



## What is SARRAL?

**SARRAL is the South African Recording Rights Association Limited. SARRAL is a non-profit society who looks after the rights of authors / composers of musical works wherever such works are being recorded (mechanical rights). SARRAL is a limited by guarantee organisation in existence since 1963.**

## Why should I join SARRAL?

### Proof of Ownership

The difficulty arises as to how you prove that your copyright existed from the point of its creation. The importance of being able to prove this is when someone else uses your song and will not acknowledge that you are the composer / copyright owner. The composer could lodge a copy of his work with his bank or an attorney and ask them to give evidence in any subsequent dispute about authorship. However, it has long been recognized that the most effective way of administering composers rights is by the creation of composers / authors societies. To help composers / copyright owners, SARRAL acts as a free, depository of the musical work and maintains a record in its files as to the date on which it was notified that the work existed. Furthermore, SARRAL will also assist a composer in obtaining facilities to have his work written down if he is not able to do this himself.

## How do I Join SARRAL?

Anyone who has created at least one musical work can apply to join SARRAL. You simply sign an agreement giving SARRAL the right to administer your works. Once you sign this agreement, you also have the right to apply to be a member of SARRAL. As a member, you will have a say in how SARRAL is run in terms of its constitution. Simply phone or write to SARRAL and we will send the necessary form to you or collect one from SARRAL offices in Johannesburg, You can download from our Website the Applications

## Administration of Recording Rights.

SARRAL is concerned that when a recording is made:

The recording is made with the permission of the  
composer / copyright owner

That proper negotiations are carried out between the  
person wishing to make the recording and the  
composer / copyright owner;

That when permission is granted a fair and equitable  
royalty is paid to the composer / copyright  
owner.

SARRAL then ensures that after the recording has been made, the royalty is collected and distributed to the composer / copyright owner and a proper license is issued to the person making the recording. This licence also covers the manner and territory in which this

## What is the Difference between SARRAL and SAMRO?

SARRAL must not be confused with SAMRO. These two societies specialize in the two main rights of the composer, thus SARRAL administers recordings of musical works and is commonly known as the Mechanical Rights Society of South Africa, whilst SAMRO administers the performing and broadcasting rights and is commonly known as the Performing Rights Society of South Africa. There is no competition between the two societies as they are both working for the same owners but in different fields.

## Publishing.

**Publishing** - means ownership. If an author / composer were to sign a Deed of Assignment over to a publisher giving him all his rights – the publisher will own those works for the life of the copyright.

The publisher will then have the final say in terms of the use of the works. The deed gives your publisher the right to exploit your works and in so doing allow him to licence it to whoever requests to use the work, provided payment is made in terms of the agreement.

It is therefore necessary that you fully understand what publishing can do for you and it is imperative that you retain your own publishing so that ownership resides with you the author / composer. As owner you could sign an administration deal for a percentage and for a term – wherein the publisher will administer your rights but not own them. Any permissions will then have to be obtained from you the owner. In these deals the percentage for administration is normally in the region of 25%.

## The Job of a Publisher.

The music publisher's job is to promote, and enhance the usage of musical works so as to generate as much income as possible to be shared between himself and the composer. The division of the royalties between the music publisher and the composer are a matter for negotiation. The international authors societies generally recommend a division of one third to the composer, one-third to the author of the lyrics and one third to the music publisher.

## Royalties and Record Companies.

SARRAL is the BIEM member society in South Africa and as such, is the only organization empowered to negotiate and implement the standard international BIEM Contract with all record companies. This contract governs the royalties to be paid on



the sale of records, tapes, and CDs. As SARRAL's only objective is to look after the rights of the composer/copyright owners, it ensures the highest royalties possible are paid.

## Royalties on Films, Videos, Advertisements and Other Recordings.

SARRAL's protection also covers such areas as films, videos and advertisements. In these areas, the composer / copyright owner will have to give specific authorization for the recordings to be made, as well as set conditions such as media and territory to be licensed and royally payable. SARRAL will ensure the identification of the instances where recordings are made, assist in negotiations, issue licenses and also collect the relevant royalties. Therefore, SARRAL is not only providing protection and services to the composer / copyright owner, but is also providing a vital link for the user

## What are the composers' rights?

South Africa is a member of the International Convention on Copyright known as the Berne Convention, which dates back to 1886. In terms of this convention, South Africa has created its own copyrights laws, the last being the Copyright Act Number 98 of 1978, as amended. The two most important rights granted to a composer in terms of this Act are:

The exclusive right to control all recordings and copies made of his work.

The exclusive right to control all public performances or broadcasts of his work.

Amongst other rights granted to the composer is the exclusive right to control all arrangements or adaptations of his work. In practice, permission for arrangements is generally granted automatically where the work is to be used in a way that was originally intended by the composer, e.g. in cabaret show or similar variety type production. However, when an arrangement or adaptation is made for such uses as advertising then specific permission has to be obtained.

All a composer need do to ensure recognition of these rights is to write down or record that work in some material form.

## How long do the composers' rights last?

The composers' rights last for 50 years from the end of the year of his death. Thus, his full rights can be enjoyed throughout his lifetime and he has a very valuable asset that he can leave to his heirs who enjoy exactly the same rights for 50 years after his death.



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## Information Services.

SARRAL provides a free information service to all composers and copyright owners in all 11 official languages. Composers and copyright owners can visit our offices or telephone us to obtain free information "concerning their rights on recordings made of their works. We will also provide as much information as possible considering the general workings of the music industry and how it would affect composer's / copyright owners' rights.

### Contact us:

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