PRESS RELEASE

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MCSK CONDEMNS EXCLUSION FROM TARIFF FORMULATION PROCESS AND CALLS FOR COMPLIANCE WITH THE LAW

Nairobi, Kenya – 27th August 2025

The Music Copyright Society of Kenya (MCSK), the leading Collective Management Organization (CMO) for musical works in Kenya, representing over 16,000 registered authors, composers, arrangers, and publishers, wishes to inform the public and all industry stakeholders of a serious procedural breach concerning the formulation of new tariff scales for the licensing of public usage of copyright-protected works.

The Copyright Act, 2001 (as amended) and its regulations provide a clear, legally binding procedure for the development and approval of tariff scales. The process is designed to ensure fairness, transparency, and inclusivity, and involves the following steps:

1. The CMO representing a given category of works is mandated to prepare draft tariff scales for consultation with users and relevant stakeholders.
2. These drafts must undergo public participation and stakeholder engagement before submission to the Kenya Copyright Board (KECOBO).
3. KECOBO then conducts nationwide public participation before forwarding the proposals to Parliament for consideration, after which they are published in the Kenya Gazette for enforcement.

Unfortunately, PAVRISK and KAMP have proceeded to unilaterally draft and circulate tariff scales without the involvement of MCSK, despite MCSK's statutory role as the principal representative of musical works rights holders in Kenya. This exclusion not only violates the legal requirements governing tariff formulation but also undermines the principle of stakeholder inclusivity that the law seeks to uphold.

MCSK views this development as a serious threat to the integrity of the tariff-setting process and the economic interests of its members. Any tariffs developed through such irregular and non-inclusive procedures risk being declared invalid and unenforceable if subjected to judicial review.

Key Concerns Raised by MCSK Include:

i. Violation of the legally prescribed process by excluding MCSK from its rightful role in tariff development.

ii. Risk of imposing unfair tariffs that do not reflect the interests and economic realities of the majority of rights holders.

iii. Exposure to legal challenges for procedural impropriety, which could render the tariffs null and void.

iv. Setting a dangerous precedent of exclusion, threatening the long-term rights and earnings of authors, composers, arrangers, and publishers.

As the statutory representative of musical works rights holders, MCSK remains committed to defending the interests of its members, ensuring full compliance with the law, and safeguarding a fair and transparent process for tariff development.

We therefore call upon KECOBO/KAMP/PAVRISK to uphold the law and immediately halt any actions related to tariff scales drafted without MCSK's involvement, pending proper stakeholder engagement and adherence to the legally mandated process.

For further inquiries, please contact:
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