

Tanzania

Copyright and Neighbouring Rights Act, 1999

Copyright and Neighbouring Rights Regulations, 2000

Government Notice 214A of 2000

Legislation as at 31 July 2002

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Copyright and Neighbouring Rights Regulations, 2000 (Government Notice 214A of 2000)

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Tanzania

Copyright and Neighbouring Rights Act, 1999

Copyright and Neighbouring Rights Regulations, 2000

Government Notice 214A of 2000

Published in Tanzania Government Gazette

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[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[Section 45; G.N. No. 214A of 2000]

1. Citation

These Regulations may be cited as the Copyright and Neighbouring Rights Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"**Act**" means the Copyright and Neighbouring Rights Act¹;

"**Board**" means the Copyright Society of Tanzania Board established under section 51(1);

"**registers**" means the registers established under section 47(b);

"**Society**" means the Copyright Society of Tanzania established under section 46 of the Act.

3. Fees

The fees to be paid in relation to copyright and neighbouring rights shall be those fees prescribed in the First Schedule to these Regulations.

4. Forms

The forms herein referred to are those contained in the Second Schedule and such forms shall be used in all cases to which they are applicable and may be modified as directed by the Registrar to meet other cases.

5. Documents

Subject to any other directions that may be given by the Minister or the Board, all applications, notices, statements, counter-statements, papers having representations affixed, or other document authorised or required by the Act, or these Regulations to be made, left or sent, at or to the society or any office, shall, unless the Board otherwise directs, be written, typewritten, lithographed or printed in English or Kiswahili language upon strong paper, in dark indelible ink, on one side only on foolscap paper of a size approximately 13 inches by 8 inches and shall have on the left-hand part a margin of not less than 1.5 inches.

¹

6. A document to contain a name and be signed

- (1) A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed by all the partners or by any qualified partner stating that he signs on behalf of the partnership, or by any other person who satisfies the Board or any other office that he is authorised to sign the document.
- (2) A document purporting to be signed for or on behalf of a body corporate shall be signed by a director or by the Secretary or other principal officer of the body corporate. Or by any other person who satisfies the society or that office that he is authorised to sign the document. A document purporting to be signed for or on behalf of an association or persons may be signed by any person who appears to the society or the office to be duly qualified.

7. Posting of documents

All applications, notices, statements, papers having representations affixed or other documents required by the Act or these Regulations to be made, left or sent, at or to the Society, the Court or any other person may be sent through the post by a prepaid or official paid letter; any application or any document so sent shall be deemed to have been made, left or sent at the time when the letter containing the same would be delivered in the ordinary course of post. In proving such sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

8. Addresses to be full

Where any person is by the Act or these Regulations, bound to furnish the society or any person with an address, the address given shall in all cases be as full as possible for the purpose of enabling any person easily to find the place of the person whose address is given, and shall include a postal address.

9. Residents and non-residents to provide address for service

- (1) The society may require an applicant, opponent or agent, or the proprietor or user of a copyright, neighbouring right or expression of folklore, who does not reside or carry on business within Tanzania to give an address for service within Tanzania and such address may be treated as the actual address of that person for all proposes connected with the matter in question.
- (2) Any proprietor or user of a copyright, neighbouring right or expression of folklore may, if he so desires, give upon Form CR/NR/EF/1 an address of service and such address may be treated as the actual address of that person for all purposes connected with the matter in question.
- (3) All applications made on Form CR/NR/EF/1 under this Regulation shall be signed by the proprietor or user, as the case may be, or by a person expressly authorised by him.
- (4) In any case in which no address for service is entered in the Register, the society may treat the business address of the proprietor or user as therein entered as his address for service for all purposes connected with the matter in question.
- (5) Any communication addressed to a party or person as aforesaid at an address given by him or treated by the society, as his address for service shall be deemed to be properly addressed.
- (6) The Society at any time that a doubt arises as to the continued availability of an address for service entered in the register, may request the person for whom it is entered by the letter addressed to his trade or business address in the register to confirm the address for service, and if within three months of making such a request the society receives no confirmation of that address, he may strike it off the register.

10. Application for registration of copyright, etc.

- (1) All application to the society for registration of works and productions under section 47(b) of the Act shall be signed by the copyright owner or by the person authorised by him and the application shall be made on Form CR/NR/EF/2.
- (2) Each application shall be for registration of one work only.

11. Search to be made

Upon receipt of an application for registration of a work or production the Copyright Administrator shall cause a search to be made, amongst the registered works and pending applications, for the purpose of ascertaining whether there is a record in respect of the same works or productions.

12. Evidence to be furnished

After such search, and consideration of the application and of any evidence of ownership or of any other matter of which the application may or may be required to be furnished, the Copyright Administrator may accept the application absolutely or he may object to it.

13. In case of objection administrator to inform the applicant

If the Copyright Administrator objects to the application he shall inform the applicant of his objection in writing, as soon as the decision is made and unless within one month the applicant applies for a hearing or makes a considered reply to those objections, he shall be deemed to have withdrawn the application.

14. Administrator to notify the applicant

- (1) If the Copyright Administrator accepts the application subject to any conditions he shall communicate such conditions to the applicant in writing.
- (2) Subject to subsection (1) if the applicant objects to such conditions he shall within one month from the date of the communication, apply for a hearing or communicate his considered objections in writing.
- (3) Subject to subsections (1) and (2) if the applicant does not do so he shall be deemed to have withdrawn his application. If the applicant does not object to such conditions, he shall forthwith notify the Copyright Administrator in writing and alter his application accordingly.

15. Issuance of certificates

Upon the registration of a work the Copyright Administrator shall issue to the applicant a certificate on the Form 01.

16. Joint registration

Where a person becomes entitled by assignment under section 16 or transmission by operation of law under section 15(7) to a registered work he may jointly with the registered proprietor, make an application to the Copyright Administrator on Form CR/NR/EF.3 to register his title.

17. Where no joint application is made

Where a person becomes entitled to a registered work in the manner referred to in Regulation 16 and no joint application as therein mentioned is made he may make the application on Form CR/NR/EF.4 to register his title.

18. Application to contain name and address

An application under Regulation 16 or Regulation 17 shall contain the name of the trade or business address and description of the person claiming to be entitled, together with full particulars of the instrument, if any, under which he claims.

19. Making of statutory declaration

Where in the case of an application on Form CR/NR/EF.3 or Form CR/NR/EF.4 the person applying for registration of his title does not claim under any document or instrument which is capable in itself of furnishing proof of his title, he shall make a statutory declaration on form CR/NR/EF.5 setting forth the full particulars of the facts on which he claims to be the proprietor of the work is based, and showing that the work has been assigned or transmitted to him.

20. Proprietor to be registered

When the Copyright Administrator is satisfied as to the title of the person claiming to be registered, he shall cause him to be registered as proprietor of the work and shall enter in the register his name, trade or business address and description and particulars of the assignment or transmission.

21. Application on as a licensee

An application to the Copyright Administrator under section 17 by a person as a licensee of a registered work shall be made by that person on Form CR/NR/EF.6 together with an original or notarised copy of the licence.

22. A licensee to be registered

The entry of a licensee in the register shall state the date on which it was made, the trade or business address of the licensee and the conditions of the licence.

23. Application by a licensor

An Application by the licensor for the cancellation of the registration of a licence shall be made on Form CR/NR/EF.7 and shall be accompanied by a statement of grounds on which it is made.

24. Utilization of folklore

The application of utilization of expressions of folklore made under section 28 to the competent authority shall be made at a prescribed fee on Form CR/NR/EF.8.

25. Authority to communicate on request

Where the competent authority agrees to grant the request, subject to any conditions, the authority shall communicate such conditions in writing and if the application objects to such conditions he shall within one month from the date of receipt of the communication apply for a hearing or communicate his considered objection in writing, if he does not do so he shall be deemed to have withdrawn his application. If the applicant does not object to such conditions he shall forthwith notify the competent authority in writing and alter his application accordingly.

26. Decision of the authority to be communicated

The decision of the competent authority shall be communicated to the applicant in writing and if the applicant objects to such decision he may file his appeal under section 28(c) of the Act to the Minister at a prescribed fee on Form CR/NR/EF.9.

27. Minister's decision

Before deciding on the appeal filed by the applicant the Minister may require the competent authority and the applicant to be present at a hearing of the appeal and give additional written or oral grounds for the stand. The decision of the Minister shall be made in writing, giving reasons on which the decision is based, and shall be final and conclusive.

First Schedule

Fees

Form	Amount	Matter
CR/NR/EF 2	5,000/=	Application for Registration of a work/production in the register.
CR/NR/EF 3	30,000/=	Joint request by proprietor and transferee to register the transferee as a subsequent proprietor of a work/production.
CR/NR/EF 4	30,000/=	Request to copyright Administrator to register a subsequent proprietor of a work/production upon same devolution of Title.
CR/NR/EF 6	20,000/=	Application for registration of a Registered User of a work/production.
CR/NR/EF 7	20,000/=	Application by licensor for cancellation of a licence.
CR/NR/EF 8	40,000/=	Application for individual/blanket authorisation of expressions of folklore by the National Arts Council.
CR/NR/EF 9	50,000/=	Notice of appeal to the Minister against the decision of the National Arts Council.

Second Schedule

Forms

[Editorial note: The forms have not been reproduced.]