



Music Copyright Society of Kenya Limited

NON-PROFITMAKING-NO SHARE CAPITAL-LIMITED BY GUARANTEE-AFFILIATED TO THE
INTERNATIONAL CONFEDERATION COPYRIGHT SOCIETY-CISAC

Reg C5/83

PUBLIC NOTICE

REJOINDER TO MISLEADING NOTICE BY PAVRISK DATED 20TH JULY 2025

The Music Copyright Society of Kenya (MCSK) wishes to issue this formal rejoinder in reference to the misleading and deceptive public notice issued by PAVRISK on 20th July 2025, which purports to claim exclusive authority over the collection of royalties and issuance of Unified Copyright Licenses (UCL) for all music and audiovisual usage in Kenya. This notice is a direct and false response to our comprehensive public clarification issued on 19th July 2025, and it seeks to confuse and mislead consumers of copyrighted works across various sectors by misrepresenting the law, the mandate of collective management organizations (CMOs), and the current legal position regarding royalty collection in Kenya.

To set the record straight, MCSK is a duly “licensed” and fully operational Collective Management Organization (CMO) mandated to represent authors, composers, arrangers and publishers of musical works within the Republic of Kenya. Our administrative mandate, so obtained from KECOBO upon full compliance with all statutory requirements - including the payment of the requisite licensing fees of KES 1.5 million - remains valid and in full force, especially in reference to the administrative directions as provided by the relevant laws and as confirmed in the recent Copyright Tribunal judgements of 2024 (COPTA 1 and COPTA 2 of 2024). We continue to exercise our lawful mandate to license users and collect royalties on behalf of our members, in accordance with Section 46 of the Copyright Act, 2001. The Kenya Copyright Board itself has even confirmed this in plain English, in its recent communication that MCSK is licensed, though its license is temporarily “withheld” for some extra-administrative requirement – a basis for the contestations being considered for adjudication in the courts of law. The arrogance on display by PAVRISK to assert that MCSK isn’t licensed is suspect, as if to declare that it controls the operations of KECOBO. PAVRISK IS NOT PART OF THE MANAGEMENT OF KECOBO and is subject to the statutory regulations in place.

The assertion by PAVRISK that they alone issue the so-called “Unified Copyright License (UCL)” and that any other invoice or license is “illegal” is factually incorrect and legally untenable. There is no such license class under the Copyright Act, 2001 or its Regulations that is designated as a Unified Copyright License (UCL). This terminology is an administrative creation of PAVRISK and has no basis in law. Moreover, it is a matter of public record that PAVRISK has been in the past periods licensed as a CMO to represent a specific category of rights holders - namely, performers of sound recordings and audiovisual content. PAVRISK does not represent composers, authors, or publishers of musical works and has no legal standing to demand royalties in respect of such rights, and hence have no mandate to represent rights they do not have. CAN THEY BE REPRESENTING GHOST ARTISTS? The courts shall be determining this shortly.

The Copyright Act explicitly mandates that each CMO operates within its assigned category of rights and refrains from collecting royalties for rights it does not legally administer. The assignment of category of operation for the CMOs is NOT done by KECOBO license, but by the rights holders themselves who come together to form the entities for collective representation, and through Deeds of Assignments allow the entities

to conform with the regulatory requirements in place to execute such mandates on their behalf. KECOBO have no mandate whatsoever to transfer such assignments at their own will. However, the practice of bundling licenses under one institution in a monopolistic fashion, as implied by PAVRISK, has been expressly discouraged by the courts and the Copyright Board in the recent past. Each rights holder must be properly compensated by their respective CMO, and users must be allowed to obtain licenses directly from the relevant CMOs representing those rights.

MCSK strongly cautions users across all sectors—including hospitality, retail, broadcasting, public service vehicles, and digital platforms—to disregard the false claims in the PAVRISK notice and to continue obtaining valid licenses directly from MCSK for any use of musical works. Any attempt by another organization to collect royalties for music authors, composers, or publishers without a valid license or outside their scope of mandate is illegal and amounts to criminal infringement of the Copyright Act. Users who are coerced or misled into paying unauthorized illegal entities, read PAVRISK, risk double payment, legal exposure, and denial of legal indemnity in enforcement proceedings.

In addition, we urge members of the public and all music users to remain vigilant against the ongoing campaign of misinformation and illegal market capture being perpetuated by PAVRISK. The use of inflammatory language such as “Fichua Mkora” to incite public reporting without legal basis is not only unethical but also borders on intimidation. In any case, the actual and true MKORA are the illegal operations of PAVRISK itself. KECOBO remains the only lawful regulatory body mandated to receive and investigate complaints relating to CMO conduct.

We reiterate that the issuance of licenses and collection of royalties for musical works in Kenya remains within the jurisdiction of MCSK, which continues to discharge this mandate transparently, professionally, and in the best interests of its members numbering in excess of 16,000 authors, Composers, Arrangers and Publishers of musical works, locally and internationally. We call upon all users, partners, associations, and stakeholders to disregard any notice that purports to override or nullify this legal framework without valid statutory authority.

The current operational license so issued to PAVRISK is legally faulty, hence NULL and VOID.

BY MANAGEMENT

Music Copyright Society of Kenya (MCSK)

Dated 20th July 2025, 1730 Hrs.

Nairobi, Kenya