audited financials and forecasts are not available. A percentage of the gross annual revenue/budget and the broadcaster's music content will determine the license fee.

PERCENTAGE OF THE MUSIC CONTENT	PERCENTAGE OF THE GROSS ANNUAL REVENUE/BUDGET
70%-100%	5.5%
30% - 69.9%	3.5%
1% - 29.9%	1.5%

## 2.5 Cable Operators/ Satellite broadcasters tariff (COS-CO/SB)

This annual tariff applies to cable operators of sound recordings and music to the public. The tariff is based on the cable operator's previous year's audited financials or forecasts where previous books are not available. A fixed fee will be negotiated where both audited financials and forecasts are not available. A percentage of the gross annual revenue/budget and the broadcaster's music content will determine the license fee.

PERCENTAGE OF THE MUSIC CONTENT	PERCENTAGE OF THE GROSS ANNUAL REVENUE/BUDGET
70% - 100%	4%
30% - 69.9%	3%
1% - 29.9%	2%

## 2.6 Tariff (COS-CE) Corporate Events

This tariff is applicable to all corporate events where music is used e.g. Christmas Parties, Gala Dinners, Awards, Launches, Beauty Contests, Games and other corporate events. The tariff will be based on the number of attendants per event per day. This tariff is applicable whether admission fee is charged or not charged. Payment of license fees should be done prior to the event happening.

NUMBER OF ATTENDANTS	FLAT FEE PER DAY WHERE THERE IS ADMISSION FEE	FLAT FEE PER DAY WHERE THERE IS NO ADMISSION FEE
0 – 100	P3,200	P2,080
101 – 300	P4,480	P2,912
301 – 500	P6,272	P4,076.80
501 – 700	P8,780.80	P5,707.50
701 – 1000	P12,293.10	P7,990.50

**NOTE: Fees will increase prorated at P150 for every bundle of 200 people in attendance over and above the 1000 above.**



## 2.7 Tariff (COS-EPFlat01) Event Promoter Flat (Where there is admission fees paid)

The following tariff (COS-EPFlat) which attracts a flat fee is based on the number of attendants per event per day and is applicable where admission fee is charged. The tariff applies where music is used whether through artist's performances, DJ performances, PA system or any other format. Payment of license fees should be done prior to the event happening.

NUMBER OF ATTENDANTS	EVENTS/FESTIVALS	STUDENTS /CHURCH EVENTS/ CHARITIES
0 – 100	P2,300	P1,150
101 – 600	P3,900	P2,300
601 – 1500	P5,500	P3,200
1501 – 3500	P7,400	P4,000
3501 – 6500	P8,400	P5,200
6501 – 10000	P9,520	P6,000

**Note: Fees will increase prorated at P450 per bundle of 1,000 people in attendance over and above the 10 000 above.**

## 2.8 Tariff (COS-EPFlat02) Event Promoter Flat (where there is no admission fee)

The following tariff (COS-EPFlat) which attracts a flat fee is based on the number of attendants per event per day and is applicable where admission fee is **NOT** charged. The tariff applies where music is used whether through artists' performances, DJ performances, PA system or any other format. Payment of license fees should be done prior to the event happening.

NUMBER OF ATTENDANTS	EVENTS/ FESTIVALS	STUDENT/CHURCH EVENTS /CHARITIES
0 – 100	P1,150	P575
101 – 600	P1,950	P1,150
601 – 1500	P2,750	P1,600
1501 – 3500	P3,700	P2,000
3501 – 6500	P4,200	P2,600
6501 – 10000	P4,760	P3,000

**Note: Fees will increase prorated at P225 per bundle of 1,000 people in attendance over and above the 10 000 above.**

## 2.9 Tariff (COS-ETA) Exhibitions, Trade Fairs, Amusement Parks

This tariff is applicable where music is used and consumed at exhibitions, trade fairs, amusement parks, road shows, activations, promotions, political rallies, and similar. The charge will be based on the number of attendants per day at the venue of the event.

### 2.9.1 (COS-ETA) Indoors

NUMBER OF ATTENDANTS	FLAT FEE PER DAY WHERE ADMISSION FEES ARE CHARGED	FLAT FEE PER DAY WHERE THERE IS NO ADMISSION FEE
0 – 100	P1000	P750
101 – 600	P1350	P1100
601 – 1500	P1900	P1650
1501 – 3500	P2300	P2050
3501+	P3000	P2750

### 2.9.2 (COS-ETA) Outdoor

NUMBER OF ATTENDANTS	FLAT FEE PER DAY WHERE ADMISSION FEES ARE CHARGED	FLAT FEE PER DAY WHERE THERE IS NO ADMISSION FEE
0 – 1000	P1500	P1250
1001 – 3000	P1950	P1700
3001 – 5500	P2300	P2050
5501 – 10000	P3000	P2750
10001+	P3900	P3650

### 2.10 Tariff (COS-RD) Ringtones, ring backs, caller ID

The applicable tariff for ringtones, ring backs and caller ids where music is used is **4.5%** of the gross revenue from such services per annum. Client will be required to produce audited figures of the revenue generated from the service. Where the business is new and has no previous books, forecasts will be used.

### 2.11 Tariff (COS-JBX) Jukebox Tariff

This tariff applies to the performance of recorded music as background music in different premises by means of audio jukeboxes and similar coin operated machines. A flat fee of **P845.00** per annum per jukebox will be charged.

## 2.12 Tariff (COS-DJ) Mobile Disc Jockey

This tariff applies to the performance or communication to the public of music and sound recording by mobile disc jockeys. This tariff covers the DJ for playing at informal and sporadic events such as weddings, individual/private parties and/or functions.

This tariff does not cover corporate gigs, performances at event venues, concerts and festivals. A different tariff (COS-EP) will be applied for such events even when a DJ engaged has a COSBOTS license.

FLAT FEE PER ANNUM- URBAN	FLAT FEE PER ANNUM-RURAL
P1000.00	P500.00

## 2.13 Tariff (COS-ACM) Hotel Rooms, Motel, Lodges, B &B, Ranches, Accommodation establishments ;( annual fee per room )

This annual tariff applies to the performance or communication to the public of music and sound recordings provided by means of radio/television receiving sets, disc players, tape machines and similar devices in hotels, motels, guesthouses, banqueting suites, and similar multi-roomed premises.

This tariff is not dependent on the hotel room occupancy and will apply whether or not the accommodation establishment is filled to capacity.

Music from Television sets comprises from music from Television adverts, background music in movies/Television programs and music from music videos played as fillers or in music programs and also music played from music channels.

FACILITY GRADING	HOTELS RATE PER ROOM	MOTELS, LODGES RATE PER ROOM	RANCHES, B & B's RATE PER ROOM
5 Star	P115	P100	P85
4 Star	P100	P85	P70
3 Star	P85	P70	P55
2 Star	P 65	P50	P37
1 Star	P40	P30	P27
No grading	P33	P25	P20

## 2.14 Tariff (COS-MoH) Music on Hold

This annual tariff is applicable when music is used while the telephone is still on hold or a caller is being transferred to another line. For telephone music on-hold in hotel rooms, offices and reception areas at hotels the tariff below shall be applicable per line per annum.

NUMBER OF TELEPHONE EXTENSIONS	FEE PER EXTENSION
1 – 50	P17.50
51 – 160	P25
161 +	P35

## 2.15 Tariff (COS-Ent) Restaurants, Cafes, Bars, Coffee Bars, Canteens, etc.

This annual tariff applies to the performance or communication to the public of music and sound recordings in Restaurants, Cafes, Bars, Coffee Shops and similar premises. It covers background music by devices such as Radios, Television sets, Disc Players, Tape Machines, DVD Players, CD Players, Flash disc Players etc.

### 2.15.1 Tariff (COS-EntR) (for rural areas)

STORE SIZE IN SQUARE METERS	FEE PER SQUARE METER
1 – 100	P1,500
101 – 200	P2,150
201 – 350	P3,000
351 – 500	P3,800
501 – 1000	P4,500
Above 1000 square metres	P5,700

### 2.15.2 Tariff (COS-EntU) (for urban areas)

STORE SIZE IN SQUARE METERS	FEE PER SQUARE METER
1 – 100	P2,600
101 – 200	P3,225
201 – 350	P4,400
351 – 500	P5,700
501 – 1000	P6,500
Above 1000 square metres	P7,200

## 2.16 Tariff (COS-ReT) RETAILERS

This annual tariff applies to the performance or communication to the public of music and sound recordings in retail/chain stores, supermarkets and similar premises. It covers background music by devices such as Radios, Television sets, Disc Players, Tape Machines, DVD Players, CD Players, Flash disc Players etc.

### 2.16.1 Tariff (COS-ReT R) (For Rural areas)

STORE SIZE IN SQUARE METERS	FEE PER ANNUM
1 – 100	P1,050
101 – 200	P2,100
201 – 350	P2,900
351 – 500	P3,300
501 – 1000	P3,900
Above 1000 square metres	P4,200

### 2.16.2 Tariff (COS-ReT U) (for urban areas)

SIZE OF STORE IN SQUARE METERS	FEE PER ANNUM
1 – 100	P2, 240
101 – 200	P3, 100
201 – 350	P4, 200
351 – 500	P4, 900
501 – 1000	P5, 050
Above 1000 square metres	P5, 800

## 2.17 Tariff (COS-BS) Beauty Spas

This annual tariff applies to the performance or communication to the public of music and sound recordings in beauty spas and similar premises. It covers background music by devices such as Radios, Television sets, Disc Players, Tape Machines, DVD Players, CD Players, Flash disc Players etc.

SEATING CAPACITY	FEE PER SEAT
1 – 10 seats	P 16.50
11 – 30 seats	P 18. 00
31 – 60 seats	P 20. 00
61 – 120 seats	P 22. 50

## 2.18 Tariff (COS-HS) Hair Salons

This annual tariff applies to the performance or communication to the public of music and sound recordings in hair salons and similar premises. It covers background music by devices such as Radios, Television sets, Disc Players, Tape Machines, DVD Players, CD Players, Flash disc Players etc.

SEATING CAPACITY	FEE PER SEAT
1 – 10 seats	P 14 .50
11 – 30 seats	P 15.00
31 – 60 seats	P 17.00
61 – 120 seats	P 18.00

## 2.19 Tariff (COS-DISCO): Nightclubs, Discotheques

This annual tariff applies to the performance or communication to the public of music and sound recordings at premises where dancing takes place. The tariff shall be an annual flat rate.

- i) A flat fee of **P5, 500 for rural areas.**
- ii) A flat fee of **P8, 500 for urban areas.**

## 2.20 Tariff (COS-CBM) CINEMA Background Music

**This tariff is applicable for the use of background music in Cinemas.**

- i) Flat fee per auditorium or cinema hall is **P964.50** per annum
- ii) Flat fee for foyers, hallways, refreshment stalls and/or counters with no seating **P733.50** per annum

## 2.21 Tariff (COS-LP) Live Performers Singers and Instrumentalists:

A flat rate of **P140 per annum** is charged per performer/band member. This only covers the performing of other rights holder's works at hotels, restaurants, street corners, stores and/or various products promotions organized at various venues where mainly cover versions are performed by such performer and/or band.



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This tariff shall not cover any other usage such as in concerts, festivals, etc. COSBOTS remains the sole determining authority as to which tariff to apply under various circumstances. This does not cover the venue where such performance/s occurs.

## 2.22 Tariff (COS-DC) Dance Classes/Ballet Dance Classes

This tariff is applicable where background music is used in dance classes, ballet classes, zumba, aerobics, dance competitions and similar instances.

A flat fee of **P80** per day, or **P250** per month, or **P2, 800** per annum is payable in advance.

No live music is covered under this tariff.

## 2.23 Tariff (COS-GR) Gym Rooms

This tariff is applicable where background music is used in gym rooms.

A flat fee of P1, 500.00 per annum will be charged per gymnasium.

## 2.24 Tariff (COS-MS) Musical shows

This annual tariff applies to the performance or communication to the public of music and sound recording provided by means of radio/television receiving sets, disc players, tape machines and similar devices in "musical shows" staged in theatres, halls, stadia, auditoriums and other premises.

Musical shows may mean any theatrical presentation, variety show, singing show/competition, pantomime or other show or entertainment involving the performance/ communication of music.

A flat fee of **P1,050** per show will be charged.

## 2.25 Tariff (COS-CS) Circus

This tariff applies to the performance or communication to the public of music and sound recording at the Circus.

NUMBER OF ATTENDANTS	FEE PER DAY
0 – 500	P150
501 – 1000	P200
1001 – 1500	P250
1501 – 2000	P300
2001 – 2500	P350
2501 – 3000	P400
3001 and above	P450

## 2.26 Tariff (COS –AC) Aircraft

This annual tariff applies to the performance or communication to the public of music and sound recordings provided by means of radio receiving sets, disc players, tape machines, video cassette players and similar devices in aircrafts.

- i) A standard fee of **P490** per annum will be applied per airplane; and
- ii) An additional charge of **P42.50** per seat per airplane per annum.

## 2.27 Tariff (COS-PT) Public Transport

This annual tariff applies to the communication of music to the public by means of radio, cassette, CD, USB, MP3 or any other means in public service vehicles. The tariff is based on customer capacity plus number of vehicles. Customer capacity shall mean the maximum number of persons a vehicle can carry.

### 2.27.1 Buses

BUS SEATING CAPACITY	FEE PER VEHICLE PER ANNUM
40 – 59	P600
60 and above	P800

### 2.27.2 Mini Buses

MINI BUS SEATING CAPACITY	FEE PER VEHICLE PER ANNUM
4 – 7 seater	P45
8 – 14 seater	P80
15 – 20 seater:	P130
21 – 25 seater:	P240
26 seater and above	P350

### 2.27.3 Train

- i) A standard fee of **P250** per annum will be applied per train; and
- ii) An additional charge of **P22.50** per seat per train per annum.

## 2.28 Tariff (COS-CG) Casinos and other gaming establishments

This annual tariff applies to the performance of recorded music as background music at premises where the main consideration of admission is gaming.

This TARIFF does not apply to cafes, bars, restaurants, etc., included in or attached to establishments.



To such premises the appropriate tariffs will be applied.

The license fees are calculated by reference to customer capacity. Customer capacity shall mean the maximum number of persons which could under normal circumstances be accommodated in the room where music is audible.

SEATING CAPACITY	FEE PER ANNUM
Below 30:	P800
30 to 39:	P1,200
40 to 59:	P1,200
Above 60:	P2,500
Where there is no seating arrangement, a flat fee of P1,575 per annum shall apply	

## 2.29 Tariff (COS-OBHR) Offices, Banks, Hospitals, Reception Areas and similar

This annual tariff applies to the performance or communication to the public of music and sound recordings in offices, banking halls, reception areas and similar premises. This tariff applies to the performance or communication to the public of music or sound recordings at said premises as background music.

### 2.29.1 Music audible to members of the public in reception areas

FLOOR SPACE IN SQUARE METRES	FEE PER ANNUM
0 – 100	P1,150
101 – 200	P1,950
201 and above	P2,150

### 2.29.2 Music audible to employees in their offices

NUMBER OF EMPLOYEES	FEE PER ANNUM
0 – 50	P800
51 – 200	P1,200
201 – 500	P1,700
Above 500	P2,300

### 2.29.3 Music audible to members of the public in hospital wards

A fixed fee of **P15** per room/cubicle per hospital ward per annum shall apply.

The license fees are calculated by reference to the floor space in which the music is rendered audible and the number of employees to whom the music is audible.

Floor space shall mean the whole area from wall to wall of the whole of that part of the premises to which the public are admitted and in which the music is audible.



The background music may be performed by means of a disc player, tape machine, other devices for playing music, and includes performance by means of a radio and/ or television set or diffusion loudspeakers, WHETHER THE APPARATUS IS OWNED BY THE EMPLOYER OR EMPLOYEE(S).

This Tariff does not apply to cafes, tearooms, restaurants, etc., included in or attached to the said premises. For such premises the appropriate tariffs will be applied.

### **APPROVAL AND REVIEW**

These tariffs have been approved by the Copyright Office, to ensure the protection of the interests of the members of the Society in the field of music.