

The High Court in Harare, Zimbabwe

HH 428-12

Zimbabwe Music Rights Association v Zimbabwe Broadcasting Corporation (Pvt) Ltd

Court	:	High Court
Case	:	Criminal
Date of Judgement	:	November 8, 2012
Plaintiff	:	Zimbabwe Music Rights Association
Defendant	:	Zimbabwe Broadcasting Corporation (Pvt) Ltd
Concept	:	Copyright Legitimate Interest
Statue	:	Contractual provisions

Panel of Justices

Bere J

Case Background

The applicant mandate is to collect in this case to collect royalties from the respondent and then distribute to its members who are the owners of the musical works which is airs or broadcast by the respondent. The applicant and respondent entered into contractual relationship. during the tenure of the agreement the respondent would pay to the applicant a licence equivalent to 10% of the net advertising revenue accruing to the responded during each yea and every quarter. The applicant issue process in the court for a long outstanding balance of payment from the responded. Therefore, the applicant is seeking to compel the respondent to owner its obligation in terms of the contractual agreement between the parties.

Procedural History

The High Court gave a judgement on the case.

Issue

- Whether there is a lawful cause that a broadcast cannot pay royalties due to financial constraints

Rational

The national broadcaster was ordered to pay music royalties that it contractually agreed to pay to the Plaintiff for music played on its radio and television stations, but was now refusing to pay citing diminished financial capacity.

Keywords

Broadcasting, economic rights, remuneration, fair compensation