

On approval of the minimum remuneration rates for performers and phonogram producers

Invalidated Unofficial translation

Decree of the Government of the Republic of Kazakhstan No. 1373 dated November 23, 2011. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 06/29/2023 No. 514

Unofficial translation

A footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 06/29/2023 No. 514 (effective after ten calendar days after the date of its first official publication).

In accordance with Article 40-2 of the Law of the Republic of Kazakhstan dated June 10, 1996 “On Copyright and the Related Rights”, the Government of the Republic of Kazakhstan **HEREBY DECREES AS FOLLOWS:**

1. That the attached minimum remuneration rates for performers and producers of phonograms shall be approved.

1-1. The Ministry of Justice of the Republic of Kazakhstan shall develop and approve the Instructions on the application of minimum remuneration rates to performers and producers of phonograms.

Footnote. The Decree is supplemented by paragraph 1-1 in accordance with Decree of the Government of the Republic of Kazakhstan No. 445 dated 06.06.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

2. This Decree shall be enforced upon expiry of ten calendar days from the date of the first official publication.

Prime Minister of the Republic of Kazakhstan

K. Massimov

Approved
by Decree of the Government of the
Republic of Kazakhstan
No. 1373 dated November 23, 2011

Minimum remuneration rates for performers and phonogram producers

Footnote. Minimum rates as amended by Decrees of the Government of the Republic of Kazakhstan No. 469 dated 08.05.2013 (shall be enforced upon expiry of

ten calendar days from the date of the first official publication); No. 445 dated 06/26/2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

No. s/o	Type, place, terms of use, users	Minimum remuneration rates	
		with paid entry	with free entry
1	2	3	4
1. The use of performances and phonograms through public performance, demonstration, distribution and dissemination to the general public			
1.	Cafes, bars (per month for each seat)	0.2 MCI	0.1 MCI
2.	Restaurants (per month for each seat)	0.25 MCI	0.15 MCI
3.	Other catering facilities (per month for each seat)	0.008 MCI	0.004 MCI
4.	Night clubs (per month for each seat)	1% of income from sales of tickets	0.2 MCI
5.	Casinos and other gambling establishments (per month for each seat)	0.4 MCI	
6.	Cultural and entertainment centers, complexes (per month for every square meter of the coverage area)	0.05 MCI	
7.	Sports and fitness centers, complexes (per month for every square meter of the coverage area)	0.01 MCI	0.001 MCI
8.	Fairs, exhibitions, fashion shows, beauty contests and professional skill contests (per month for each square meter of the coverage area)	0.02 MCI	0.002 MCI
9.	Hotels, motels, rest houses and pensions (per month) per unit of technical equipment used for public performance, display, distribution and dissemination to the general public)	0.2 MCI	
	Passenger transport means (from the income received		

10.	from the sale of each ticket)	0.001%	
11.	Sports competitions, demonstrations of athletes (from income received during each event)	0.05%	0.001%
12.	Places for mass skating, rollerblading (per month for every square meter of the room (territory) used for these purposes)	0.05 MCI	0.01 MCI
13.	Theaters, cinema halls and other places intended for the demonstration of films (per month for each square meter of the covered space)	0.01 MCI	0.001 MCI
14.	Cultural and leisure organizations (parks of culture and recreation, houses and palaces of culture, water parks) (per month for each square meter of voiced territory (premises))	0.01 MCI	0.001 MCI
15.	Trading houses, shops, trading markets and other places intended for the purposes of trade (per month for each square meter of the territory covered)	0.002 MCI	
16.	Theatrical, concert, circus programs (from the income received as a result of the event)	0.02%	0.01%
17.	Mass events, city days, holidays, festivals (from the income received as a result of the event)	0.02%	0.01%
18.	Using jukebox and karaoke systems (per month) for every jukebox and karaoke)	0.2 MCI	0.1 MCI
19.	Broadcast television organizations registered in the Republic of Kazakhstan in the manner prescribed by law (from revenue received from advertising)	0.1%	
	Radio-broadcasting organizations registered in		

20.	the Republic of Kazakhstan in the manner prescribed by law (from revenue received from advertising)	0.1%
21.	Cable (wired), satellite broadcasting organizations registered in the Republic of Kazakhstan in the manner prescribed by law (per month from the received subscription fee for cable and satellite television services)	0.1%
22.	Cable (wired), satellite broadcasting organizations registered in the Republic of Kazakhstan in the manner prescribed by law (per month from the received subscription fee for cable, satellite broadcasting services)	0.1%
2. The use of performances and phonograms by reproduction (replication) and (or) distribution for profit		
23.	Reproduction (duplication) and (or) distribution of performances in audio and audiovisual recordings (from the selling price of each released copy, regardless of the number of performances)	0.3%
24.	Reproduction and (or) distribution of performances and phonograms as music, melodies (ringtones, realtones) and beeps (ringbacktones) for telephones (mobile, smartphones, personal digital assistants), systems of musical devices, vending machines and karaoke (per month for each piece used) for each use)	0.03 MCI
25.	Delivery of copies of performances in the form of sound recordings and (or	0.01 MCI

) audiovisual recordings for rent (per month for each used copy)	
3. Reproduction of phonograms for personal purposes without the consent of the performer and producer of the phonogram		
26.	Reproduction of phonograms for personal purposes without the consent of the performer and producer of the phonogram payable by persons making equipment and tangible media used for such reproduction (interest rates as a percentage of the selling price of a unit of equipment and tangible media)	0.35
27.	Reproduction of phonograms for personal purposes without the consent of the performer and producer of the phonogram, payable by persons importing equipment and tangible media used for such reproduction (interest rates as a percentage of the customs value of a unit of equipment and tangible media)	0.35

Notes:

Footnote. Notes are excluded by Decree of the Government of the Republic of Kazakhstan No. 445 dated 06.06.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Explanation of abbreviation:

MCI - monthly calculation index