

TANZANIA

GOVERNMENT NOTICE NO..... Published on.....

**THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT, 1999
(NO. 7 OF 1999)**

REGULATIONS

(Made under Section 45)

**THE COPYRIGHT (LICENSING OF PUBLIC PERFORMANCES AND BROADCASTING)
REGULATIONS, 2003**

IN EXERCISE of the powers conferred on me under Section 45 of the Copyright and Neighbouring Rights Act, No. 7 of 1999, I, Juma A. Ngasongwa, Minister of Industry and Trade, being the Minister responsible for copyright matters, make the following Regulations:-

- | | |
|---|---|
| 1. These Regulations may be cited as the Copyright (Licensing of Public Performances and Broadcasting) Regulations, 2003. | Citation |
| 2. In these Regulations, unless the context otherwise requires "Licence" means a licence issued under regulation 5(1). | Interpretation |
| 3. No person shall hold a public performance/ broadcasting of a work in which copyright subsists except under a license issued by the Copyright Society of Tanzania (COSOTA) hereunder referred to as the Society. | Licence to hold Public Performance/ broadcasting |
| 4. Every application for licence shall be made to the Society in the form set out in Part I of the Schedule hereto. | Application for Licence Schedule I, Part I |
| 5. (1) Subject to sub regulation (3), the society shall issue a licence in the form set out in Part II of the First Schedule hereto subject to: | Issue of Licence Schedule I, Part II |
| (a) such conditions as specified in the licensing contract, including the | Part III |

submission, in the form set out in Part III of the Schedule hereto, of a Performance/broadcasting; and

- (b) the payment by the applicant of the fees corresponding to the appropriate tariff classification specified in the second Schedule hereto;

Royalty
Schedule II

Provided that the Society shall have the power to negotiate and vary from time to time not exceeding 30% of the specified tariff, depending on special circumstances such as percentage of music used, rate of inflation, age of the establishment as the Society may deem fit.

- (2) A licence shall be valid only for the purpose in respect of which it has been issued and for the period, and with respect to the premises, specified thereon;

- (3) The Society may refuse to issue a licence and the reasons for such refusal shall be communicated to the applicant.

6. The applicant shall publicly display the licence in a prominent and visible position at or near the main entrance to the premises at which the public performance/ broadcasting is to be held.

Licence to be
displayed

7. (a) Any person or organization that promotes or brings into Tanzania any foreign band or performing group shall be required to obtain from and sign a contract form with the Society.

Issue of licence
for Foreign
Bands or
Groups

- (b) Any person or organization that promotes or brings into Tanzania any foreign band or performing group shall be required to sign the contract form and pay the required fee at least twenty-one (21) days period before the band or group actually enters into Tanzania.

Contract Period

- | | |
|--|--|
| <p>(c) After the contract has been dully signed, the Society shall notify and facilitate the issuance of clearance from Government allowing that band or group to come and perform in Tanzania.</p> | <p>Government Clearance</p> |
| <p>(d) Any promoter of a foreign band or group shall be required to pay a non-refundable deposit of TShs. 10,000/= for the processing and signing of the contract with the Society.</p> | <p>Contract deposit</p> |
| <p>8. The Society shall pay in accordance with its procedures royalties or other appropriate remuneration accrued or due to the person entitled thereto out of the fees collected by the Society under these Regulations.</p> | <p>Distribution Schedule III</p> |
| <p>9. An applicant who is aggrieved by any condition endorsed by the Society on a licence or with the decision of the Society refusing to issue a licence may before the public performance is held and, in any case, within fourteen days from the date the condition is endorsed or the decision is made, appeal to the Minister to review or rescind the condition or decision, as the case may be.</p> | <p>Appeals</p> |
| <p>10. Any person who contravenes these Regulations shall be guilty of an offence and shall be liable to punishment as per Section 42 of the Act.</p> | |
| <p>11. In addition to the fees payable under these Regulations there shall be payable the late payment fees relatively specified in the second schedule of these Regulations.</p> | <p>Penalty failure To pay fees Schedule II</p> |
| <p>12. Anything done by the Society before, during or after commencement of these Regulations in respect of a public performance/broadcasting of any work and which thing is capable of being done under these regulations shall be deemed to have been validly done under or pursuant to these Regulations.</p> | <p>Validity of Acts</p> |

SCHEDULES

FIRST SCHEDULE – FORMS
SECOND SCHEDULE – TARRIFS
THIRD SCHEDULE – DISTRIBUTION RULES

FIRST SCHEDULE

FORMS

PART 1

CST F.1

CST F.1

(Reg. 4 and 5)

THE COPYRIGHT SOCIETY OF TANZANIA THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT, 1999

Application No.

THE COPYRIGHT (LICENSING OF PUBLIC PERFORMANCES AND BROADCASTING) REGULATIONS, 2003

Application for Licence for Public Performances/Broadcasting of Works in
which Copyright Subsists

(Regulation 4)

I/We proprietor(s)/Manager(s)

Of Apply for a licence to

Hold public performances/broadcasting of works in which copyright and
neighbouring rights subsist under the Copyright and Neighbouring Rights
Act, 1999.

Address Telephone No.

..... Location

..... District

Mark with “X” in the appropriate box

Activities of Establishment	Music Device Used
1. Radio Station <input type="checkbox"/>	Radio <input type="checkbox"/>
2. Television Station <input type="checkbox"/>	Radio Cassette <input type="checkbox"/>
3. Hotel <input type="checkbox"/>	Record Player <input type="checkbox"/>
4. Inn <input type="checkbox"/>	Music Centre <input type="checkbox"/>
5. Motel <input type="checkbox"/>	Compact Disk <input type="checkbox"/>
6. Rest-house <input type="checkbox"/>	Live Band <input type="checkbox"/>
7. Restaurant <input type="checkbox"/>	Television Set <input type="checkbox"/>
8. Bar <input type="checkbox"/>	Other (Specify) <input type="checkbox"/>
9. Bottle store <input type="checkbox"/>	
10. Supermarket <input type="checkbox"/>	
11. Shop/Store <input type="checkbox"/>	
12. Tavern <input type="checkbox"/>	
13. Night Club <input type="checkbox"/>	
14. Discotheque <input type="checkbox"/>	
15. Entertainment <input type="checkbox"/>	
16. Saloon <input type="checkbox"/>	
17. Bus and Minibus <input type="checkbox"/>	
18. Taxi Operator <input type="checkbox"/>	
19. Car Hire Operator .. <input type="checkbox"/>	
20. Other (Specify) <input type="checkbox"/>	
Please tick where appropriate	

Accommodation Establishments

No. of rooms

No. of rooms with radio only

No. of rooms with TV only

No. of rooms with both (TV and Radio)

.....

I/We the
Manager/proprietor of the above premises
certify that the above information is true to
the best of my/our knowledge and belief

.....
Signature of Manager or
Proprietor

FOR OFFICIAL USE ONLY

Tariff applicable

Fee Payable

File Number

.....
Signature of Licensing Officer

Checked by

Return to: The Copyright Administrator
The Copyright Society of Tanzania
P.O. Box 9393
DAR ES SALAAM

Tel: 022 2180385

FAX: 022 2180371

**PART II
CST F.2**

CST F.2

**THE COPYRIGHT SOCIETY OF TANZANIA
THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT, 1999
(NO. 7 OF 1999)**

**THE COPYRIGHT (LICENSING OF PUBLIC PERFORMANCES
AND BROADCASTING) REGULATIONS, 2003
LICENCE
(issued under regulation 5(1))**

.....of
(name)

.....
(address)

.....
is hereby licenced to hold Public Performances/Broadcasting of works in
which copyright subsists under the Copyright and Neighbouring Rights Act,
1999, at

.....

.....
(name and location of premises)

in the district of
Subject to the conditions specified in the contract.

This certificate is valid from 200.....

to 200

.....
Copyright Administrator

**PART III
CST F.3**

CST F.3

**THE COPYRIGHT SOCIETY OF TANZANIA
THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT, NO. 7 OF 1999**

**THE COPYRIGHT (LICENSING OF PUBLIC PERFORMANCES
AND BROADCASTING) REGULATIONS, 2003,
PROGRAMME RETURN OF WORKS PERFORMED
(Log sheets issued under Regulation 5(1)(a))**

1. Only works actually performed/ broadcasted should be stated they should be mentioned as often times as performed/broadcasted	Address of organization/band/group
2. This report must be signed; -by the head of the establishment or the promoter	Name of MC/DJs/promoter/organiser
-by the band/group leader	Place of performance

Music

SEQ	Title of Work	Author	Composer	Arranger	Producer
1.					
2.					
3.					
4.					
5.					
6.					
7.					

Plays

Titles	Author	Director	Producer

I/We declare that the works stated above were to the best of my/our knowledge and belief actually performed/broadcasted as stated.

DateOrganization/Band/Group Leader

**Return to: The Copyright Administrator
The Copyright Society of Tanzania
P.O. Box 9393
DAR ES SALAAM.**

SECOND SCHEDULE TARRIFS

<i>Tariff Classification</i>	<i>Fee per year</i>	<i>Late payment fee</i>
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1. Tariff B (Broadcasting)

For radio/television broadcasts in Tanzania	Percentage of gross airtime revenue/gross operating costs as follows:-	
	Percentage of musical content	Percentage of gross revenue/operating costs
	1 – 10	1%
	11 – 20	2%
	21 – 30	3%
	31 – 40	4%
	41 – 50	5%
	51 – 60	6%
	61- 70	7%
	71- 80	8%
	81- 90	9%
	91-100	10%

Minimum fee = Tshs.500,000/=	Nill
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2. Tariff PBG (Public Performance of Background Music/ Public Reception of Radio/Television Broadcasts of national or foreign origin)

A. For public performance in Bars/Pubs/Clubs/Mess /Groceries

(i) Class A (Bars in hotels and Similar establishments)	Tshs. 600,000/=	Double the tariffs
(ii) Class B (All other Bars/ Pubs/Clubs/Mess)	Tshs. 350,000/=	
(iii) Class C (Any other)	Tshs. 100,000/=	

3. Tariff PHS (Public performance in Hotels, Saloons & Restaurants/Public Reception of Radio/Television Broadcasts of national or Foreign origin)

A: For public performance of sound recordings in or upon premises such as restaurants and fast food joints:

(i) Class A. (Restaurants in hotels and similar establishments)	Tshs. 500,000/=	Double the tariffs
(ii) Class B. (Coffee shops, Cafes etc.)	Tshs. 250,000/=	“
(iii) Class C. (Ordinary restaurants and any other)	Tshs. 50,000/=	“
B. (i) For public performance of sound recordings in or upon premises such as supermarkets and shops.	Tshs. 600,000/=	Double the tariffs
(ii) Superrattes and other similar establishments	Tshs. 300,000/=	“
C: For public performance of sound recordings in or upon premises such as provisional shops through global contracts with licensing agencies	Tshs. 20,000/=	Double the tariffs
D: For public performance of sound recordings by advertising companies or any other company in or upon premises such as mobile adverts/phones/etc	Tsh. 500,000/=	Double the tariffs
E: For Public performance of sound recordings in or upon premises such as Saloons, Berber shops & Gyms, through global Contracts with Municipal Councils/Licensing Agencies	Tshs. 10,000/=	Double the tariffs

4. Tariff AT (Public Performance at Airport Terminals)

**For Public performance
of sound recordings in
or upon airport terminals:-**

(a) for domestic flights	TShs. 200,000/=	Double the tariffs
(b) for international	TShs. 500,000/=	“

5. Tariff PD (Public Performance in Discotheques)

**A. For public performance
of sound recordings at
disco theques (entrance
fee criterion):**

(i). Entrance fee of Tshs. 10,000/= or above	Tshs. 1,000,000/=	Double the tariffs
(ii). Entrance fee between Tshs. 5,000/= and Tshs. 9,999/=	Tshs. 500,000/=	“
(iii). Entrance fee below Tshs. 5,000/=	Tshs. 200,000/=	“

**6. Tariff ML (Public Performance by Local Musicians – To be paid by the
Owners of venues)**

For live public performances in Tanzania by local Musicians:	Tshs. 50,000/=	Double the tariffs
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7. Tariff MF (Public Performance by Foreign Bands – To be paid by Promoters)

For live public performances in Tanzania by foreign musicians:	Tshs. 100,000/= per foreign band.	Double the tariffs
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8. Tariff MLF (Public performance during Festivals and Fairs)

For public performances of musical, literary and dramatic works at festivals, fun-fairs concerts, traditional dances or similar functions	Tshs. 10,000/= per day	Double the tariffs
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9. Tariff L (Lending and sales of sound and Vision carriers)

(a) For public distribution of video cassettes for sale or hire or rental:

(i). Class A (wholesalers)	Tshs. 250,000/=	Double the tariffs
(ii). Class B(Retailers)	Tshs. 50,000/=	“

10. Tariff J (Public Performance in Juke boxes)

For public performances of sound recordings by means of juke-boxes:	Tshs. 50,000/=	“
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11. Tariff V (Performance of Visual Recordings)

For public projection of cinematographic films and other sound or visual recordings:-

(a) for cinematographic films/shows	TShs. 50,000/=	Double the tariffs
(b) for other sound or visual recordings including video shows	TShs. 20,000/=	“

12. Tariff PT (Public Performance in Public Transport)

A. For public performances of sound recordings in

trains, commercial
aeroplanes and ships
registered in Tanzania

Tshs. 200/= Per seat

Double the tariffs

B. Buses, minibuses,
taxis and hire vehicles
through global contracts
with licensing agencies:

Tshs. 50/= Per seat

“

13. Tariff H (Public Performance in Entertainment Halls)

For indoor public
performances or
presentation of
musical, literary and
dramatic works in Halls:

(a) in entertainment halls Tshs. 250,000/

Double the tariffs

(b) in other places TShs. 100,000/=

“

(c) at an educational
institution Tshs. 50,000/=

“

THIRD SCHEDULE
DISTRIBUTION RULES

1. RIGHTS:

These distribution rules relate to the following rights assigned to the Copyright Society of Tanzania (COSOTA)

- (a) The Copyrights of national and foreign authors of music, literary and dramatic works for the following types of uses:

Public performance

- broadcasting and recording for the purposes of broadcasting.
- commercial lending of video cassettes containing such music.

- (b) The rights of the performing artists within Tanzania and the Tanzanian producers of sound recordings for the following types of uses:

- public performances using records;
- broadcasting using records.

In case where a COSOTA tariff applies to both categories of rights hereinbefore mentioned the income from royalties based on such tariff shall be distributed in the following manner:

- 75% for the national and foreign authors of musical, literary and dramatic works;
- 25% for the performing artists and the producers of sound recordings.

2. RIGHTS OF AUTHORS OF MUSICAL, LITERARY, DRAMATIC WORKS

- (a) Distribution classes

All royalties due to the national and foreign authors as well as to performing artists of musical works shall be deemed to come from one of the following three distribution classes.

Class 1

Broadcasting and public reception of broadcasts;

Class 2

Public performance of all kinds;

Class 3

Film projection and commercial lending of video cassettes

(i) Attribution of the royalties to the different distribution classes

The royalties collected on the basis of COSOTA tariffs shall be attributed to the distribution classes as follows:-

Class 1 Tariff B - Broadcasting

**Class 2 Tariff PBG - Public performance of background music
 Tariff PHS - Public performance where liquids and food are
 consumed. Also public performance of all other kinds with
 their respective tariffs.**

(ii) Log sheets to be used for distribution

The following log sheets claimed on from the users shall be considered as the basis for the distribution.

**Class 1 the complete log sheets supplied by the Radio
 stations and other Broadcasting Corporations**

**Class 2 the log sheets of live performances of groups of
 Artists supplied to COSOTA**

**Class 3 the lists of video cassettes lent out by the video lending
 Shops and libraries.**

All log sheets received by COSOTA shall be used for purposes of distribution, except those log sheets which are illegible, obviously incorrect or incomplete.

Log sheets received by COSOTA after the period of its distribution activities shall be taken into account during the next distribution period.

(B) Specific rules for the different distribution classes

(i) Class 1

The distribution shall correspond with the actual duration of the broadcast for each work in minutes as indicated in the log sheets of the Radio Stations and other Broadcasting Corporations. Fractions of minutes shall be rounded up to the nearest minute.

(ii) Class 2

The distribution shall correspond with the number of actual performances per work, without considering the duration of the performances.

(iii) Class 3

The distribution shall correspond with the number of times a film has been lent, without considering the duration of the film.

(C) Distribution Keys

The following distribution keys shall apply in

- all musical works in which a member of COSOTA is a right holder.
- all foreign works without documentation showing a different key:

	Manuscript Works	Published Works
Composer of Music	100%	50%
Publisher of Music		50%
Composer of Music	50%	25%
Author of words	50%	25%
Publisher of Music		50%
Composer of Music	80%	50%
Adapter of Music	20%	10%
Publisher of Music		50%
Composer of Music	40%	20%
Author of Words	40%	20%
Adapter of Music	20%	10%
Publisher of Music		50%

In case there is a sub-publisher, the original publisher and the sub-publisher shall share their 50% share as stipulated in their contract. If this contract shall not be notified to COSOTA, equal shares of 25% each shall be attributed to the publisher and the sub-publisher.

(D) Folklore

Royalties deriving from use of folklore shall be paid to the National Arts Council.

(E) Works of Unknown Authors

Works of authors who cannot be identified as members of COSOTA or as members of a foreign copyright society shall not be taken into consideration for distribution of royalties.

(F) Periods of Distribution

The period of distribution shall be fixed as follows:-

Class 1	April 1 st to September 30; October 1 st to March 31
Class 2	July 1 st to December 31; January 1 st to June 30
Class 3	April 1 st to March 31.

Distribution statements shall be sent to the authors and publishers not later than 3 months after the end of each distribution period.

3. RIGHTS OF THE PERFORMING ARTISTS AND OF THE PRODUCERS OF SOUND RECORDINGS.

(A) Distribution Class

The distribution of royalties due to the national performing artists and the national producers of sound recording shall be effected in accordance with distribution class 2.

Log sheets used for distribution

The complete log sheets of the Broadcasting Corporation and of live performance of groups of artists shall be the basis for the distribution.

All log sheets received shall be used for the purpose of distribution, except those log sheets which are illegible or obviously incorrect or incomplete.

Log sheets received by COSOTA after the end of its distribution period shall be used during the next distribution period.

(B) Distribution Keys

The following distribution keys shall be applied:

Performance on own record
Tape of broadcasting
Corporation

Performance on commercial
record of Tanzania
Record-Producer

Performing

Performing

Artists 100%

50%

In the case of groups of performing artist, each group member shall receive an equal share.

- (c) Performance of unknown performing artists and records of unknown producers of sound recordings.

Performance of artists who cannot be identified as members of COSOTA or as members of a foreign copyright society and records which cannot be identified as products of a member of COSOTA or a member of a foreign society shall be struck off the log sheets and shall not be taken into consideration for distribution of royalties.

4. DEDUCTION OF COSTS OF ADMINISTRATION

Before attributing the royalties to the different distribution classes, a percentage to cover administration costs of COSOTA shall be deducted. This percentage shall be the same for all the royalties collected.

The percentage of the deduction shall correspond with the effective costs of administration of COSOTA without aiming at accumulating a reserve or making profit and it shall not exceed 30% of the gross royalty collections.

5. SOCIAL SECURITY AND CULTURAL PROMOTION FUNDS

After the deduction of the costs of administration as set out in Chapter 4 herein the following parts of the net royalties received by COSOTA shall be paid:

10% of the royalties accruing from the rights of the authors of musical literary and dramatic works (Chapter 2 herein) shall be paid to the fund for cultural and social security of the author members;

5% of the royalties accruing from the rights of the performers and the producers of sound recordings (Chapter 3 herein) shall be paid to the fund for cultural and social security of the said members.

The elaborate rules for the use of the money from two funds shall be set out by the COSOTA Board, subject to the approval of the General Assembly

6. ROYALTIES RECEIVED FROM FOREIGN SISTER SOCIETIES

Royalties received from foreign sister societies shall be paid as soon as possible to the deserving members of COSOTA, after deduction of a handling charge of 5% designed to cover administration costs of COSOTA.

7. Money for foreign societies not signatory with COSOTA will be in reserve funds for 3 years after which if not distributed to owners should be used for Social Security and Cultural Promotion Funds.

8. Mechanical Distribution Rights are not covered by these Rules.

**DAR ES SALAAM
MARCH, 2003**

**JUMA A. NGASONGWA
MINISTER FOR INDUSTRY AND TRADE**