

Vol 1 - Edition 1

SERALA SA TLHAMO

cosbots

Copyright Society of Botswana



WELCOME TO OUR FIRST EDITION OF *SERALA SA TLHAMO*

Copyright Society of Botswana (COSBOTS) welcomes you to the first edition of *SERALA SA TLHAMO*, its bi-annual newsletter. This online edition is aimed at informing full members, prospective members and all other stakeholders about the arts industry and how it relates to the business of copyright and collective management. It is also the wish of the Board, Management and Staff that the newsletter becomes a platform where artists and the general public can obtain information about developments in the industry and have a better understanding of the mandate of COSBOTS. This we hope will be an easy and interesting read for our audience out there. The publication will for the benefit of all our stakeholders be written in both Setswana and English.

MAFOKO A MORULAGANYI

Lekgotla la Copyright Society of Botswana (COSBOTS) le tsisetsa batlhami, badirisi ba ditiro tsa botlhami le sechaba ka kakaretso padi ya *SERALA SA TLHAMO* e e simolodisitsweng go baya botlthe pele maitlamo le ditirelo tsa COSBOTS tsa tsatsi le letsatsi go fetola lewa mo go tsa botlhami. Lekgotla le, le tlamilwe go ntsha ditseseletso tsa ba ba dirisang ditiro tsa tlhamo mme le phuthe madi a ditseseletso go a neela beng ba ditlhamo ba ba ikwadisitseng.

Mo tshimolodisong ya *SERALA SA TLHAMO*, re leboga segolo bogolo maloko a COSBOTS a a tsereng karolo mo pading e maikaelelo a yone eleng go ruta batlhami ka kitso le maele a go godisa kgotsa go tlabolola ditlhamo tsa bone le go tlisa thuto e e maleba gotswa mo go tse di anyilweng mo makgotleng a mangwe a a setseng a itshetletse. Batlhami botlthe ba tla a tswelera ba fiwa sebaka sa go arogana maele le go itsise babadi ka tse ba kopanang natso mo mosepeleng wa botlhami le bodiragatsi. Padi e, e e gatisiwang gabedi mo ngwageng e solofetswe go bula matlho badirise ba ditiro tsa botlhami ba akaretse bagwebi ba dihotele, marekisetso, dikolo, maphata a puso, dibanka, diromamowa, dithelevishene, beng ba marekisetso a dino, bo DJ, sechaba le babangwe.

Mo nakong e, mongwe o ka akanya gore bontsi mo karolong ya bodiragatsi le Batswana ka kakaretso bo setse bo gatetse pele mo kitsong tebang le makgotla a a kgobokanyang le go ntsha ditseseletso tsa tiriso ya ditiro tsa botlhami, jaaka la COSBOTS. Boammaruri jo bo sa jelweng pheko e nne gore rotlthe re ithuta tsatsi le letsatsi ebile thuto ga e ke e



Mr Lesego Selotate (CEO)

golelwe ke ope. Ka jalo go botlhokwa go tsaya nako go leboga BATLHAMI KA KAKARETISO, BAKWADI BA DIPINA, BABOKI, BATAKI, BABETLI, BADIRAGATSI BA DITSHWANTSHO TSA MOTSHIKINYEGO, BAKAPA DITSHWANTSHO le ba bangwe go bo ba amile le go rotloeditsa matshelo a rona le go re sedimosetsa botshelo ka tsela e e faphegileng e e jesang monate. Lobebe lwa botlhami kwa ntle ga pelaelo bo re rutile go bona dilo ka leitlho le le pharologano.

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Nako e ntsi puo ya motlhami lefatshe ka bophara ga re e utlwe mme morethetho o o tlang le molodi wa pina o re kgontshitse go amogelana ntle le mmala, o re rutile go arogana dikitso, go itse dingwao lefatshe ka bophara, le go amogelana rele sika loo motho.

COSBOTS e isa malebogo gape ko go botlhe ba ba nnileng le seabe mo go tlotlomatseng bokgeleke jwa maloko a rona segolo bogolo dithelevishene, diromamowa, bo DJ le barotloetsi ba tshwana di promoter ka temeya sejatlhapi.

Ga go belaelege gore mo lefatsheng la Botswana le le santseng le ikaegile ka mehama ya bojanala le ditswammung, barotloetsi ba ba re tlotlomaditse ka go re baya mo seraleng bogolo thata mo go tsa mmimo.

Re itumelela tema ya kgatelopele mo tirisanyong e e molemo le mehama ya bodiragatsi le mekgatlho e e hapegileng e tshwana, ya BOMU, Thapong Visual Arts Centre, Botswana Choral Music Association, Botswana Writers association, Botswana Visual Arts association, Botswana Folklore Association le e mengwe.

COSBOTS

KE ENG, E SOLEGELA MOTLHAMI MOLEMO OFE?

Lekgotla la COSBOTS le le tlhamilweng ka ngwaga wa 2008 ke mokgatlho o o kopanetsweng wa botsamaisi jwa ditshwanelo tsa botlhami mo Botswana. O tlhamilwe e le khamphani e e ikemetseng ka nosi e e rurifaditsweng ka fa molaong wa Copyright and Neighbouring Rights Act Cap 68:02 go dira tse di akaretsang go fa bagwebi ditesiitso le go phutha madi mo go ba ba dirisitseng ditiro tsa botlhami kana ditiro tse di kwadisitsweng mo molaong wa tshireletso ya ditiro tsa thaloganyo (Copyright) le go abela beng ba ditiro madi a a phuthilweng.

Batlhami ba akaretsa ba tsa mmimo, bakwadi ba dibuka le ba dipampitshana le dipolelo, baboki, ba ba dirang ka ditshwantsho tsa motshikinyego, bakapa ditshwantsho, bataki, babetli le ba ba bopang, ba ba dirang mealo ya dikago, tiro ya botshwantshi le ba ba dirang le maranyane a khomputara go ya ka bokgeleke jwa bone.

Tse tsotlhe bodiredi bo itlama go di dira ka bonokopila, botho, ka boikarabelo ebile go le mo



pontsheng le ka tirisanyo mmogo go netefatsa fa COSBOTS e le lekgotla le le ntshang ditirelo tsa maemo a ntlha go gaisa, go netefatsa gore batlhami ba bona thotloetso e e maleba go tswelela ba tsabakela mo talenteng ya bone.

A GO BOTLHOKWA GO ITHUTA KA DITIRELO TSA COSBOTS?

Mo mosepeleng wa rona re le batlhami ba ba gogelwang ke tshenogelo ya tlhaloganyo, go molemo go itse le go ipha tshedimoso ka mela e mesha e e dirisiwang go tlabolola ditlhamo. Go botlhokwa go abelana megopolo le metlhale e e ka re thusang go oba letsogo le go ntsha bokao jwa bokgeleke jwa Batswana go ipelafatsa re le lefatshe le go godisa itsholelo.

UNDERSTANDING MUSIC ROYALTIES AND THE MANDATE OF COSBOTS

Though music has been a part of our culture in Botswana for time immemorial, the advent of the royalties principle is in its infancy and there is a lack of knowledge and understanding from both members and users about collection management, which creates a mammoth challenge about how best to extract value from artists' copyright works. The challenge from a user perspective ranges from inadequate reporting of music that they have played, especially businesses whose services wouldn't function optimally without music, to users not being agreeable to paying adequate compensation or at reasonable royalty rates for the music that they use in their daily business operation. The challenge presented by members on the other hand, is routed in the manner in which members come to notify works to collection management organisations such as COSBOTS. It becomes impossible to match artists' works to the usage of the music in the absence of adequate data, which would include members' personal information. From COSBOTS point of view, the lack of adequate reporting poses a serious challenge and makes it very difficult to distribute royalties.

Drawing from the above prelude, it becomes important to ensure that everybody is up to speed and understands what can undoubtedly be a



challenging subject. The subject of royalties and this write-up is intended to provide readers with a few basic principles and allow members of COSBOTS to understand how royalties can pay them. In this edition, we shall touch on Blanket License, Performance Rights Royalty and Mechanical Rights Royalty.

BLANKET LICENSE:

This applies to a set period of time and entails a situation where artists give a right to use a large amount of their works. It is applied in cases where individual licenses would be difficult to manage or such a right is legislated, as it is the case in Botswana where such collective performance rights are managed by COSBOTS. Blanket licenses are used to give license applicants access to the entire catalogs of members. For instance, say you are an artist who has registered with COSBOTS and notified your works with the same entity, radio stations, television stations, retail stores, hotels, restaurants, and other venues where events are hosted

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and who are awarded a blanket license then have a right to use all the works registered with COSBOTS, including all of the respective artists' work. COSBOTS tracks how those users/license holders use the works, through a mix of monitoring and reporting by the user/license holder, and uses those license fees paid by the user/license holder for such use, to pay artists royalties.

PERFORMANCE RIGHTS ROYALTY (MUSIC):

There is quite a bit of reference to performance rights in the explanation provided on blanket license above. So it is important to understand what a blanket license is about. A performance rights royalty is paid to an artist on a live performance. Although a live performance of music can be for instance a concert, a live performance can also be a public playing of recorded music, like a radio play.

COSBOTS is responsible for the collection of performance royalties and monitors all media for live performances of music. COSBOTS issues licenses that allow a business entity to host live performances of all of the music that they represent, and then distributes the royalties collected or licensing fees among its musical and publisher



members depending on how frequently the writer's or publisher's music was used.

COSBOTS BOARD AND MANAGEMENT MEET STRATEGIC PARTNERS



(From left to right Policy Specialist – Arts and culture **Ms Dineo Phuti**, COSBOTS Board Treasurer, **Mr Alfred Mosimanegape**, COSBOTS CEO **Mr Lesego Selotatse**, former Minister of MYESCD **Hon Thapelo Olopeng**, COSBOTS Director and former Chairman **Mr Tomeletso Sereetsi**, MYESCD Permanent Secretary **Mr Kago Ramokate** and Corporate Communications Manager **Ms Seeletso Lekgaba** at the Ministers' office)

The leadership of COSBOTS paid a courtesy call on the Minister of Youth Empowerment, Sports and Culture Development. On this occasion the COSBOTS delegation discussed at great length more beneficial ways that the two organisations could collaborate in order to uplift the lives of our local artists. Some of the ideas discussed ranged from possibilities of forming a funeral scheme for artists, a code of conduct for COSBOTS members, continuing with the efforts of establishing the Arts Council for proper management and formalization of the Creative industry. For his part, the Honourable Minister, Thapelo Olopeng indicated that his Ministry is willing to lobby for an increased airplay of local music with all the broadcasters. The meeting also discussed the possibilities of signing a Memorandum of Agreement to formalize the partnership between the two organisations. It was also agreed in principle that MYESCD and COSBOTS would jointly host educational workshops for the industry and also join hands in establishing Corporate Social Responsibility programs and activities specifically for the industry.

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Even in the absence of a formal agreement, COSBOTS has already enjoyed a healthy and fruitful working relationship with the ministry, which has seen the facilitation of fully funded artists workshops in areas such as Lobatse, Tlokweng and

Francistown at which events artists were educated on the principles of copyright and the benefits that they would derive from registering with Collective Management Organisations and notifying their new works, everytime a new single or album is produced.

MECHANICAL RIGHTS ROYALTY:

Another type of royalty is the mechanical royalty. A mechanical royalty is a royalty that is paid on a physical (or digital) copy of a recorded song. A mechanical royalty is paid by record labels (or anyone releasing an album) to songwriters for the albums they press featuring that songwriters' material. Sometimes mechanical rights royalties are paid on all of the albums and label presses and sometimes they are paid on all of the albums that are pressed and distributed (in which case, the label doesn't have to pay on what they don't sell).

It is no secret that there is a dearth of knowledge amongst a great number of musicians in Botswana and beyond the borders of the country about how copyright licensing and royalty collection works. The

caveat here being that there are a few artists that understand some of what has been described above. However the challenge that these artists have is that the payments they receive is a pittance in comparison to the income generated by the major record labels and music distributors. The elephant in the room here being that corporate enterprises that use or employ music in their business models avoid at all costs their responsibility to pay royalties for such use. It is in the best interest of COSBOTS that the information provided herein helps demystify some of the issues, and make musicians understand better the business of royalties.

If everybody now starts to understand the business of royalties, then that is half the battle won, COSBOTS Board, Management and Staff will now focus on the not so appealing issues in the public arena such as driving the transformation changes required to make the organisation the success that it should be. This changes involve processes such a continued review and analysis of the organisations' financial and governance policies, which in turn speaks to prudent financial management and ensuring that the investments that the leadership holds on behalf of COSBOTS members is safeguarded at all costs.

RECENT SUCCESS:

- COSBOTS distributes royalties to artists twice in 2018
- COSBOTS collaborates with stakeholders to strategize on licensing users
- Full council meetings conducted to sensitize local authorities about COSBOTS and copyright
- Beautified website brings convenience

COSBOTS

FULL COUNCIL MEETING

In order to effectively fulfil its mandate, COSBOTS requires the assistance of key stakeholders and establishment of a formal working relationship with district councils to enable the licensing of events and other users on whose premises are used for commercial purposes.

COSBOTS had an opportunity to address 9 full council meetings, 3 sub district council meetings and to further explore the aforementioned collaboration.



MEMBERS INSIGHTS

MAKAU GROUP

MAKAU is a group of three (3) young, creative and talented Batswana youths. Their names are Tiro Thebe, Bakang Mphole and Resego Magetse. The group was founded in 2009 and made its debut public performance in 2010. The trio entered the mainstream music scene with their hit song *Sebintjolo* and from there they haven't looked back.



MAKAU has since shared the stage with big artists that include the likes of Alick Macheso (ZIMBABWE), Cassper Nyovest (S.A), Khuli Chana (S.A), Nicholas Zacharia (ZIMBABWE), General Ozi and many others. The group has in their trophy cabinet 2 albums and 5 singles. Their vision is to inspire, uplift and upgrade musicians and to further develop the music industry in Botswana for a global impact. They believe the most innovative way to excel in the music industry is by being as unique and creative as one can possibly be. MAKAU strives to bring originality in all projects they get involved in.

WOMEN OF JAZZ

IN BOTSWANA ENSEMBLE

Women of Jazz Botswana celebrates 11 years since its formation in 2008.

When it was formed, the main focus, mission and aim was to get together as solo musicians and work with charity organizations as a way of giving back to society.

(from left to right Punah Gabasiane, Kearoma Rantao and Nnunu Ramogotsi)



COSBOTS GOES DIGITAL

In our quest to become a reputable organisation, we have revitalized our online platforms to ensure customers, artists and users alike have the ability to remotely access our services, which are offered digitally on the aforesaid online platforms. Our revamped website now gives users an opportunity to apply for a license online and to obtain the applicable tariffs and related charges for use of copyright works.

Artists willing to notify COSBOTS of their new works or to apply for provisional membership can now make online notifications and application for membership. This will save time and money for all.

Visit www.cosbots.com to access all company information, documents and featured articles

COSBOTS E ALA MARANYANE

Mo maikaelelong a go fokoletsa maloko ditshenyegelo le go senya nako, COSBOTS e go rulaganyeditse sesigo sa kitso go atumetsa ditirelo. Maloko a tlhoka maranyane a internet, khomputara kgotsa mogala wa letheke go dirisa ditlamelo tsa mofuta o.

Tobetsa www.cosbots.com go bona ditirelo, dikgang le tse dingwe.

BOTSWANA JOINS THE WORLD IN CELEBRATING WORLD THEATRE DAY



This year the event was celebrated under the theme;
*HISTORY AND SIGNIFICANCE OF THIS DAY,
APPRECIATING THE ART FORM!*

Artists from all walks of life thronged the University of Botswana auditorium to attend the magnanimous event hosted by Visual and Performing Arts department. The event, which is celebrated by at least 85 countries on March 27 each year, was inaugurated in 1961 by the International Theatre Institute to increase awareness and the public profile of theatre around the globe. The benefit of the arts industry is incredible, its value to the economy is gaining currency every day. Every year, a message by a famous theatre personality is shared with audiences around the world offering their views and insights about the medium of theatre and its future. The message is then translated into over 50 languages and sent across the world to encourage colleges, schools and theatre personalities to mark this day.

TECHNOLOGY AND ITS ADVANCEMENTS ON THE MUSIC INDUSTRY

From the tangible compact discs and records era to a new era of online streaming and cloud storage: A highlight of the effects of technological advancement on the music industry.

The use of information technology has proven to be convenient and significant in widening music audience and coverage throughout the whole wide world, by providing instantaneous easy access via handy technological devices, such as laptop computers, smartphones, iPod and Mp3 players etc. Today, virtually every recording artist has their own websites, where they sell their products directly and offer free samples of their music. Similarly record companies first saw the Internet with enthusiasm, for it presented an opportunity to cut down on advertisement costs and promote their artists more effectively. The infringement of copyright has also escalated due to the advent of technology and the challenges of policing cases of infringement in the technological space.



Copyright Society of Botswana

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