

THE COPYRIGHTS AND NEIGHBOURING RIGHTS ACT

THE COPYRIGHTS AND NEIGHBOURING RIGHTS (COMPOUNDING OF OFFENCES)
REGULATIONS, 2019

<i>Regulation</i>	<i>Title</i>
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SCHEDULES

GOVERNMENT NOTICE NO.....published on.....

THE COPYRIGHTS AND NEIGHBOURING RIGHTS ACT

(CAP. 218)

REGULATIONS

(Made under Section 42A(5)) as amended by Misc. Written Laws Act No 3 of 2019)

- Citation 1. These Regulations may be cited as The Copyrights and Neighbouring Rights (Compounding of Offences) Regulations, 2019
- Interpretation 2. In these Regulations, unless the context otherwise requires-
- Cap 218 "Act" means The Copyrights and Neighbouring Rights Act;
"Minister" means Minister responsible for Trade;
"COSOTA" means The Copyrights Society of Tanzania;
"Copyright" means the sole legal right to print, publish, perform film or record a literary or artistic or musical work;
"Officer" means an employee of Copyright Society of Tanzania
- Notification of offences 3. Subject to the provision of section 42A of the Act as amended, where an Officer of the Copyright Society has a reasonable suspicion on goods or anything that is related or under the copyright and neighbouring infringes copyright under the Act, the Officer shall notify the Offender by seizing the same by issuing and sign a seizure Notice in form "N" set out in the schedule to these Regulations.

Request to
compound
offences

4. Subject to section 42A of the Act, and pursuant to Regulation 3, Where a person has committed any offence under the Act, the COSOTA may, at any time prior to the commencement of the hearing by any court of competent jurisdiction, compound such offence and order such person to pay such sum of money not exceeding one half of the amount of the fine to which such person would otherwise have been liable to pay if he had been convicted of such offence before the Court of law of competent jurisdiction. The Offender shall make a requested in writing to be compounded for such offence in a request to be compounded part “I” in form “Q” set out in the schedule to these Regulations.

compounding
offences

5. (1) Subject to section 42A of the Act and pursuant to Regulation 4, Where a person has agreed in writing to have committed an offence under the Act, the COSOTA or its duly authorized Officer shall compound such offence and make an order in writing by filling part “II” in form “Q” set out in the schedule to these Regulations. The Order herein shall state such sum of money not exceeding twenty million shillings to be paid and time within which the money has to be paid if he had been convicted of such offence before the Court of competent jurisdiction and the order thereon shall not be subject to any appeal.
(2) Subject to sub regulation (1) the sum of money payable shall include all reasonable expenses that COSOTA might have incurred in connection with the commission of the offence and all fees and charges which would have been due where the action had been authorized under the act and these Regulations

Payment of
fine

6. (1) Pursuant to Regulation 5, payment of amount compounded shall be deposited into Copyright Society`s account or electronically or through banking system within time stated in the Order from the date of issuance of the compounding Order.
(2) A person who fails to pay the fine in accordance with sub regulation (1) shall, in addition, pay daily interest of a commercial bank after ten days.

Issue of
official
receipt

7. An officer of the COSOTA or a person authorized by the Authority to compound offences under the Act shall issue an official receipt for every payment received under these Regulations to the person to whom the offer to compound was made.

SCHEDULE

Ref. No.

Date.....

**FORM N
NOTICE OF SEIZURE
(Made under Regulation 3)**

To: Importer / Store owner / Shop owner/Street Vendor
.....
.....

Signature:

OR / AND

To: clearing Agent / Store Keeper / Shop Keeper
.....
.....

Signature:.....

Goods found in:

- Container No
TZDL No.....
- A shop with TIN
- House located at Block / Street

Situated at.....

Situated at.....

DESCRIPTION OF GOODS AND OFFENCE:

.....
.....

.....
.....
Any claim against seizure should be submitted in writing to the Copyright Administrator within thirty days of the seizure; In the event of your failure to file a claim within the time stipulated herein the Copyright Administrator may dispose of the above goods as he may think fit under the law.

Done at area within..... district this...day of 20.....
Signed by.....(Officer Seizing the goods or work)

FORM Q
REQUEST FOR COMPOUNDMENT
(Made under Regulation 4)
Part I

To the Copyright Administrator

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..... of
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concerned with a contravention of the Copyright and Neighbouring Rights Act; that is to
say.....
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.....

Being guilty of the offence and hereby request the Copyright Administrator to compound the offence under the Act / Regulations and I understand that any Compoundment Order made by the Copyright Administrator is final and is not subject to any appeal.

Dated at this day at 20.....

Name of Offender Signature of Offender.....

FORM O
ORDER OF COMPOUNDMENT
(Made under Regulation 5)
Part II

To:

P.O.Box

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I

Copyright Administrator / Copyright Inspector make the following Order in respect of the offence to which you have pleaded guilty; that is to say;

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Done atarea within..... district this...day of 20.....

COPYRIGHT ADMINISTRATOR