POSITION

on the rates of remuneration in relation to performers and producers of phonograms for the public performance, broadcast or cable communication of phonograms published for commercial purposes.

This Regulation has been developed and approved in accordance with the Charter of the Private Institution "Non-profit organization for the protection of copyright and related rights" Amanat "(hereinafter - Amanat), the current legislation of the Republic of Kazakhstan and sets remuneration rates for performers and producers of phonograms for public performance, broadcasting or by cable of phonograms published for commercial purposes.

SECTION I

Definitions and concepts used in the Regulation

1. Performer - an actor, singer, musician, dancer or other person who plays a role, sings, reads, recites, plays a musical instrument, interprets or otherwise performs works of literature and (or) art (including pop, circus or puppet number) or works of folk art, as well as the stage director of the play and conductor;

2. Performance - presentation of a work, phonogram, performance, staging through playing, singing, dancing in live performance or with the help of any technical means (television and radio broadcasting, cable television, etc.), as well as showing frames of an audiovisual work in their sequence with accompaniment or without sound accompaniment;

3. Producer of a phonogram - a natural or legal person who has taken the initiative and responsibility for the first sound recording of any performance or other sounds;

4. Phonogram published for commercial purposes - a sound recording of a performance that allows its perception, reproduction or communication with the help of appropriate technical means, published with the consent of the copyright holder in order to derive direct or indirect commercial benefit;

5. Technical means - technical devices with the help of which phonograms published for commercial purposes become available for their perception by the public, including TV, radio, computer, music center, karaoke system, jukebox and other sound reproducing equipment;

6. Public performance - communication of a phonogram, published for commercial purposes, using technical means in a place open to free visits, or in a place where there are a significant number of persons who do not belong to the usual family circle, regardless of whether the phonogram is perceived in the place her message or elsewhere simultaneously with her message;

7. Communication over the air or by cable - transmission of a phonogram published for commercial purposes, by radio or television (including by retransmission), through which the phonogram becomes available for auditory perception, regardless of its actual perception by the public. When a phonogram is broadcast via satellite, broadcasting means the reception of signals from the ground station to the satellite and the transmission of signals from the satellite, by means of which the phonogram can be brought to the attention of the general public, regardless of its actual reception by the public;

8. Users - legal entities or individuals, including individual entrepreneurs, state authorities and local self-government bodies, organizing or carrying out public performance, broadcasting or by cable of phonograms published for commercial purposes.

 SECTION II

Remuneration rates

Rates of remuneration for Users performing public performance of phonograms:

1) in restaurants, cafes, bars, other public catering establishments, as well as with the help of jukebox and karaoke systems - set in Appendix No. 1;

2) in music clubs, nightclubs, cultural and entertainment centers, complexes, casinos and other gambling establishments, discos, as well as with the help of jukebox and karaoke systems - set in Appendix No. 2;

3) in hotels, sanatoriums, health resorts, boarding houses, rest houses and recreation camps, health and sports camps, as well as with the help of jukebox and karaoke systems - set in Appendix No. 3;

4) in sports and recreation centers, complexes (fitness clubs, gyms, stadiums, skating rinks, rollerdromes, skate parks, cycle tracks, ski slopes, ice palaces, etc.) using jukebox systems and karaoke - installed in Appendix No. 4;

5) in passenger vehicles, in premises and on the territory of airports, railway stations, on platforms and aprons using jukebox and karaoke systems - installed in Appendix No. 5;

6) at fairs, exhibitions, fashion shows, beauty contests and professional skills, in cultural and leisure organizations (parks of culture and recreation, houses and palaces of culture, in clubs, in water parks and other venues during concerts, theatrical, variety, New Year Christmas tree performances, balls, shows, variety shows, circus and other performances using jukebox and karaoke systems - set in Appendix 6;

7) when holding mass events on the streets, squares, open areas (including during the day of the city, holidays, festivals, carnivals and other events related to celebrations or memorable dates - set in Appendix No. 7;

8) in theaters, cinemas and other places intended for the demonstration of films, in banks, in trading houses, in stores, in trading markets and other places intended for trade purposes, using jukebox and karaoke systems - set in Appendix No. 8.

Rates of remuneration for users communicating over the air and by cable of phonograms published for commercial purposes:

9) terrestrial television broadcasting organizations registered in the Republic of Kazakhstan in the manner prescribed by law; cable (wired), satellite TV and radio broadcasting organizations registered in the Republic of Kazakhstan in accordance with the procedure established by the legislation are established in Appendix No. 9.

Rates of remuneration for users who use performances and phonograms by reproduction (replication) and (or) distribution for the purpose of making a profit:

10) Reproduction (duplication) and (or) distribution of performances in sound and audiovisual recording (from the selling price of each released copy, regardless of the number of performances);

 Reproduction and (or) distribution of performances and phonograms as music, melodies (ringtones, real tones) and beeps (ringback tones) for telephones (mobiles, smartphones, PDAs), musical apparatus systems, automatic machines and karaoke (per month for each work used for each execution time);

 Delivery of copies of performances in the form of sound recordings and (or) audiovisual recordings for rent, for rent (per month for each used copy - set in Appendix No. 10.

SECTION III

Features of the application of interest rates

1. Public performance of a phonogram published for commercial purposes, as well as its communication on the air or by cable, are allowed without the permission of the holder of the exclusive right to the phonogram and the holder of the exclusive right to the performance recorded in this phonogram, but with payment of remuneration to them.

2. The collection from the Users of the remuneration provided for the use of phonograms published for commercial purposes, and the distribution of this remuneration is carried out by Amanat, who has state accreditation to carry out the relevant activities on a collective basis.

3. Organizations for the management of rights on a collective basis that do not have state accreditation have the right to carry out their activities on the basis of agreements with rightholders within the powers received from them, as well as agreements with other organizations that manage rights on a collective basis, including foreign ones.

4. Payers of remuneration for the public performance of phonograms are users who perform or organize the public performance of phonograms using technical means in a place open to free attendance, or in a place where there are a significant number of persons who do not belong to the usual family circle, regardless of whether the phonogram is perceived at the place of its performance or in another place simultaneously with its performance.

5. Payers of remuneration for the transmission of phonograms on the air or by cable are broadcasting organizations and cable broadcasting operators that transmit phonograms by radio or television or their retransmission, as well as Internet broadcasting.

6. Payers shall pay remuneration for the use of a phonogram, regardless of whether the use of a phonogram is the main activity for the payer or not.

7. Payment of remuneration is carried out by payers of remuneration on the basis of License Agreements for each method of using a phonogram, performance separately. If the user uses phonograms and performances in various ways (communicating to the public on the air, Internet broadcasting, online radio, etc.), then for each method of use, an individual remuneration is charged, taking into account the rates specified in the relevant Appendices.

8. Users of phonograms must promptly submit to Amanat Reports on the use of phonograms, as well as other information and documents necessary for the collection and distribution of remuneration.

9. The public performance of phonograms, the message of the phonogram on the air and by cable, carried out by the user without payment of remuneration to performers and producers of phonograms, is a violation of the current legislation of the Republic of Kazakhstan and entails liability provided for by the legislation of the Republic of Kazakhstan.

10. If a legal entity or an individual entrepreneur in a separate territory owns several enterprises engaged in various types of economic activities, then the amount of remuneration for this User is determined as the amount of payments calculated for each enterprise at the rates specified in the relevant sections of this Regulation.

11. If the public performance of phonograms in a separate territory is carried out by one organization or an individual entrepreneur on the square, both of its own enterprise and of enterprises owned by other persons, then the amount of remuneration for this User is calculated as the sum of remuneration for each enterprise located in the sounding territory.

12. In the case of public performance of phonograms using jukeboxes and karaoke systems, the owner (lessee) of the said technical means shall pay remuneration as the person organizing the public performance of phonograms. The calculation of the amount of remuneration in this case is based on the rates specified in the relevant Appendices of these Regulations.

13. Remuneration for the public performance of phonograms is paid both for paid and free for listeners (viewers) entry into the premises (territory) where public performance of phonograms is carried out.

13. When paying remuneration, the size of the MCI established by the legislation of the Republic of Kazakhstan is used as of the date of payment of the remuneration.

14. Rates of remuneration are set in the form of fixed payments, which are determined at the conclusion of the License Agreement with the User and are reflected in the Protocol for agreeing the amount of remuneration, which is an Appendix to the License Agreement and its integral part.

15. When performing works in public in the cases specified in several Appendices of these Regulations, the rates provided for by these Appendices are summed up.

16. In the event that on the territory of sports and recreation centers, complexes (fitness clubs, gyms, at stadiums, skating rinks, rollerdromes, skate parks, on cycle tracks, ski slopes, in ice palaces, etc., users are located independently, using performances and phonograms through public performance, the burden of payment of remuneration rests with these users.

17. In the event that a performance or a phonogram is publicly performed on the territory of sports and recreation centers, complexes (fitness clubs, gyms, stadiums, ice rinks, rollerdromes, skate parks, cycle tracks, ski slopes, ice palaces, etc. , where other individuals and legal entities engaged in entrepreneurial activities are located, but do not publicly use phonograms and performances, then the payment of remuneration is made by the owner of the sports and recreation center, complex (fitness club, gym, stadium, ice rink, rollerdrome, skate park, etc.) P.).

18. The rates of remuneration provided for in the annexes to these Regulations are applied when concluding License Agreements with Users and Amanat.

19. Monthly, the paid amount of remuneration provided for in clause 3, Appendix No. 3 (in hotels, sanatoriums, health resorts, boarding houses, rest homes and recreation camps, in health and sports camps, as well as with the help of jukebox systems and karaoke ), is one twelfth of the remuneration received as a result of multiplying the number of technical means by the rate of remuneration indicated in it ”.

Appendix # 1

Rates of remuneration for users performing

public performance of phonograms) in restaurants, cafes, bars, other catering establishments, as well as using jukebox and karaoke systems

Number of seats - the total number of seats in halls in which works are publicly performed, including seats in bars, including at the bar.

 If there are no seats in the premises of the enterprise, two square meters of area and / or 1 meter of the length of the rack, behind which the visitors are located, are taken as one seat.

If there is an open area (terraces, verandas, etc.), the number of seats is determined by summing up the total number of seats in all halls of the premises and in the open area, taking into account the period of operation of the latter.

According to the Law of the Republic of Kazakhstan dated April 12, 2004 "On the regulation of trading activities"

catering establishments are subdivided into:

1) a restaurant is a public catering and recreation facility offering an assortment of complex dishes, including custom-made and branded ones, as well as alcoholic beverages with the obligatory provision of waiters' services to consumers;

2) cafe - an object of public catering and recreation, offering an assortment of dishes of simple preparation, as well as alcoholic beverages with the obligatory provision of waiters' services to consumers;

3) bar - a public catering and recreation facility offering consumers snacks, desserts and confectionery, as well as alcoholic beverages;

4) canteen - a public catering facility with self-service for consumers.

 5) night club - a public institution, usually open after 21:00, intended for free time (as a rule, for young people), with a bar, dance floor, chill out - a place where you can sit in a quiet environment with calmer music.

 6) Disco is a specially designated place for a cultural and entertainment dance event held in a specially designated place (entertainment or entertainment establishment) or in the open air (dance floor). Another meaning of the word is a collection of gramophone records (disks).

.Public performance of phonograms Enterprise category

1. Public performance of phonograms (except for jukeboxes and karaoke systems)

monthly for each seat. Other public catering facilities Bars, cafes Restaurants

With paid entrance

0.009 MCI 0.15 MCI from 0.2 MCI

Free entrance

0.006 MCI 0.12 MCI from 0.16 MCI

Additional monthly payments

 With paid entrance

2. When using karaoke systems

(monthly for each technical means of karaoke) 0.9 MCI 1 MCI 1.5 MCI

Free entrance

 0.5 MCI 0.6 MCI 1 MCI

Appendix # 2

in music clubs, nightclubs, cultural and entertainment centers, complexes, casinos and other gambling establishments, discos, as well as using jukebox and karaoke systems

Public performance of phonograms Monthly payment

1. In music clubs, nightclubs, cultural and entertainment centers, complexes (per month for each seat), in the absence of seats,

for the sounded area (per month for 1 sq.m.)

2.In casinos and other gambling establishments (per month for each seat) With a paid entrance With a free entrance

from 1.2% of sales income

0.02 MCI

0.5 MCI

 0.5 MCI

 0.002 MCI

 0.5 MCI

3. At discos, dance floors and karaoke clubs (per month for each square meter of sounding area)

With paid entrance With free entrance

0.08 MCI 0.06 MCI

Additional payments

3. When using karaoke systems with charging a fee for their use 1.5 MCI per month per unit of karaoke system

1 MCI per month per unit of karaoke system

4. In halls, foyers, aisles, elevators and on interfloor areas of music clubs, nightclubs, cultural and entertainment centers, complexes, casinos and other gaming establishments (per month for each square meter of sounding area)

 0.07 MCI

0.07 MCI

Appendix No. 3

User reward rates,

 in hotels, sanatoriums, health resorts, boarding houses, holiday homes and holiday camps, health and sports camps, as well as using jukebox and karaoke systems

Public performance of phonograms Monthly payment

1. Centralized public performance with the help of technical means for the entire territory of the payer per month per unit of technical means 0.4 MCI

2. On the territories of common areas (lobby (reception), halls, lounges, TV salons, walkways and interfloor areas, elevators, etc.) 0.03 MCI per month per sq. M. m. of sounding area

3. Public performance in numbers using technical means (per month):

0.4 MCI

Additional payments

1. In catering establishments, cultural and entertainment establishments, casinos and / or service enterprises located on the payer's territory, as well as parks, water parks, beaches, etc. The rates specified in the relevant Appendices of these Regulations apply.

2. On dance floors and in dance halls with paid entrance The rates specified in the relevant Appendices of these Regulations are applied.

3. When using jukeboxes and karaoke systems with charging a fee for their use 0.5 MCI per month for each jukebox and karaoke

Public performance of phonograms Payment

1. As an accompaniment directly to the sports competitions themselves, demonstration performances of athletes (per month from the income received during each event) With a paid entrance With free entrance

0.06%

0.005 MCI for each sq. M. sounding area

2. Before the start, after the end and during the breaks of sports competitions and other sports events, directly during which the public performance of phonograms is not carried out \* (per month from the income received during each event) 0.05% 0.003 MCI for each sq. M. m. sounding area

3. As an accompaniment to mass skating and rollerblading in specially designated areas

(per month for each square meter of sounding area) 0.07 MCI

0.03 MCI

4. As an accompaniment to classes in sports and health clubs and complexes, fitness clubs, gyms, rollerdromes, water parks, skate parks, stadiums, etc. (per month for each square meter of sounding area)

0.05 MCI

0.005 MCI

Additional payments

5. When using jukeboxes and karaoke systems with charging a fee for their use (per month for each jukebox and karaoke) 1.5 MCI 1.5 MCI

6. In halls, foyers, aisles, elevators and on interfloor areas (per month for each square meter of sounding area) from 0.6 MCI 0.3 MCI

Appendix No. 5

Rates of remuneration for users performing public performance of phonograms in passenger vehicles, indoors and on the territory of airports, train stations, platforms and aprons using jukebox and karaoke systems

Public performance of phonograms Monthly payment

1. On railway transport from 0.002% of income (proceeds) from the sale of travel documents

2. By air, sea and river transport

from 0.002% of income (proceeds) from the sale of travel documents

3. By city public transport, in a taxi (except for the subway) from 0, 002% of the income (proceeds) from the sale of travel documents

4. On intercity and international transport from 0, 002% of income (proceeds) from the sale of travel documents

5. In the metro from 0, 002% of the income (proceeds) from the sale of travel documents

6. On piers, platforms, aprons 0.03 MCI monthly per 1 m2 of sounding area

7. In the premises of railway stations, bus stations, sea and river ports and stations, airports 0.02 MCI monthly per 1 m2 of sounding area

Additional payments

8. When using jukeboxes and karaoke systems with charging for their use 1.5 MCI monthly for each musical apparatus or karaoke system

Appendix No. 6

Rates of remuneration for users performing public performance of phonograms

at fairs, exhibitions, fashion shows, beauty contests and professional skills,

 in cultural and leisure organizations (parks of culture and recreation, houses and palaces of culture).

in clubs, water parks and other venues) during concerts, theatrical,

variety, New Year's Christmas tree performances, balls, shows, variety shows, circus

 and other performances including jukebox and karaoke systems.

Public performance of phonograms Payment

With paid entrance With free entrance

1. With centralized sound recording of premises and territories of museums, exhibition complexes, premises of exhibition halls and pavilions, at fairs, exhibitions, fashion shows, beauty contests and professional skills, in cultural and leisure organizations (parks of culture and recreation, houses and palaces of culture)

0.04 MCI per month for each 1 sq.m. sounding area

0.003 per month for each 1 sq.m. sounded area.

If the event takes less than a month, the calculation is made taking into account the actual days of the event for 1 sq. sounding area

2. When individually sounding the stand, pavilion

0.05 MCI for each day based on 1 sq.m. sounded area 0.005 MCI.

for every day of the event

3. When conducting theatrical concerts,

variety, New Year's Christmas tree performances, balls, shows, variety shows, circus

 and other performances, including with the help of jukebox and karaoke systems, per month

0.04% of the income received as a result of the event 5 MCI

4. cultural and leisure organizations (parks of culture, recreation, houses and palaces of culture, water parks and other objects of cultural and leisure recreation) per month for each sq. M. sounding area

0.03 MCI 0.003 MCI

Additional payments

4. When using jukeboxes and karaoke systems with charging a fee for their use Monthly payment

1.5 MCI per month for each jukebox,

karaoke system

5. In halls, foyers, aisles, elevators and on interfloor areas 0.001 tenge. per 1 m2 of sounding area

Appendix No. 7

 Rates of remuneration for users performing public performance of phonograms

when holding mass events on the streets, squares, open areas (including during the city day, holidays, festivals, carnivals and other events related to celebrations or memorable dates.

Public performance of phonograms Payments

1. When holding mass events on the streets, in squares, open areas (including during city days, parades, festive processions, festivals, carnivals and other events related to celebrations or memorable dates).

With free admission monthly With paid admission

 0.003 MCI

0.03% of the income received as a result of the event

2. When using jukeboxes and karaoke systems with charging a fee for their use

1.5 MCI for each jukebox, karaoke system monthly

Appendix No. 8

Rates of remuneration for users performing public performance of phonograms in banks, in theaters, cinemas and other places intended for demonstration of films, in trading houses, in shops, in trading markets and other places intended for trade purposes.

Public performance of phonograms Payment

1. In theaters, cinemas and other places intended for demonstration of films, performances. With paid entrance With free entrance

0.03 MCI per month for each square meter of sounding area

0.003 MCI per month for each square meter of sounding area

2. In banks, in beauty salons, in trading houses, in stores, in registry offices, funeral homes, in trade markets, in business centers, office premises and other places intended for the purpose of trade, rendering services, organizing work activities or organizing seminars, round tables, conferences, etc.

from 0.004 MCI per month for each square meter of sounding area,

 with a sounding area of ​​more than 100,000 sq.m. the rate is 0.0025 MCI

3. When using jukeboxes and karaoke systems with charging for their use

1.5 MCI for each jukebox, karaoke system monthly

Appendix No. 9

Rates of remuneration for producers of phonograms and performers for communication on the air and by cable and via satellite television of phonograms published for commercial purposes

1. The payers of the remuneration for the transmission of a phonogram on the air and by cable are organizations that use phonograms in on-air and / or cable television and radio broadcasting.

2. Rates of remuneration for producers of phonograms and performers for messages on the air and / or on the radio, including by means of retransmission, determined in proportion to the volume of musical works (phonograms) used, as a percentage of advertising revenue received by the broadcasting organization, in the following sizes:

1. Terrestrial television and radio broadcasting organizations registered in the Republic of Kazakhstan in accordance with the established procedure (100% state participation)

The size of the remuneration rates

 0.1% of the income received from advertising

2. Terrestrial television and radio broadcasting organizations registered in the Republic of Kazakhstan in accordance with the established procedure.

 0.2% - 0.7% of the income received from advertising, taking into account the region

3. Cable (wired), satellite TV and radio broadcasting organizations registered in the Republic of Kazakhstan in accordance with the established procedure

 0.2% - 1% per month of the monthly fee, taking into account the region

4.for a message on the air (internet broadcasting)

0.1% per month from advertising revenue

Appendix No. 10

Rates of remuneration for users who use performances and phonograms by reproduction (replication) and (or) distribution for the purpose of making a profit:

1. Reproduction (duplication) and (or) distribution of performances in sound and audiovisual recording (from the selling price of each issued copy, regardless of the number of performances)

0.6% of the selling price of each issued copy, regardless of the number of performances

2. Reproduction and (or) distribution of performances and phonograms as music, melodies (ringtones, real tones) and beeps (ringback tones) for telephones (mobiles, smartphones, pocket personal computers), musical apparatus systems, automatic machines and karaoke (per month for each used piece for each performance)

0.04 MCI

3. Delivery of copies of performances in the form of sound recordings and (or) audiovisual recordings for rent, for rent (per month for each used copy

0.02 MCI