

GOVERNMENT NOTICE NO. 29 published on 8/1/2016

THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT,  
(CAP. 218)

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**REGULATIONS**

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*(Made under section 45)*

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THE COPYRIGHT AND NEIGHBOURING RIGHTS (COPYRIGHTED WORKS-COMMUNICATION TO  
THE PUBLIC) REGULATIONS, 2015

Citation	1. These Regulations may be cited as the Copyright and Neighbouring Rights (Copyrighted Works-communication to the Public) Regulations, 2015 and shall come into operation on the date of publication.
Application	2. These Regulations shall apply to copyrighted works in communication to the public.
Interpretation	3. In these Regulations, unless the context otherwise requires:
Cap.218	“Act” means the Copyright and Neighbouring Rights Act; “appellant” means a person who lodges an appeal before the Minister; “communication to the public” means transmission by wire, or without wire, of the images of sound or both, of a work, a performance, a sound recording or a broadcast, in such a way that the images or sounds is perceived or accessed by person outside the normal circle of a family and its closest social acquaintances at a place so distant from the place where the transmission images or sounds is not perceivable or accessible and, further, irrespective of whether the person receives or access the images or sound at the same place and time, or at different places or times individually chosen by them; “license” means a license issued under regulation 7(1);

	<p>“Minister” means Minister responsible for copyright and neighboring rights;</p> <p>“respondent” means a person against whom an appeal has been lodged or filed to the Minister;</p> <p>“Society” means the Copyright Society of Tanzania established under section 46 of the Act.</p>
Cap.218	
License to communicate to the public and reproduce	<p>4. A person shall not communicate to the public, or reproduce a work which a copyright and neighbouring rights subsists except:</p> <p>(a) under a license issued by Society;</p> <p>(b) authorized by the owner of the work regulated by the Society; or</p> <p>(c) free use if it is in accordance to the Copyright and Neighbouring Rights Act.</p>
Cap.218	
Application for license	<p>5.-(1) A person who makes reproduction of works relating to a copyright and neighboring rights shall apply for a license to the Society.</p> <p>(2) Every application for a license shall be made to the Society by filling a form No. CST F.1 in a manner set out in the First Schedule to these Regulations.</p>
Consideration of application	<p>6. The society shall, before granting a licence, take into account-</p> <p>(a) that the application contain information as prescribe in the regulations;</p> <p>(b) the reputation of the applicant and competency of the applicant in conducting the activity applied for;</p> <p>(c) that an applicant for a license complies with the license limitations and any other obligations imposed by these Regulations and any other written laws.</p>
Obligations of licensee	<p>7.-(1) An applicant shall pay the initial license fee to the Society, for the first year ending on the expiry date, of the license in a manner stipulated in the license.</p>

(2) The Licensee shall on the first day of the anniversary month of each and every year following licence-year shall-

- (a) furnish to the Society with a statement defined in the terms and conditions, and as certified by an auditor or accountant, or in a manner acceptable to the Society in respect of the preceding twelve months;
- (b) pay to the Society the amount by which the provisional licence fee calculated and payable for the preceding licence-year, exceeds the license fee paid, or which became payable, for the same period;
- (c) for the next licence-year a provisional license fee calculated hereto; provided that, if the licence fee for any licence-year exceeded the actual licence fee for the same period, the Society, in its sole discretion, may either allow such excess amount as a credit against the provisional fee for the next licence-year, or refund same to the licensee;
- (d) furnish to the society business registration documents including Tax Identification Number (TIN); and
- (e) furnish to the Society completed log sheets.

Issue of licence

8.-(1) Subject to the provisions of sub regulation (4), the Society shall issue a licence in a form set out in the First Schedule to these Regulations, subject to:-

- (a) the terms and conditions specified in the Schedule, including the submission of form No. CST F.1 as set out in the First Schedule to these Regulations; and

(b) the payment of applicant fees corresponding to the appropriate tariff specified in the Second Schedule to these Regulations.

(2) Subject to subregulation (1), the Society may communicate with the Minister to make an adjustment to the published tariff rates of Official Consumer Price Index, as published from time to time by the National Bureau of Statistics of Tanzania.

(3) The Tariff adjustment referred to under subregulation (2) shall not exceed rate of inflation as mentioned in the Official Consumer Price Index.

(4) The Society may make variations in the application of specific tariffs as may be considered appropriate when licensing premises or users is not falling within the scope of a specific tariff as prescribed in the Second Schedule.

(5) A licence shall be valid only for the purpose for which it has been issued and for the period specified in the terms and conditions in respect to the premises or user, specified thereon.

(6) The Society may refuse to issue a licence and give reasons in writing to the applicant for such refusal.

Renewal of  
licence

9.-(1) A person whose business licence is about to expire shall make an application for renewal of his licence to the society.

(2) Subject to subregulation (1) an application for renewal of licence shall be made within thirty days before expiration of subsisting licence.

Duplicate  
licence

10.-(1) The Society may upon payment of a prescribed fee, issue a duplicate licence to a licensee where the original is lost, stolen, or destroyed.

(2) A licensee whose licence is lost stolen or destroyed shall make an application to the society in writing accompany by:-

- (a) a photocopy of his original licence;
- (b) a police loss report;
- (c) any other information or document as the Society may require.

(3) An application referred to under this regulation shall be accompanied by a duplicate licence fee of fifty thousand shillings.

License to be  
displayed

11.-(1) The licensee shall display the licence in a prominent and visible position.

(2) The Society may require the licensee to show the licence issued to him when need arises.

Revocation of  
licence

12.-(1) The society may revoke the licence if a licensee-

- (a) engages in activities beyond scope of operations authorized under the licence;
- (b) is in a possession of a licence issued as a result of false or fraudulent representation;
- (c) is in contravention of any provision of the Act, these Regulations, Anti Money Laundering Act and any other written laws;
- (d) breach any condition attached to the licence.

(2) The society shall issue a written notice within fourteen days to the licensee to show cause why the licence should not be revoked or suspended.