



Copyright Society of Botswana



THE COPYRIGHT SOCIETY OF BOTSWANA
**MEMBERSHIP &
DISTRIBUTION RULES,
CLASSES AND BENEFITS**

2ND FLOOR, PLOT 4792, OLD LOBATSE ROAD, GABORONE,
PRIVATE BAG BO 75, BONTLENG, GABORONE, BOTSWANA

(a non-profit company incorporated under the companies 'Act of Botswana)



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The Distribution Rules and their Purpose

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 copyright works and to distribute to copyright owners. The purpose of this document is to govern and guide The Society and its membership. Application of these Distribution Rules will also determine the method of Distribution of royalties and fees collected from users of copyright works. This document shall therefore be applied in respect of literary, musical and other artistic works of both national and foreign authors, as outlined in the Constitution of The Society, and the Copyright and Neighbouring Rights Act CAP 68:02. The membership and Distribution Rules included shall consequently be administered and interpreted by The Society in its Distribution of royalties to its members and to members of Sister Societies.

Definitions:

In these Rules the following terms shall have the meanings assigned to them as follows:

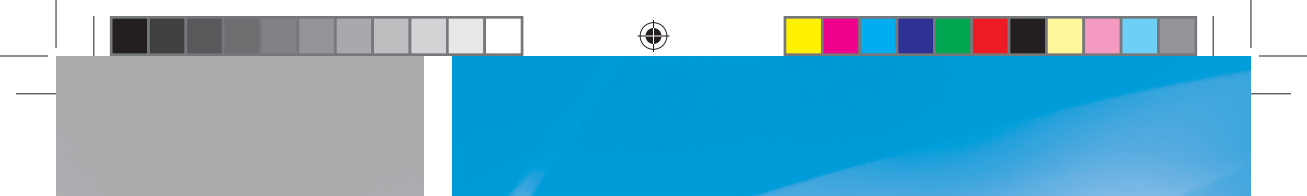
“Author” means a person who has created work and shall include:

- i. in relation to a literary work, the author of the work;
- ii. in relation to a musical work, the composer;
- iii. in relation to artistic work other than a photograph, the artist;
- iv. in relation to a photograph, the photographer;
- v. in the case of a sound recording or film, the person by whom the arrangements necessary for making the recording of film are undertaken;
- vi. in the case of a broadcast, the person making the broadcast or, in case of broadcast which relays another broadcast by reception and immediate re-transmission, the person making the other broadcast;
- vii. in the case of a cable programme, the person providing the cable programme service in which the programme is included;
- viii. in the case typographical arrangement of a published edition, the publisher;
- ix. in the case of a literary, dramatic, musical or artistic work which is computer-generated, the person by whom the arrangements necessary for the creation of the work are undertaken;

“Board” means the Board of Directors for the time being of The Society, as constituted and authorised to act pursuant to The Society’s Constitution

“CISAC” The International Confederation of Societies of Authors and Composers is an international body established to coordinate activities of copyright societies and their cooperation. CISAC also assists in the cooperation, bilateral agreements and mutual representation of each other’s repertoires.

“Distribution” means any dissemination that may, pursuant to the Distribution Rules, be made among the members and affiliated societies out of the monies received by The Society in respect of the exercise of the rights, licence or authority granted to The Society.



“Distribution Classes” are classes developed and used by The Society in its monitoring of royalties collection and distribution to its members.

“Distribution Rules” means such rules or bye-laws as the Board may deem necessary or expedient or convenient for the proper conduct and management of The Society Distribution methods, and no rule or bye-law shall be inconsistent with or shall affect or repeal anything contained in the Constitution.

“Essential Users Class” is a class in which music is integral to the business process. The Distributions shall be based on log sheets from all essential public users and monitoring reports as indicated in the sub-classes.

“Fiche Internationale” is the Repository for data on musical works that is available for CISAC Societies to identify musical works, its creators and owners in the international system.

“Important Users Class” is a class in which music provides significant entertainment. The Distribution shall be based on all the log sheets submitted by all users classified as important by The Society.

“Incidental Users Class” is a class in which music provides passive background entertainment. The Distribution will correspond with the number of log sheets submitted by all users classified as incidental by The Society.

“Member” shall mean registered members of The Society

“Mechanical Recording Rights” Class is a class in which The Society shall apply the Distribution based on the number of copies which the right holder is going to duplicate.

“Reciprocal Agreement” is a mutual agreement between The Society and another society in which both Societies agree to provide services for members on behalf of one another in their areas of operation. This arrangement is premised on the fact that Copyright is territorial.

“Right Holder” means a person who owns economic rights in a copyrightable work.

“Sister Societies” mean other societies in different territories administering Collective Management Services which may enter into Reciprocal Agreements with The Society

“The Constitution” means the body of fundamental principles through which The Copyright Society of Botswana is governed.

“The distribution keys” are international standards to guide Societies regarding the percentage shares of royalties to be distributed among composer, arrangers, publisher, adapters and other contributors to works.

“The Genre Criterion” is a principle developed by The Society in order to promote the development of the country’s culture and to encourage creativity of some categories of work. This is done by allocating more royalties to certain works which are to be promoted.

“The Society” shall mean the Copyright Society of Botswana, or (COSBOTS) established under section 36A of the Copyright and Neighbouring Rights Act Cap 68:02.

“WIPO” means The World Intellectual Property Organization, which is a specialized agency of the United Nations that is dedicated to developing a balanced and accessible international Intellectual Property(IP) system, which rewards creativity, stimulates innovation and contributes to economic development while safeguarding the public interest.

Words not defined

Words whose meanings have not been provided here shall mean the same as in the Constitution of The Society, and or the Copyright and Neighbouring Rights Act Cap 68:02 and or the WIPO and CISAC Statutes

1. Registration Requirements


- 1.2 A copy of the work being notified to COSBOTS.
- 1.3 In case of publishers and producers, a certified copy of certificate of incorporation or business name will be required, certified by the Registrar Of Companies and Intellectual Property.
- 1.4 For identification:
 - i. Three (3) recent passport size photographs and a copy of identity card/passport/birth certificate.
 - ii. For citizens of Botswana, a certified copy of national identity card or (birth certificate if less than 16 years and should be accompanied by a parent or guardian).
 - iii. A valid passport for foreigners and residence permit (people under the age of 16 should be accompanied by parent/s or guardian).
- 1.5 Copies of written agreements for works of joint ownership, commissioned works or works made-for-hire in which ownership of rights have been transferred.
- 1.6 Names of group members and a nominated representative if it is a group/band or choir.
- 1.7 Death Certificate from Civil and National Registration if applying on behalf of a deceased person.
- 1.8 Any other document that can assist to prove or support your claim to copyright ownership in the work.
- 1.9 Bank Account Details of the applicant/s as well as those for the beneficiary/ies.

2. Registration Process

- 2.1 The potential member will be provided with the membership rules so as to make him/her aware of his/her obligations upon becoming a member.
- 2.2 The potential member will then complete relevant membership application form/s.
- 2.3 The member shall then be issued with a Provisional Membership Card and shall remain a provisional member for a period not exceeding 6 months.
- 2.4 After authentication of work/s and subject to Board approval, permanent membership shall then be granted, or not.
- 2.5 A member awarded permanent membership shall then be issued a certificate and a permanent membership card.

3. Documentation Principles

- 3.1 To be Eligibility for Membership The applicant must be:
 - i. An individual who is a citizen of, or is domiciled or resident in Botswana.
 - ii. A legal entity which is incorporated under or in accordance with the laws of Botswana.
 - iii. An owner of economic rights in a work being exploited.
- 3.2 There must be evidence of the work reduced to material form notwithstanding section 6.1 of Copyright and Neighbouring Rights Act CAP 68:02:- An applicant shall be required to produce evidence of their works in tangible form
 - i. Compact disc form and computer programs
 - ii. Cassette
 - iii. Written form containing the lyrics and notes
 - iv. Digital compact disc
 - v. All other evidence relating to literary and artistic works such as books (with drafts), films, photographs, paintings, drawings
- 3.3 In addition to evidence produced in material form in audiovisual works, there must be a legally binding contract signed by all parties (deposited to COSBOTS):
 - i. an author and publisher
 - ii. a performer and producer,
 - iii. a publisher, composer and an author

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- 3.4 For folklore described by the Copyright and Neighbouring Rights Act Cap 68:02 Section 2: folklore means ‘a group-oriented and tradition-based creation of groups or persons reflecting the expectation of the community as an adequate expression of its cultural and social identity, its standards and values as transmitted orally, by imitation or by other means including:
- i. Folktales, folk poetry, and folk riddles;
 - ii. Folk songs and instrumental folk music;
 - iii. Folk dances and folk plays;
 - iv. Productions of folk arts in particular, drawings, paintings, carvings, sculptures, pottery, terra-cotta, mosaic, wood-work, metal-ware, jewelry, handicrafts, costumes, and indigenous textiles’.
- 3.5 If the work is presumed to have been created by an identified author(s) and passed on from generation to generation as an element of traditional cultural heritage of Botswana, then prior written authorization shall be obtained from the Author or his/her beneficiary/ies.
- 3.6 Membership shall normally be granted on individual basis. However, should a choir, group or band apply for membership then they shall be required to meet the set rules and have to submit an agreement signed by all members of either the choir, group or the band.
- 3.7 All applicants shall be eligible for membership as provisional members, however permanent membership shall be subject to authentication and Board approval.

4. Membership Benefits

- 4.1 Members receive royalties from local users of copyright works.
- 4.2 Members receive royalties for exploitation of their works in foreign countries whose Collective Management Organizations have entered into reciprocal agreements with COSBOTS.
- 4.3 Members are guaranteed authorised usage for, and protection of their works.
- 4.4 COSBOTS negotiates on behalf of members for royalty rates.
- 4.5 COSBOTS monitors usage of members’ protected works.
- 4.6 Permanent members are eligible to vote and participate in policy making for COSBOTS.



- 4.7 Members are entitled to royalties:
 - i. For the duration of the member's life.
 - ii. For joint ownership; life until the death of the last surviving copyright owner.
 - iii. For audio-visual and collective work; 50 years from the date on which the work was made or first made available to the public or first published, whichever date is the latest.
 - iv. For work/s of applied arts; 25 years from the making of the work.
- 4.8 Members' beneficiaries are entitled to benefit from royalties:
 - i. For 50 years after the death of the copyright owner.
 - ii. For joint ownership 50 years after the death of the last owner of copyright to survive.
 - iii. In case of audio-visual and collective work for the remaining period of the 50 years from the death of the copyright owner.
 - iv. In case of work/s of applied arts, for the remaining period of the 25 years from the death of the copyright owner. NB (economic and moral rights of work of applied arts are protected for 25 years from the making of the work Section 10 (5) of the Copyright and neighbouring Rights Act CAP 68:02)
- 4.9 Members will have appreciation and understanding of copyright and neighbouring rights matters.
- 4.10 Members will save time and money, therefore be empowered to focus on, and develop their careers.
- 4.11 Members will receive advice to make informed business decisions and favourable contractual agreements.



RULE 1

1. Distribution Principles

The Society shall apply the following principles, as set out in the Berne Convention, the CISAC Copyright Charter, CISAC Contract Article 3(1) and the CISAC Congress

- 1.1 The principle of equal treatment where foreign authors shall enjoy the same rights as enjoyed by nationals of member countries [Berne Convention Article 5(1), CISAC Copyright Charter]
- 1.2 The Distribution of royalties shall be based on COSBOTS Distribution Rules, not according to the rules of other Societies (The Principle of Independence of Distribution).
- 1.3 The distribution shall be based on the usage of the work ("Suum Cuique" Principle) and if not practicable, then a statistically valid sample of actual usage shall be used.
- 1.4 Distribution to Sister Societies shall be in accordance with the respective signed Reciprocal Agreement.
- 1.5 The principle of full Distribution where royalties collected are distributed among all entitled right owners as much in proportion to the actual use of their works as possible

RULE 2

Rights Administered by The Society

- 2.1 Different rights administered by COSBOTS shall include the following;
 - i. Broadcasting of the work and recording for purposes of broadcasting
 - ii. Public performance of works
 - iii. Rental or public lending of the following:
 - a) Original copy or copy of the audio-visual work.
 - b) A work embodied in a sound recording, a computer (except where the computer program itself is not the essential object of the rental or lending),
 - c) A database or a musical work.
 - iv. Translation of the work
 - v. Adaptation, arrangement or other transformation of the work
 - vi. The first public distribution of the original copies of the work by sale or rental to the public
 - vii. Other communications to the public such as advertising and promotions
- 2.2 The Society shall apply diligence and fairness to all distributions for members of affiliates and Sister Societies in the distribution of all royalties.
- 2.3 A member shall transfer all economic rights to The Society as the collective administrative body mandated by Section 36A of the Copyright and Neighbouring Rights Act CAP 68:02 to negotiate and grant licences with copyright owners for the exploitation of copyright works.

RULE 3

Works that can be registered

- 3.1 Section 3 of the Copyright and Neighbouring Rights Act CAP 68:02 of Botswana states that “a literary, musical or artistic work shall not be eligible for copyright protection” unless;

It is an original intellectual creation in the literary and artistic domain. This means that the works for which economic rights are owned should have not been copied from elsewhere. These works which shall be considered suitable for registration with The Society include -

- i. Books, pamphlets, articles, computer programmes and other writings;
 - ii. Speeches, lectures, addresses, sermons and other oral works;
 - iii. Dramatic, dramatic musical works, pantomimes, choreographic works and other works created for stage productions;
 - iv. Stage productions of works referred to in (i) above and of expressions of folklore;
 - v. Musical works with or without accompanying works;
 - vi. Audio-visual works;
 - vii. Works of architecture;
 - viii. Works of drawing, painting, sculpture, engraving, lithography, tapestry and other works of fine art;
 - ix. Photographic works;
 - x. Works of applied art; and
 - xi. Illustrations, maps, plans, sketches and three dimensional works relative to geography, topography, architecture or science.
- 3.2 The derivative works which are protected under Section 4 of the Copyright and Neighbouring Rights Act shall also be suitable for registration with The Society; and these include -
- i. Translations, adaptations, arrangements and other transformations or modifications of work; and
 - ii. Collections of work, collections of mere data (data bases), whether in machine readable or other forms, provided that the collections are original by reason of the selection, co-ordination or arrangement of their contents
- 3.3 The input/contribution to the derivative work must be original resulting in the new work being copyrightable independently of the existing work. If the work is an arrangement or translation, (local or foreign) of the existing work, the applicant must have prior authorization, signed by the copyright owner being the composer, author or publisher.

RULE 4

Exclusions

The following works shall not be eligible for registration with COSBOTS, as the Copyright and Neighbouring Rights Act CAP 68:02, Section 6 (2), does not extend protection on them:-

- 4.1 Any idea, procedure, system, method of operation, concept, principle, discovery or mere data, even if expressed, described, explained, illustrated or embodied in a work;
- 4.2 Any official text of a legislative, administrative or legal nature, as well as any official translation thereof;
- 4.3 A broadcast which infringes, or to the extent that it infringes, the copyright in another broadcast or in a cable program; or
- 4.4 A sound recording or film which is, or to the extent that it is, a copy of a previous sound recording or film.

RULE 5

Distribution Dates

The Society shall schedule distribution dates and the categories of royalties that will be distributed at each date. Refer Annex 01 contained herein.

RULE 6

Membership

- 6.1 Membership of The Society is open to the various copyright owners of works protected by the Copyright and Neighbouring Rights Act CAP 68:02
- 6.2 A potential member has to complete the relevant membership application forms and declare their copyrightable works to the Society.
- 6.3 Potential members shall initially be registered as provisional members, be issued with provisional membership cards and remain so for a period not exceeding 6 months.
- 6.4 During the provisional membership, the works shall be subjected to the Society's authentication process.
- 6.5 Royalties shall only be distributable upon completion of the authentication process and approval of full membership by the Society's Board of Directors.
- 6.6 A membership certificate as well as a permanent membership card will be issued upon approval of permanent or permanent membership.
- 6.7 Upon distribution of royalties the Society shall provide rights holders with information on the titles of the works, and usage being paid for.

RULE 7

Rights of members

- 7.1 Each permanent member is entitled to one vote during the Annual General Meeting.
- 7.2 A permanent member is entitled to obtain the following from The Society:
 - i. Annual statements of accounts
 - ii. List of members of the Board of Directors
 - iii. Annual reports of The Society
 - iv. Annual General Meeting Minutes
 - v. Auditors report
 - vi. Minutes of board meetings

RULE 8

Membership Fees

Registration shall not be subject to a fee for membership to be effected.

RULE 9

Withdrawal of Membership

- 9.1 Membership shall expire at the end of the period for which Copyright subsists in all works for which the member is entitled to royalties
- 9.2 A member shall, upon reasonable notice of not less than 30 days of his/her intention to do so, have the right to withdraw his/her membership of The Society or the rights assigned to The Society in respect of any of his/her works. In execution of his right to withdraw his/her membership, a member shall do so in writing to The Society Board. Upon approval of a member's withdrawal The Society shall deduct the amount accruing from any liabilities to The Society.
- 9.3 The Board may at its discretion resolve that the member's notice referred to in 9.2 shall only take effect from the end of the financial year immediately following the giving of the notice and The Society shall provide the member with written reasons for so resolving.

RULE 10

Termination of membership

Termination of membership comes into effect under any one of the following circumstances:

- 10.1 Upon the death of a member, the member's beneficiaries shall however, continue to receive royalties for:
 - i. For 50 years after the death of the member.
 - ii. For joint ownership, for 50 years after the death of the last owner of copyright to survive.
 - iii. In case of audio-visual and collective work, for the remaining period of the 50 years from the death of the copyright owner.
 - iv. In case of work/s of applied arts, for the remaining period of the 25 years from the death of the copyright owner. NB (economic and moral rights of work of applied arts are protected for 25 years from the making of the work Section 10 (5) of the Copyright and neighbouring Rights Act CAP 68:02)
- 10.2 Upon investigation and findings that a member has been involved in case(s) of gross misconduct and lack of adherence to The Society's Rules and The Society's Constitution, such as obtaining of membership through false information.
- 10.3 Upon misconduct of a member which has resulted in some financial liabilities to The Society, The Society shall deduct the amount accruing from the liability.

RULE 11

Submission of reports to the Copyright office

- 11.1 The Society shall submit to the Copyright office:
 - i. A report of its operations and performance during the year
 - ii. A copy of audited financial statements for the year
 - iii. A copy of other reports as may be requested by the Copyright office
- 11.2 The Society shall keep proper book of accounts, annual reports and audits and shall immediately suspend an officer who has been indicted of committing an offence relating to this matter.

RULE 12

Contradictory Documents

When documentation provided by sister-society/ies is in contradiction with documentation in The Society's possession, The Society shall inform the concerned society accordingly and request clarification.

RULE 13

Documentation used

The Society shall through adherence to CISAC membership requirements use the following documentation for its distribution purposes:

- 13.1 All the fiches internationales, adaptation and modification cards that it has received from Sister Societies;
- 13.2 The works international database and the interested party information lists of members with their complementary information that it has received from Sister Societies;
- 13.3 All the international databases, tools and standards developed by CISAC in the framework of the implementation of the Common Information System (CIS);
- 13.4 All other communication that The Society has received without reservation from Sister Societies.

RULE 14

Owners of copyrightable works

These distribution rules relate to the rights assigned for royalties based on the documentation of those who participated in the creation of the work or the publication, namely:

- 14.1 The author, the artist, the publisher in the case of artistic works
- 14.2 The composer, the lyricist, the adapter, the arranger, the publisher, the sub-publisher in the case of musical works
- 14.3 The arrangers, the authors, the adapters, the publishers, the sub-publishers, the translators and their heirs or successors in title share in the distribution according to the terms of the agreement between them.
- 14.4 The arrangers or the adapters share in the products from the contribution in the protected works that they arrange or adapt in as far as the authors or publishers of the adapted or arranged works have provided in the written Agreement.

RULE 15

Distribution Classes

All royalties due to the national and foreign authors as well as to the performing artists of musical and other artistic works shall be distributed in accordance with Annex 01.

RULE 16

Distribution Keys

- 16.1 The authors and the publishers can make an agreement by contract on the amount of royalty shares each member shall receive.
- 16.2 In distributing the royalties to its members, The Society shall take into account the percentage shares reflected in the members' contracts.
- 16.3 However if members' contracts are not compliant with international conventions as specified in Annexure 02, 03, and 04, members shall then be requested to correct this state of affairs;
- 16.4 The international standards ratios represented in Annexure 02, 03 and 04 indicate that the publisher gets an agreed percentage and the other contributors mentioned in 12.4 above get the remainder.
- 16.5 In case there is sub-publisher, the original publisher and the sub-publisher shall be entitled to a maximum of half the value, however all the shares shall be kept in accordance with international standard rates as outlined in Annexure 02, 03 and 04

RULE 17

Holding Account

- 17.1 The Society shall establish a Holding Account that shall be used to hold any share of the distributable amount which cannot be allocated or distributed for reasons including:
 - i. The Society has lost contact with the member concerned
 - ii. The qualified person entitled is currently not a member
 - iii. Where the member, the relevant copyright owner or his agent to the royalties amount is not available or easily ascertainable
 - iv. Where there is a dispute as to the entitlement
 - v. Where there is inadequate data for apportionment of the funds
- 17.2 Funds placed in the Holding Account as stated in item 15.1 above, shall be held for a period not exceeding 7 years.
- 17.3 The Society shall engage the best efforts to have the amounts allocated to entitled persons within the shortest possible period. However, amounts which remain in the Holding Account at the expiration of the holding period shall be added to the collected royalties and distributed to members.

RULE 18

Use of national works without documentation

When a work without any documentation is identified to the name of a right holder who is a member of The Society, The Society will inform the right holder that one of his works has been exploited. The right holder will then be paid as soon as he/she has provided the relevant documentation.

RULE 19

Use of foreign works without documentation

- 19.1 If at the time of distribution, the Society has no documentation on a performed or broadcast work, but if the original author can be identified as a member of a Sister Society or persons who have conferred a mandate to that society, the total royalty payments due for the work shall be paid to the Sister Society. The latter will carry out the distribution on the basis of the documentation in its possession.
- 19.2 If there is no documentation on a work recorded on sound/audio-visual carriers at the time of distribution, but the composer or publisher can be identified as a member or right holder of a Sister Society, then the Society will send the royalties to the society of the composer or the publisher. This society will then carry out the distribution using the documentation in its possession.
- 19.3 The enquiry-lists shall be restricted to those works having only a minimum sum that the Society has determined; thus, works with sums above 300 Botswana Pula (BWP) should consequently always be included in the said lists. It shall be assumed that the Sister Societies are not in a position to help in identifying the works or their authors if the enquiries remain unanswered after a period of 3 months.
- 19.4 When the Society knows the name of the right holder without necessarily being sure of the society he/she belongs to due to incomplete and insufficient information, it must send available information to the different foreign societies, detailing the titles of the concerned works so that the societies, if the case arises, can inform the Society of the works that it has the right to claim: the "Fiche Internationale" and the Interested Party Information (IPI) database will be used for such identification.
- 19.5 All national tax formalities shall be taken into consideration during the allocation of royalties to members; The Society will ensure with the Botswana Unified Revenue Services (BURS) and its Sister Societies that all the formalities are satisfied.

RULE 20

Deductions for administration Costs of The Society

The national and foreign authors of the literary, musical and dramatic works accrue a percentage of royalties collected, and the balance which does not exceed 30% is deducted to cover The Society administrative costs.

- 20.2 The percentage of the deduction shall correspond with the effective costs of administration of The Society without aiming at or accumulating profit, but it shall be a percentage of the gross royalty collection, in the initial 3 years.
- 20.3 Installation of CISAC database systems, its maintenance and training of user staff is also part of the administrative costs.

RULE 21

Deductions for social and cultural fund

Deductions will be made in respect of the social and cultural fund of The Society, so as to facilitate undertaking Corporate Social Responsibility programs. These conditions shall be mentioned in the contracts drawn up between The Society and its Sister Societies. The amount to be deducted shall be a maximum of 10 % of the amount collected, however this being a portion of and within the specified 30% administrative costs in Rule 18 above.

RULE 22

Reciprocal agreements

The Society shall enter into Reciprocal Agreements with Sister Societies for the interest of its members and shall avail information regarding reciprocal representation with other societies to its members, limited however to contractual obligations. COSBOTS shall file copies of all reciprocal agreements entered into with the Copyright Office.

RULE 23

Enquiries about distribution/s

The Society shall entitle, among its members and within its contracts of reciprocity with Sister Societies, to be informed about its distribution operations, and shall ensure Sister Societies reciprocate in the same manner (that the distribution is calculated on the basis of the program returns received and/or drawn up and the documentation on the works). The Society shall ensure that it has the same right vis-à-vis any other Sister Society when signing reciprocal representation agreements.

RULE 24

Royalties received from foreign Sister Societies

Upon receipt of royalties from foreign Sister Societies The Society shall deduct a 5% handling charge intended to cover for administrative costs of The Society. The royalties received shall be distributed as outline in rule 14, as soon as practically possible to the members of The Society according to the information on the usage of works received.

RULE 25

Group Membership

- 25.1 Membership shall be on individual basis. Members registering as groups shall also be required to register as individuals
- 25.2 When group members register as individuals, they shall be required to indicate the percentage of shares stated in their agreement held by each group member; the Society shall distribute and credit the royalties into each group member's account.

RULE 26

Resolution of disputes

All disputes regarding the distribution of royalties shall be settled before an Arbitration panel as provided by Section 33A of the Copyright and Neighbouring Rights Act CAP 68:02

Annex 01

The Society Distribution Classes

| Name of distribution class/sub-class | Acronym | Date of Distribution |
|---|------------|----------------------|
| Essential User Class | EPB | |
| I. Television Broadcasters | I. TVB | Quarterly |
| II. Radio Broadcasters | II. BRS | |
| III. Live performances at concerts and festivals | III. LPF | |
| IV. Cable operators & satellite | IV. COS | |
| V. Music shops | V. MSJ | |
| VI. Advertising jingles | VI. ADJ | |
| VII. Festivals & night clubs | VII. FCDS | |
| VIII. Juke box, dancing & singing shows | VIII. JDSS | |
| Important User Class | RTB | |
| I. Bars & restaurants | I. RSR | Semi-annually |
| II. Cabaret/dinner dance, gala events & award functions | II. DEF | |
| III. Beauty pageants, Fashion shows, circus and events | III. PFCE | |
| IV. Music theatres, music tutors & Gymnasiam | IV. TTG | |
| V. Others | V. ORTB | |



| Name of distribution class/ sub-class | Acronym | Date of Distribution |
|---|------------|----------------------|
| Incidental User Class | IBM | |
| I. Trade fairs, exhibitions & other events | I. TFE | Annually |
| II. Hotels, lodges, waiting halls, beauty and hair salons, banking halls etc. | II. HWBS | |
| III. Shops, chain stores, boutiques and airport terminals | III. SCBA | |
| IV. Music on hold, interval music in cinemas, and cinematographic projections | IV. HICC | |
| V. Public transport providers | V. PTP | |
| VI. Corporate institutions & other others incidental b/ground music | VI. CIBM | |
| Mechanical Recording Rights Class | MRR | |
| I. Sound | I. SRD | Semi-annually |
| II. Audio | II. AMO | |
| III. Downloads | III. RPOnl | |



Annex 02

Distribution Keys for Published Works

| CASE | OWNERS OF RIGHTS | R.P.P. (Rights of Public Performances) | M.R.R. (Mechanical Recording Rights) |
|------|--|---|---|
| 01 | Composer Publisher | from 50% to 85% from 15% to 50% | from 50% to 85% from 15% to 50% |
| 02 | Composer Arranger Publisher | from 35% to 50% from 16.6% to 35% from 15% to 50% | from 35% to 50% from 16.6% to 35% from 15% to 50% |
| 03 | Author Composer Publisher | from 25% to 35% from 25% to 35% from 15% to 50% | from 25% to 35% from 25% to 35% from 15% to 50% |
| 04 | Author Composer Adapter Publisher | from 16.66% to 35% from 21.875% to 35% from 10% to 22.2% from 15% to 50% | from 16.66% to 35% from 21.875% to 35% from 10% to 22.2% from 15% to 50% |
| 05 | Author Composer Arranger Publisher | from 25% to 35% from 25% to 35% from 10% to 20% from 15% to 50% | from 25% to 35% from 25% to 35% from 10% to 20% from 15% to 50% |
| 06 | Author Composer Adapter Arranger Publisher | from 25% to 35% from 21.875% to 35% from 10% to 16.6% from 10% to 16.6% from 15% to 50% | from 25% to 35% from 21.875% to 35% from 10% to 16.6% from 10% to 16.6% from 15% to 50% |

Annex 03

Distribution Keys for Sub-published work

| CASE | OWNER OF RIGHTS | R.P.P. (Rights of Public Performances) | M.R.R. (Mechanical Recording Rights) |
|------|---|--|--|
| 01 | Author Composer Publisher Associate Publisher | from 25% to 35% from 25% to 35% from 10% to 25% from 15% to 50% | from 25% to 35% from 25% to 35% from 10% to 25% from 15% to 50% |
| 02 | Composer Publisher Associate Publisher | from 50% to 70% from 15% to 25% from 15% to 50% | from 50% to 70% from 15% to 25% from 15% to 50% |
| 03 | Author Composer Arranger Publisher Associate Publisher | from 16.66% to 25% from 16.66% to 35% from 10% to 16% from 10% to 25% from 15% to 50% | from 16.66% to 25% from 16.66% to 35% from 10% to 16.66% from 10% to 25% from 15% to 50% |
| 04 | Author Composer Arranger Publisher Associate Publisher | from 16.66% to 35% from 16.66% to 25% from 10% to 16.66% from 10% to 25% from 15% to 35% | from 16.66% to 35% from 16.66% to 25% from 10% to 16.66% from 10% to 25% from 15% to 35% |
| 05 | Author Composer Adapter Arranger Publisher Associate Publisher | from 13% to 35% from 13% to 25% from 8.3% to 13% from 8.3% to 13% from 10% to 25% from 25% to 50% | from 13% to 35% from 13% to 25% from 8.3% to 13% from 8.3% to 13% from 10% to 25% from 25% to 50% |
| 06 | Composer Arranger Publisher Associate Publisher | from 25% to 50% from 10% to 25% from 10% to 1% from 15% to 50% | from 25% to 50% from 10% to 25% from 10% to 25% from 15% to 50% |

Annex 04

Distribution Keys for Unpublished Work

| CASE | OWNERS OF RIGHTS | R.P.P. (Rights of Public Performances) | M.R.R. (Mechanical Recording Rights) |
|------|---|--|--|
| 01 | Composer | 100% | 100% |
| 02 | Author Composer | 50% 50% | 50% 50% |
| 03 | Compose Arranger | from 70% to 80% from 20% to 30% | from 70% to 80% from 20% to 30% |
| 04 | Author Adapter Composer | from 37.5% to 50% from 20% to 25% from 37.5% to 50% | from 37.5% to 50% from 20% to 25% from 37.5% to 50% |
| 05 | Author Composer Arranger | from 37.5% to 50% from 37.5% to 50% from 20% to 25% | from 37.5% to 50% from 37.5% to 50% from 20% to 25% |
| 06 | Author Composer Arranger Adapter | from 30% to 50% from 30% to 50% from 10% to 20% from 10% to 20% | from 30% to 50% from 30% to 50% from 10% to 20% from 10% to 20% |





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