



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 30 November 2015
STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

SAMPRA v Foschini Retail Group (Pty) Ltd (50/2015) [2015] ZASCA 188 (30 November 2015)

Media Statement

The SCA partially upheld an appeal by the South African Music Performance Rights Association against the tariff determined by the Copyright Tribunal in terms of s 9A of the Copyright Act 98 of 1978, to permit the respondents, Foschini Retail Group (Pty) Ltd and 9 other retailers, to play copyright protected music in their stores. The SCA held there was no onus on the respondents to satisfy the tribunal that the tariff set by the appellant was unreasonable. The tribunal simply had to be satisfied on all of the evidence that this was the case. In determining a reasonable tariff regard may be had to tariffs payable in comparable jurisdictions. The tariff awarded by the Copyright Tribunal was accordingly altered.

--- Ends ---