

GOVERNMENT NOTICE NO.18 PUBLISHED ON 10<sup>TH</sup> FEBRUARY 2006

THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT, 1999

(NO. 7 OF 1999)

REGULATIONS

Made under section 45

THE COPYRIGHT AND NEIGHBOURING RIGHTS (PRODUCTION AND  
DISTRIBUTION OF SOUND AND AUDIOVISUAL RECORDINGS)  
REGULATIONS, 2006

**1.** These Regulations may be cited as the Copyright and Neighbouring Rights (Production and Distribution of Sound and Audiovisual Recordings) Regulations, 2006.

**2.** A person shall not produce, distribute or import for distribution sound recordings or audio-visual recordings in Tanzania except under a licence issued by the Copyright Society of Tanzania under these Regulations referred to as the “Society”.

**3.** An adhesive label, in these Regulations referred to as the HAKIGRAM, shall be affixed to each and every sound recording or audio-visual recording which is distributed or offered or otherwise exposed to the public for distribution by way of sale, hire, rental or otherwise within the United Republic.

**4.** The HAKIRAM shall be delivered exclusively by the Society after verification that the sound recordings or audio-visual recordings have been produced and published in the United Republic or imported into the country without infringing any copyrights granted by the Act.

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**5.** Any sound recording or audio-visual recording without affixed HAKIGRAM and which are either imported or distributed or offered to the public for distribution by way of sale, hire, rental or otherwise within the United Republic shall be considered as infringing copyright granted by the Act and shall be seized by either:

- (a) the Society;
- (b) the Police; or
- (c) the Customs Department.

**6.** The seizure referred to under Regulation 5 shall be pending for a period of up to sixty days during the period the Society, Police or Customs Department may consider the application if any submitted by the applicant objecting the seizure.

**7.** The sound recordings or audio-visual recordings seized and kept for more than sixty days shall be destroyed by the Society under the control or supervision of the Customs Department and the Police, where the owner of such sound recording or audio in such recordings will not come forward or request the return of the same.

**8.** The Customs Department shall seize, impound or retain any sound recordings or audio-visual recordings imported into the United Republic exceeding a quantity of three copies of the same recording until such importation has been consented to or verified and authenticated by the Society.

**9.** An application to import pre-recorded sound recordings or audio visual or audio works shall be made to COSOTA on Form CST 9 set out in Part I of the Schedule to these Regulations.

**10.** COSOTA shall issue a Certificate of Authorization on Form CST 10 set out in Part 2 of the Schedule to these Regulations subject to -

- (a) evidence being given that the recordings have been or will be produced in conformity with the Act and the Regulations made there under;
- (b) the applicant shall be obliged to affix a HAKIGRAM to each recording offered for sale, hire or rental; and
- (c) payment of the fees for a HAKIGRAM acquired by the applicant to COSOTA.

**11.** An application to purchase a HAKIGRAM shall be made on Form CST 11 for local producers and Form CST 12 for importers as set out in Part 3 of the Schedule to these Regulations.

**12.** Approval to purchase a HAKIGRAM shall be given on Form CST 13 as set out in Part 4 of the Schedule to these Regulations.

**13.** The FEES for sound recordings, audio-visual or audio works shall be as set out in Part 5 of the Schedule to these Regulations.

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**14.** Any persons who contravenes these Regulations commits an offence and shall be liable on conviction to punishment set out in Section 42 of the Act.

**15.** In any judicial proceeding, COSOTA shall represent all nationals and foreign authors and other rights holders of copyrights and neighbouring rights until the proof to the contrary is established.

**COPYRIGHT SOCIETY OF TANZANIA (COSOTA)**

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

**(PART I)**

**APPLICATION FOR CLEARANCE OF IMPORTED SOUND AND VIDEO RECORDINGS  
FROM THE CUSTOMS AND EXISE DEPARTMENT**

(Made under Regulation 9)

1. Name of Importer/Applicant: .....
2. Address: .....  
.....Tel.....Fax.....
3. (i) Title of Work(s) for which clearance is being sought  
(ii) Quantity of Material being imported
4. Name of author(s) of work:.....
5. (i) Name of producers of work:.....  
(ii) Address: .....
6. (i) Has the importer obtained the Authorisation of the producer or his  
Authorised Representative to import the said work(s)? yes/no  
(ii) If yes please attach proof of authorization.
7. I/We declare on that the information given above is true to the best of my/our knowledge and that any misinformation provided by me/us renders my/our application null and void.

Declared at .....of.....200.....

.....  
**APPLICANT SIGNATURE**

**NOTE:**

Importer should have:-

- (i) Genuine Stickers of the Country of origin of the imported works affixed on to the works, or
- (ii) Authentication from the producer of the work to import.

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**(PART 2)**

CERTIFICATE OF AUTHENTICATION OF IMPORTED OR LOCALLY  
PRODUCED SOUND OR VIDEO RECORDINGS

\_\_\_\_\_  
(Made under Regulation 10)  
\_\_\_\_\_

Approval is hereby given to..... of  
.....to clear the musical works entitled  
..... and produced by  
..... of..... from the  
Customs and Excise Department.

.....  
**COPYRIGHT ADMINISTRATOR**  
**COPYRIHT SOCIETY OF TANZANIA**

.....  
DATE

Note:  
Clearance is for specific works only and is not applicable to any work not mentioned in  
the clearance.

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(PART 3)

APPLICATION TO PURCHASE A HAKIGRAM FROM COPYRIGHT  
SOCIETY OF TANZANIA

( Made under Regulation 11)

1. Name of Producer .....
2. Address:..... Tel:..... Fax.....
3. Title of work for which a Hakigram is being  
purchased.....
4. Number of HAKIGRAMS required.....
5. Name of author(s) composer of work .....
6. (i) Has the producer obtained consent of the composer to produce  
the work ? Yes/No.....  
  
(ii) If yes attach proof of Agreement
7. DECLARATION

I/We declare that the information given above is true to the best of my/our  
knowledge and the belief and that any misinformation provided by me/us  
renders my/our application null and void.

Declared at .....of.....200.....

.....  
**APPLICANT'S SIGNATURE**

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THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT, 1999  
(Act No. 7 of 1997)

(PART 3)  
APPLICATION TO PURCHASE A HAKIGRAM FROM COPYRIGHT  
SOCIETY OF TANZANIA

(Made under Regulation 11)

1. Name of importer/Applicant .....
2. Address:.....Tel:.....Fax.....
3. Title of the work for which a Hakigram is being purchased.....
4. No of HAKIGRAMS required.....
5. Name of author(s) composer of work .....
6. (i) Has the importer obtained the Authorisation of the producer or his authorized representative to import the said work(s):  
Yes/no.....
- (ii) If Yes please attach evidence.

7. DECLARATION

I/We declare that the information given above is true to the best of my/our knowledge and the belief and that any misinformation provided by me/us renders my/our application null and void.

Declared at .....of.....200.....

**APPLICANT'S SIGNATURE**

Note:

Applicant should have:-

- (1) Genuine Stickers of the Country of Origin of the imported works affixed on to the works or
- (2) Authentication from the producer of the work to import the work (S) for which this approval is being sought.

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(PART 4)

APPROVAL TO PURCHASE HAKIGRAMS FROM  
COPYRIGHT SOCIETY OF TANZANIA

( Made under Regulation 12)

Approval is hereby given to .....of.....  
to purchase HAKIGRAMS numbered ..... to.....  
In respect of the audio or audiovisual recordings as detailed hereunder:

| Serial No. | Title | Composer | Producer | Quantity | For Official use |
|------------|-------|----------|----------|----------|------------------|
| 1. ....    | ..... | .....    | .....    | .....    | .....            |
| 2. ....    | ..... | .....    | .....    | .....    | .....            |
| 3. ....    | ..... | .....    | .....    | .....    | .....            |
| 4. ....    | ..... | .....    | .....    | .....    | .....            |
| 5. ....    | ..... | .....    | .....    | .....    | .....            |

|   |
|---|
| <p><b>For official use</b><br/> <b>Checked by:</b>.....<br/> <b>Date:</b> .....<br/> <b>Payment received by:</b>.....<br/> <br/> <b>Approved by:</b>.....</p> |
|---|

Note:  
HAKIGRAMS are not transferable from one work to the other without the express permission of the Copyright Administrator.

COPYRIGHT SOCIETY OF TANZANIA (COSOTA)

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(PART 5)  
(FEES)

—————  
(Made under Regulation 13)  
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The fee of each HAKIGRAM shall be T.shs. 100 but shall be subject to periodic adjustment by the Society.

Dar es Salaam,  
..... *January, 2006*

**NAZIR M. KARAMAGI**  
*Minister of Industry, Trade  
and Markets.*