



REPUBLIC OF KENYA

KENYA COPYRIGHT BOARD
OFFICE OF THE ATTORNEY GENERAL AND
DEPARTMENT OF JUSTICE



KENYA COPYRIGHT BOARD

Ref:

Date:

ADVISORY ON THE MATTER OF COMPLAINT BY SAUTI SOL MUSIC GROUP AGAINST AZIMIO COALITION

Our attention has been drawn to the social media discussion following complaints by Sauti Sol against Azimio Coalition.

The incident raised a pertinent question whether all exploitation of sound recordings fall within the power of the Collective Management Organizations.

This is to clarify that separate sets of rights in a sound recording are managed concurrently by the composer, publisher and collective Management Organizations where they are operational.

Collective Management Organizations (CMOs) generally issue a license authorizing entities to use the sound recordings for Public Performance.

It is in public domain that Azimio has obtained a public performance license allowing it to play both local and international music at its rallies and events.

However, the use of sound recording as soundtrack with visual images in a film, video, television show, commercial or other audio-visual production is NOT part of those uses authorised by a Public Performance License.

In this case Synchronization rights are at issue and as such, a synchronization license is needed.

A synchronization license can only be issued by the composer and publisher. They have the authority to negotiate and issue a synchronization license.

In this matter, the composers/performers allege that this was not done.

NOTE that Collective Management Organisation have no role to play in the issuance of a synchronisation license.

Therefore, the use of sound recording for synchronisation in the manner outlined by the complainant without authority is therefore infringement and thus violates Kenyan Copyright Law.

The matter is of civil nature and within the power of the parties to settle with or without compensation.

Issued by:
Edward Sigei
Executive Director
KENYA COPYRIGHT BOARD
Date: May 17, 2022

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