DRAFT KENYA STANDARD

DKS 1984 2022
ICS 33.160; 55.200

Labels for audio and audiovisual products — Specification

THIS STANDARD IS UNDER REVISION

©KEBS 2022

Second Edition 2022

TECHHNICAL COMMITTEE REPRESENTATION

The following organizations were represented on the Technical Committee

Kenya Medical Research Institute
University of Nairobi
Technical University of Kenya
Kenya Chemical Society
Fashion Council of Kenya
Kenya Association of Music Producers
Kenyatta University
ICT Association of Kenya
Esthree Limited
Kenya Bureau of Standards — Secretariat

REVISION OF KENYA STANDARDS

In order to keep abreast of progress in industry, Kenya Standards shall be regularly reviewed. Suggestions for improvements to published standards, addressed to the Managing Director, Kenya Bureau of Standards, are welcome.

© Kenya Bureau of Standards, 2022

Copyright. Users are reminded that by virtue of Section 25 of the Copyright Act, Cap. 12 of 2001 of the Laws of Kenya, copyright subsists in all Kenya Standards and except as provided under Section 26 of this Act, no Kenya Standard produced by Kenya Bureau of Standards may be reproduced, stored in a retrieval system in any form or transmitted by any means without prior permission in writing from the Managing Director.

ISBN 9966-782-74-5

-

THIS STANDARD IS UNDER REVISION

 ©KEBS 2022 — All rights reserved

KENYA STANDARD

DKS 1984: 2022
ICS 33.160; 55.200

Labels for audio and audiovisual products — Specification

THIS STANDARD IS UNDER REVISION

KENYA BUREAU OF STANDARDS (KEBS)

Head Office: P.O. Box 54974, Nairobi-00200, Tel.: (+254 020) 605490, 602350, Fax: (+254 020) 604031
E-Mail: info@kebs.org, Web:http://www.kebs.org

Coast Region
P.O. Box 99376, Mombasa-80100
Tel.: (+254 041) 229563, 230939/40
Fax: (+254 041) 229448

Lake Region
P.O. Box 2949, Kisumu-40100
Tel.: (+254 057) 23549, 22396
Fax: (+254 057) 21814

Rift Valley Region
P.O. Box 2138, Nakuru-20100
Tel.: (+254 051) 210553, 210555

©KEBS 2022 — All rights reserved

Foreword

This Kenya Standard was prepared by the Technical committee on Intellectual property services under the guidance of the Standards Project Committee and it is in accordance with the procedures of the Kenya Bureau of Standards.

The music and entertainment industry is one of the largest contributors to GDP of nations. The products of this industry is largely audio and audio-visual products. These products can be delivered live through live performances or encoded and recorded and delivered as a “take-away” products. The products are often available at a fee directly or indirectly. The products can also be used as a component or part of another product or service where the audio or audio-visual product is not perceived or understood as the main product. Audio and audio-visual contents are subject to intellectual property protection, especially by copyright laws. Other audio or audio visual products which are informational in nature (see Annex XX) may also subject to copyright protection.

The purpose of copyright protection is to ensure that rights, roles and contributions in works are recognized, and any associated benefit or gain is rightly apportioned.

While delivery of audio and audio-visual products is increasing becoming digital, a whole lot of population still rely on traditional means of delivery through recorded media on digital storage devices. There still exists an industry in various forms that serve this population.

This standard is intended to serve this industry in ensuring that rights, roles and contributions in the production of this category of copyrighted works is properly recognized and documented.

This standard has been developed to give provisions for marking and labelling of music products for sale. It also provides information, at the annexes, that help clarify some of the requirements.

THIS STANDARD IS UNDER REVISION

 ©KEBS 2022 — All rights reserved

Labels for audio and audiovisual products — Specification

1 Scope

This Kenya Standard prescribes the requirements packaging and labelling information for audio and audiovisual products. It applies to any physical media containing audio or audiovisual content. It does not cover the quality of the content.

2 Normative reference

There are no normative references to this standard

3 Definitions

For the purposes of this standard, the following definitions and those given in KS ISO 5127 shall apply.

3.1
artist
This is the person who practices an art. The person could be a performer, singer, entertainer, comedian, musician, or a dancer, sculptor, painter, etc.

3.8
pirate
recordings which are copied or distributed without authority, and which are usually packaged differently to the original. They are often compilations made up of recordings by several different artists

3.9
Moral right

4 Copyright protection
Intellectual works are subjects for legal protection. There are different legal frameworks for protecting different categories of intellectual works: copyrights, patents, trademarks, industrial designs, traditional knowledge.

Copyright protection can be very elaborate and complex because of the nature of the works, and the licensing requirements. Because of the different contributions by different entities in copyrighted works, it is the practice that these entities are recognized or acknowledged. This recognition is important for a number of reasons, including apportionment of any benefits that may arise from the use of the works.

Individuals and organizations use different mean to signify ownership or contribution to a copyrighted work. These means include:

a) Written declarations
b) Association of symbols, images etc. with the works
c) Unique style of presentation or documentation

These are often attached to or fixed on to the medium containing the copyrighted work.

5 Casings, Labels and markings on audio and audio-video products

5.1 Casings

Audio and audio-visual content that is provided for sale, or as part of a main product shall be packed in a manner that protects the integrity of the content.

5.2 Markings

THIS STANDARD IS UNDER REVISION

5.2.1 Markings on the products shall done after the following formats:

a) printing on the CDs, CD-R and cassettes;

b) by means of printed-paper or plastic label or engravings.

5.2.2 Direction on use and handling shall be included on the markings.

5.2.3 The markings shall clearly and legibly show the following information:

a) licensing details;

b) registered trademarks and or logos;

c) copyright notices;

d) complete and accurate content listing;

e) title of the album and the individual tracks;

f) legitimate recording company.

5.2.4 Where the product offered for sale has been legally downloaded from an internet, the declaration of the same shall be made. Proof of authority to sell or distribute or market downloaded music shall be made available. The proof shall be in form of a written consent or agreement[1)].

5.3 Labels/inlay cards

5.3.1 All products in addition to having the marking provided for in 4.2.2 above, shall have inlay cards having all the provisions given in 4.3.2. In addition, the complete address of the recording company shall be indicated.

5.3.2 Images and/or graphic art on the labels shall be of high quality finish (see Annex B).

6 Security features

6.1 Security features may be affixed to the labels or onto the physical product. When security features are affixed, the relevant persons shall be knowledgeable of the features.

6.2 When any security feature is used jointly as a trademark or as an authentication mark or as a basis for royalty collection, the use of the feature shall be within the control of the users

7 Packaging

7 Single packaging

71.1 CDs, CD-Rs, cassettes, CD-RWs and DVDs shall be packed in cases. The case shall contain inlay cards with the details of the album.

Almost all the music legally sold through the internet are not licensed for further distribution, sale or reproduction

[1)] Almost all the music legally sold through the internet are not licensed for further distribution, sale or reproduction.

THIS STANDARD IS UNDER REVISION

 ©KEBS 2022 — All rights reserved

7.2 Bulk packaging

7.2.1 Bulk packaging shall utilize material of suitable material to protect the products from deterioration and damage.

7.2.2 Only products from one recording company and of the same title or from one artist or group of artists shall be packed together.

7.2.3 Bulk packages shall be clearly marked with the following information:

a) name and address of the recording company. The address shall include valid and operational e-mail address if there is one;

b) the trademarks;

c) copyright notices.

7.3 Compatibility

Information on what devices or platforms a disc or cassette is intended to play on shall be legibly displayed.

THIS STANDARD IS UNDER REVISION

Annex A
(informative)

Identifying pirated audio and audio-video products

A.1 The top target for pirates is the top-selling, best-known titles, local or international. The record companies usually already heavily promote these titles.

©KEBS 2022 — All rights reserved

A.2 Pirated music products are in most cases easy to identify, but in some cases it requires trained and experienced eyes. Some of the features to look out for are:

a) spelling errors on artists' names or titles;

b) CDs (or CD-Rs), plastic cases and inlay cards packed separately;

c) no copyright © notice;

d) poor images, blurred or poor contrast;

e) no trademarks or logos;

f) no song listing;

g) obliterated or no SID codes.

Annex B
(informative)

Audio and audio-visual products – rights ownership

Audio and audio-visual contents can be for entertainment, education, instruction or training. These contents can be available through dedicated portals requiring authentication to access, through recording on storage media which can be distributed to consumers or through publicly accessible portals.

The production of audio and audio-visual content requires the participation and contribution of different entities. These entities include:

a) owner(s) of the concept or idea commonly referred to as the primary copyright owner, or the owner of the original works e.g. a music composer
b) modifier of the concept or idea, commonly referred to as the secondary copyright owner, e.g. a transcriber of a musical composition to create a variation; a translator of works from one language to another etc.
c) a performer who creates a rendition of the copyrighted work, e.g. a musical instrument player, a singer, an actor, a voicer, a narrator, etc.
d) e recording studio that provides physical infrastructure

Recognizing and understanding the role of each of these entities is important in documenting the audio or audio-visual content as specified in the clause 5.

THIS STANDARD IS UNDER REVISION

 ©KEBS 2022 — All rights reserved