



**PART ONE  
PUBLIC PERFORMANCE, BROADCASTING AND  
COMMUNICATION TO THE PUBLIC**

Licence to publicly perform, reproduce, broadcast and communicate to the public.

**3.-(1)** A person shall not publicly perform, communicate, reproduce and broadcast a work in which copyright and neighbouring rights subsists except:

- (a) under a licence issued by the Society;
- (b) authorize by the owner of the work; or
- (c) where it is free use in accordance with the Copyright and Neighbouring Rights Act.

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(2) Notwithstanding subregulation (1)(b), any contract between copyright owners, companies or organizations entered in Tanzania Mainland shall be deposited to the Society immediately before its operation.

(3) The society shall advise accordingly on the said contract and shall claim a maximum of 0.5% of the contract value as regulatory service fee.

Application for licence

**4.-(1)** Every application for a licence shall be made to the Society in the form set out in Part I of the First Schedule.

(2) The society shall, before granting a licence, ensure that -

- (a) an applicant for a license complies with the license limitations and any other obligations imposed by these Regulations and any other written laws;
- (b) applicant has paid a licensing fee prescribed in the Third Schedule.

Obligation of licensee

**5.** The licensee shall, on the first day of the anniversary month of each and every year following licence year, furnish to the Society-

- (a) a statement defined in the terms and conditions, in a manner acceptable to the Society in respect of the preceding twelve months;
- (b) business registration documents including Tax Identification Number (TIN); and
- (c) completed log sheets containing information as required by the society.

Issuance of licence

**6.-(1)** Subject to regulation 4, the Society shall issue a licence in the form set out in Part II of the First Schedule subject to:

- (a) such conditions as specified in the license; and
- (b) the payment of the fees corresponding to the appropriate tariff classification specified in the Second Schedule.

(2) A licence shall be valid only for the purpose for which it has been issued and for the period specified in the license, and with respect to the premises or user, specified in the licence.

(3) The Society may refuse to issue a licence and the reasons for such refusal shall be communicated in writing to the applicant within seven days.

Renewal of

**7.-(1)** A person who intends to renew a licence shall, within 1 month

licence	<p>before expiry, make application for renewal of his licence to the society.</p> <p>(2) Subject to subregulation (1) an application for renewal of licence shall be processed upon satisfactory meeting the requirements and payment of fee prescribed in the Third Schedule.</p>
Duplicate licence	<p><b>8.</b>-(1) The Society may, upon application and payment of fees prescribed in the Third Schedule, issue a duplicate licence to a licensee where the original is lost, stolen, or destroyed.</p> <p>(2) An application under this regulation shall be in writing and accompanied by-</p> <p style="margin-left: 40px;">(a) a police loss report;</p> <p style="margin-left: 40px;">(b) any other information as the Society may require.</p>
Licence to be displayed	<p><b>9.</b>-(1) The licensee shall publicly display the licence in a prominent and visible position.</p> <p>(2) The Society may require the licensee to show the license issued to him when need arises.</p>
Revocation of licence	<p><b>10.</b>-(1) The society may revoke a licence where a licensee-</p> <p style="margin-left: 40px;">(a) engages in activities beyond scope of operations authorized under the licence;</p> <p style="margin-left: 40px;">(b) is in a possession of a licence issued as a result of false or fraudulent representation;</p> <p style="margin-left: 40px;">(c) is in contravenes any provision of the Act, these Regulations, or any other relevant written law;</p> <p style="margin-left: 40px;">(d) breach any condition attached to the licence.</p> <p>(2) The Society shall, prior revocation of a licence, issue a thirty days written notice to the licensee to showing cause why the licence should not be revoked or suspended.</p> <p>(3) The notice shall state the time for the licensee to file his defence.</p> <p>(4) The Society may revoke the licence where the licensee -</p> <p style="margin-left: 80px;">(a) fails to file his defence pursuant to sub regulation (3); or</p> <p style="margin-left: 80px;">(b) fails to adduce sufficient reasons to the satisfaction of the Society.</p>
Distribution	<p><b>11.</b> The Society shall pay royalties in accordance with its procedures stipulated in the Part Three of these regulations.</p>
Penalty for delay to pay fees	<p><b>12.</b> Any person who delay to pay fees on the time specified under these Regulations, shall pay an additional fees prescribed in the Second Schedule to these Regulations.</p>
Penalty failure to pay fees	<p><b>13.</b> Any person who fails to pay fees on the time specified under these Regulations, such person shall pay an additional fees prescribed in the Third Schedule to these Regulations.</p>

Cessation or  
change of  
business

- 14.** A licensee shall, as soon as practicable, but not later than seven days, give to the Society a notice in writing where-
- (a) he ceases to carry on the business to which he was licensed for; or
  - (b) a change occurs in any matter and submitted in accordance to the Act and these Regulations.

**PART TWO**  
**RIGHTS TO BENEFIT FROM RE SALE**

Fine art works to  
have inalienable  
right in proceeds  
of sale

- 15.**-(1) The author of an original applied or fine artwork shall have an inalienable right to share in the proceeds of each sale of that work by public, graphic, three dimensional and manuscript, through a dealer or by any other means after the first transfer of ownership as long as copyright subsists in the work.
- (2) The right to share in the proceeds referred to in subsection (1) shall-
    - (a) not include auction for charitable fundraising purposes;
    - (b) be payable at the rate of 5% of sale price on the commercial resale of an art work;
    - (c) be paid to the author or through his appointed agent or through the Society;
    - (d) not apply on the first sale.

Artist resale right

- 16.** Notwithstanding any assignment of the original work, authors of an original work of art shall have a right to a share of proceeds through a public auction or dealer subject to value at a rate set by the Minister in accordance with the Act.

Works covered by  
resale royalties

- 17.**-(1) Original works of art, graphic works, three-dimensional works and manuscripts includes the following:
- (a) artists' books;
  - (b) batiks;
  - (c) carvings;
  - (d) ceramics;
  - (e) collages;
  - (f) digital artworks;
  - (g) drawings;
  - (h) engravings;
  - (i) fine art jewellery;
  - (j) glassware;
  - (k) installations;
  - (l) lithographs;
  - (m) multimedia artworks;
  - (n) paintings;
  - (o) photographs;
  - (p) pictures;
  - (q) prints;

- (r) sculptures;
- (s) tapestries;
- (t) video artworks;
- (u) weavings;
- (v) architectural works;
- (w) any other things prescribed by the regulations.

2. Works not covered by resale rights include the following:

- (a) any poster, map, globe, chart, technical drawing, diagram, model, applied art, motion picture or other audiovisual work, book, magazine, newspaper, periodical, data base, electronic information service, electronic publication, or similar publication;
- (b) any merchandising item or advertising, promotional, descriptive, covering, or packaging material or container;
- (c) any work made for hire; or
- (d) any work not subject to copyright protection under these Regulations.

Term of protection under resale right

**18.** The artists resale right protection shall be:

- (a) valid as long as copyright continues to subsist in an original work of art;
- (b) inalienable and shall not be waived under any circumstances.

Management of resale rights

**19.**-(1) Artist resale right shall be managed under the Society in cooperation with the right holders and federation and association dealing with the works of arts.

(2) In this regulation cooperation includes right holders registering their works, submitting their Tax Identification Numbers, submitting their contracts to the Society and joint following up of the works sold in auctions and through a dealer.

Resale royalty rate

**20.** The author or his heirs or successor in title shall be entitled to the right to share of proceeds of sales known as resale rights royalty at the rate of five percent of the net sale price on the commercial resale of an artwork.

Obligation to pay resale right royalty

**21.** The following persons are jointly and severally responsible and liable to pay and deposit the resale royalty on the commercial resale of an artwork:

- (a) the seller or, if there is more than one seller, all sellers; and
- (b) each person acting in the capacity of an art market professional and as agent for the seller; and
- (c) if there are no agents, the buyer or, if there is more than one buyer, all of the buyers; and
- (d) if there is no agent, each person acting in the capacity of an art market professional and as agent for the buyer.

Purporting identification of

**22.** If a mark or name purporting to identify a person as an artist of an

artist	artwork appears on the artwork, it shall be presumed in the absence of any other mark or evidence, that the person is the artist.
Circumstances where royalties are not to be paid	<p><b>23.</b> There shall be no resale royalty payable on commercial resale of an artwork-</p> <ul style="list-style-type: none"> <li>(a) if the sale price is less than one million shillings;</li> <li>(b) if it concerns the resale of a building, or a drawing, plan or model of a building;</li> <li>(c) if it is an auction for charitable purposes;</li> <li>(d) if the works of fine art produced are of identical copies; or</li> <li>(e) if it concerns a manuscript of a literary, dramatic or musical work.</li> </ul>
Procedure for payment of resale rights to Society	<p><b>24.</b>-(1) Subject to regulation 21, a person with responsibility and liability of paying resale right royalty shall notify the Society the details of the work sold subject to:</p> <ul style="list-style-type: none"> <li>(a) such conditions as specified in the licensing contract between the artist and the buyer in the first sale;</li> <li>(b) payment of the fees corresponding to regulation 15.</li> </ul> <p>(2) The Society shall, upon receipt of a notification, process it and inform the person providing a notification on the details on how the royalty is to be paid.</p>
Distribution of royalties	<p><b>25.</b> Upon receipt of the resale right royalty, the Society shall pay royalties to the artists (person entitled whose work was sold) after deducting tax to be remitted to the Revenue Authority and deducting of not more than 30% administration fees out of the fees collected by the Copyright Society of Tanzania under these Regulations.</p>
Appeals	<p><b>26.</b>-(1) An applicant who is aggrieved by a decision made by the Society under these Regulations may in writing appeal to the Minister for review within fourteen days.</p> <p>(2) The Minister, upon considering the grounds for appeal, may within twenty one days dismiss the appeal, set aside the decision and substitute it or vary the decision and notify the appellant and respondent on such decision.</p>
Penalty for delay to pay the royalties	<p><b>27.</b> Any person who delays to pay the royalties on the time specified under these Regulations, shall pay an additional royalty of 1% of the selling price of the royalty rates prescribed under these Regulations.</p>
Penalties	<p><b>28.</b> Any person who contravenes these Regulations commits an offence and shall, upon conviction be liable to penalties as per the Act.</p>
Right to information on commercial resale of an artwork	<p><b>29.</b>-(1) The following have the possibility of requesting from art market professionals or sellers information about transactions that could be within the scope of resale rights. The request shall be in writing, requesting the person to</p>

give the Copyright Society of Tanzania information in relation to the commercial resale relevant to determining the amount of any resale royalty payable on the commercial resale; and who is liable to make the payment.

(2) Authors who are beneficiaries in respect of a sale or a person acting on his behalf shall have the right to obtain information by making a request under this regulation.

(3) The Copyright Society of Tanzania if believes on reasonable grounds that a person falls under regulation 17.

**29.** Distribution of royalties collected under this regulations shall be distributed in accordance with the rules under Forth Schedule of these regulations.

**30.** The Copyright (Licensing of Public Performance and Broadcasting) Regulations, 2003 and The Copyright and Neighbouring Rights (Copyrighted Works-Communication to Public) Regulations, 2016 are hereby revoked.

Revocation of  
GN No 328 of  
2003 and  
GN 29 of 2016





15. Discotheque .. . . . .	<input type="checkbox"/>	
16. Entertainment	<input type="checkbox"/>	
17. Saloon, Barber shop,	<input type="checkbox"/>	
18. Bus, Minibus, Ship, Train, Bajaj, Motorcycle.. .	<input type="checkbox"/>	
19. Taxi, Car Hire Operator..	<input type="checkbox"/>	
20. Aeroplane..... . . . .	<input type="checkbox"/>	
21. Advertising Agency....	<input type="checkbox"/>	
22. Furniture Store.....	<input type="checkbox"/>	
23. Showrooms.....	<input type="checkbox"/>	
24. Casinos.....	<input type="checkbox"/>	
25. Offices.....	<input type="checkbox"/>	
26. Medical facilities, e.g Hospitals, dispensary..	<input type="checkbox"/>	
27. Pharmacy.....	<input type="checkbox"/>	
28. Banks.....	<input type="checkbox"/>	
29. Petrol Stations, and similar	<input type="checkbox"/>	
30. MCs/ DJs.. . . . .	<input type="checkbox"/>	
31. Halls... . : . . . . .	<input type="checkbox"/>	
32. Gymnasium/Fitness Centre .. . . .	<input type="checkbox"/>	
33. Other (Specify) .. . . . .	<input type="checkbox"/>	

I/We ..... the  
 Manager/Proprietor of the above certify  
 That the above information is true to the  
 best of my/our knowledge and belief  
 Any false information shall be punished by the Society

.....  
 Signature of Manager or  
 Proprietor

**FOR OFFICIAL USE ONLY**

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Tariff/s Applicable .....  
Fee/s Payable .....  
File/s Number/s .....

.....  
Signature of Licensing Officer

Checked by: .....

Return to:       The Copyright Administrator  
                  Copyright Society of Tanzania  
                  P.O. Box 6388  
                  **DAR ES SALAAM**

Mobile: +255 (0)738015013/4  
Email: info@cosota.go.tz

**FORM  
CST F.2**

**Application No. ....**

Application for Licence for use of works in which Copyright and/or Neighbouring Rights Subsist

I/We ..... proprietor(s)/ manager(s) of  
..... apply for a licence to hold .....

**BROADCASTING/ COMMUNICATION TO THE PUBLIC.**

Service Provider /User	Type of use
Radio Station <input type="checkbox"/>	Communication to the Public of a work or making available to
Television Station <input type="checkbox"/>	the public of a work .....
Ringtones. .... <input type="checkbox"/>	Reproduction of a work..... <input type="checkbox"/>
Ring back tones ..... <input type="checkbox"/>	Broadcasting of a work..... <input type="checkbox"/>
Digital downloads ..... <input type="checkbox"/>	Other (Specify)..... <input type="checkbox"/>
Webcasting. <input type="checkbox"/>	
Simul-casting ..... <input type="checkbox"/>	
Music on Hold ..... <input type="checkbox"/>	
Other (please specify) <input type="checkbox"/>	

I/We ..... the  
Manager/Proprietor of the above certify .....  
That the above information is true to the .....  
best of my/our knowledge and belief Signature of Manager or  
Any false information shall be punished by the Society Proprietor

**FOR OFFICIAL USE ONLY**

Tariff/s Applicable .....  
Fee/s Payable .....  
File/s Number/s .....

.....  
Signature of Licensing Officer

Checked by: .....

Return to: The Copyright Administrator  
Copyright Society of Tanzania  
P.O. Box 6388  
**DAR ES SALAAM**

Mobile: +255 (0)738015013/4  
Email: info@cosota.go.tz

**PART II**

CST F.3

**COPYRIGHT SOCIETY OF TANZANIA  
THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT,  
(CAP 218)**

**LICENCE**

.....of.....  
(Name of Licensee)

.....  
(Physical Address & Post Office Box of Licensee)

.....  
is hereby licensed to ..... of works in which copyright  
and neighbouring rights subsists under the Copyright and Neighbouring Rights Act, Cap.218 at

.....  
(Name and location of premises)

in the district of .....

Subject to the conditions specified in the contract.

Issued on .....day of .....20.....

.....  
The Chief Executive Officer &  
Copyright Administrative Office

**SECOND SCHEDULE**

*(Made under regulation 6(1)(b) and 12)*

**TARIFFS**

*Tariff Classification*

1.	Tariff B	
	(a) (Broadcasting) Radio Stations as follows:	
	(i) Government owned Radio with National coverage as per licence issued by TCRA	3% of its gross advertising revenue per annual or Tshs 10,000,000 whichever is higher
	(ii) Private Radio with National coverage licence issue by TCRA	2% of its gross advertising revenue per annual or Tshs 7,500,000/= whichever is higher
	(iii) Private Radio with Regional coverage license issued by TCRA	1% of its gross advertising revenue per annual or Tshs 3,500,000/= whichever is higher.
	(iv) Private Radio with District coverage licence issued by TCRA	1.0% of its gross advertising revenue per annual or Tshs 1,500,000/= whichever is higher.
	(v) Radio owned by the government with Regional coverage as per licence issued by TCRA	1.5% of its gross advertising revenue or Tshs 4,000,000 per annum
	(vi) Radio owned by the government with Regional coverage as per licence issued by TCRA	1% of its gross advertising revenue or Tshs 1,500,000/= whichever is higher.
	(vii) For Community Radio according to TCRA License operating in non-commercial bases	Tshs 500,000/= per annum
	(b) (Broadcasting) Tv Channels shall pay as follows:	
	(i) Government owned Tv Channel with national Coverage as per licence issued by TCRA	2% of its gross advertising revenue or Tshs 9,000,000/= per annum whichever is higher.
	(ii) Private owned Tv Channel with Nation coverage as per licence issued by TCRA	1.5% of its gross advertising revenue or Tshs 5,000,000/= per annum whichever is higher
	(iii) Government owned Tv Channel with Regional coverage as per licence issued by TCRA	1% of its gross advertising revenue or Tshs 2,500,000/= per annum whichever is higher
	(iv) Private owned Tv Channel with Regional coverage as per licence issued by TCRA	0.5% of its gross advertising revenue or Tshs 1,500,000/= per annum whichever is higher
	(v) Government owned Tv Channel with District coverage as per licence issued by TCRA	0.2% of its gross advertising revenue or Tshs 1,000,000 per annum whichever is higher
	(vi) Private owned Tv Channel with District coverage as per licence issued by TCRA	0.1% of its gross advertising revenue or Tshs 750,000 per annum whichever is higher
	(vii) Pay Tv operators who not own channel (s) as per TCRA Licence	Tshs 5,000,000/= per annum
	(viii) Internet broadcasting of musical works, online radio as per TCRA license	pay Tsh 500,000/= per annum
	(ix) cable tv	Tsh 1,500,000/= per annum
2	Tariff PBG (Public Performance of Background Music/Public Reception of Radio/Television Broadcasts of national or foreign origin).	
	This Tariff applies to the Public Performance of Music at Restaurants, Bars, Pubs, Mess Lunch Homes, Coffee Shops, Dining Rooms, Lounges, Cafes, Office Canteens, Eating Houses, casino, gaming and all premises of similar nature by any mechanical or electronic device, including radio, television, record/CD/tape players and digital music service by way of Background Music and or performance of Live/DJ Music.	
	(a) For public performance in Bars/ Pubs/Clubs/Mess/Groceries	Applicable Royalty/License Fee Rate per annum for: Cities: Tsh 250,000/=

		Others (Regional) Tsh 200,000/=
	(b) public performance in Banks and Financial Institutions	Tshs. 500,000/=
3	Tariff PBS (Public Performance in Hotels, Saloons & Restaurants/Public Reception of Radio/Television Broadcasting 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 establishment)	Tshs. 500,000/=
	Class B. (Coffee shops, Cafes etc)	Tshs. 250,000/=
	Class C. (Ordinary restaurants and any other)	Tshs. 50,000/=
	(b) Public performance of sound recording in or upon premises such as:	
	(i) supermarket and shops	Tshs. 600,000/=
	(ii) Superrates, Furniture stores and other similar Establishments	Tshs. 300,000/=
	(c) Public performance of sound recordings in or upon premises such as provisional shops	Tshs. 20,000/=
	(d) Public performance of sound recordings by advertising companies or any other company in or upon premises such as mobile adverts/phones/etc.	Tshs. 500,000/=
	(e) Public performance of sound recordings in or upon premises such as Saloons, Barbershops and other similar establishments.	Tshs. 10,000/=
	(f) Public performance of sound recordings in or upon Pharmacy and similar establishments	Tshs. 200,000/=
	(g) Public performances of sound recordings upon petrol stations or similar establishments and convenience stores	Tshs. 100,000/=
	(h) Public performances of sound recordings in or upon gyms	
	(i) With capacity of more than hundred people	Tshs. 300,000/=
	(ii) Other	Tshs. 100,000/=
	(i) Public performance in Hotel rooms with Tv/ Background Music	(j) Tshs 5,000/= per room per annum
4	Tariff AT (Public Performance at Airport Terminals)	
	For public performance of sound recordings in or upon airport terminals:	
	(i) domestic flights terminals	Tshs. 1,000,000/=
	(ii) international flights terminals	Tshs. 2,000,000/=
5	Tariffs PD (Public Performance in Discotheques)	
	(a) public performance of sound recordings at discotheques (entrance fee criterion):	
	(i) Entrance fee of Tshs. 10,000/= or above	Tshs. 1,000,000/=
	(ii) Entrance fee between Tshs. 5,000 and Tshs. 9,999=	Tshs. 500,000/=
	(iii) Entrance fee below Tshs. 5,000/=	Tshs. 200,000/=
	(b) Public performance in permanent karaoke service venues and mobile DJs, mobile karaoke service providers or similar entertainers;	
	Once in a week	Tshs 300,000/=

	Twice a week	Tshs 600,000/=
6	Tariff ML (Public Performance by Local Musicians-To be paid by the owners of venues)	
	live public performances in Tanzania by local Musicians	Tshs. 100,000/=
7	Tariff MF (Public Performance by Foreign Bands-To be paid by Promoters)	
	live public performance in Tanzania by foreign musicians:	Tshs. 500,000/=
8	Tariff MLF (Public Performance during Festivals and Fairs)	
	(a) For public performance of musical, Literary and dramatic works at festivals, fun-fairs concerts, traditional dances or similar functions.	
	(i) For public performance of musical, literal, dramatic and other works at festivals, fun fair concerts or similar functions	Tshs 300,000/= per day
	(ii) For public performance of musical, literal, dramatic and other works at traditional dance or similar functions	Tshs 50,000/= per day
	(b) For public performance of musical, literal, dramatic and other works at exhibitions, trade fairs or similar functions	Tshs 300,000/= per day
9	Tariff L (Lending and sales of sound and vision carriers)	
	Public distribution of sound and vision carriers for sale or hire or rental:	
	(i) Class A (wholesalers)	Tshs. 250,000/=
	(ii) Class B(Retailers)	Tshs. 50,000/=
10	Tariff J (Public Performance in Juke boxes)	
	Public performances of sound recordings by means of jukeboxes	Tshs. 150,000/=
11	Tariff V (Performance of Visual Recordings)	
	For public projection of cinemato-graphic films and other sound or visual recordings:	
	(i) for cinematographic films/shows	Tshs. 500,000/=
	(ii) for other sound or visual recordings including video shows	Tshs. 250,000/=
12	Tariff PT (Public Performance in Public Transport)	
	(a) For public performances of sound recordings in trains, commercial aero planes and ships registered in Tanzania	Tshs. 500,000/=
	(b) Buses	
	luxury	Tshs. 50,000/= per year
	semi-luxury	Tshs. 30,000/= per year
	Ordinary	Tshs. 20,000/= per year
	(c) Other means of public transport	Tshs 20,000/=
13	Tariff H (Public Performance in Entertainment Halls and gardens).	
	For indoor public performances or presentation of musical,	

	literary and dramatic works in Halls and gardens)	
	(a) in entertainment halls and gardens	Tshs 250,000/=
	(b) at an educational institution	
	(i) For students events	Tshs 50,000/=
	(ii) For business purpose	Tshs 250,000/=
14	Tariff TD Communication to the Public & Reproduction via Telecommunication, Digital/Online service providers, Web-/Simul-casting and “music on hold”	The artist shall receive 60% of Gross Revenue of the usage of the work consumers.

### **THIRD SCHEDULE**

*(Made under regulation 74(2)(b), 7(2),8(1) and 13)*

SN	Particulars	Fee in Tshs
1	Application for renewal of licence	10,000
2	Applications for duplicate copy of licence	10,000
3	Failure to pay fee on time	50% of the tariff

### **FORTH SCHEDULE**

*(Made under regulations 29)*

#### **A. DISTRIBUTION RULES FOR PUBLIC PERFORMANCE AND BROADCASTING**

Rights

**1.** These distribution rules shall relate to the following rights assigned to the Copyright Society of Tanzania (COSOTA)-

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

Public performance-

(i) broadcasting and recording for the purposes of broadcasting; and

(ii) commercial lending of video cassettes containing such music.

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

(i) Public performances using records; and

(ii) broadcasting using records.

(c) 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:

(i) 50% for the national and foreign authors of musical, literary and dramatic works, and

(ii) 50% for the performing artists and the producers of sound recordings.

Rights of authors of musical, literary and dramatic works

**2.-(1)** 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:

(a) broadcasting and public reception of broadcasts which shall be



- class 1;
  - (b) public performance of all kinds, which shall be class 2; and
- (2) Attribution of the royalties to the different distribution classes:
- (a) the royalties collected on the basis of COSOTA tariffs shall be attributed to the distribution classes as follows:
    - (i) Tariff B -Broadcasting, which shall be class I; and
    - (ii) Tariff PBG-Public performance of background music  
Tariff PHS-  
Public performance where liquids and food are consumed; and also public performance of all other kinds with their respective tariffs, which shall be class 2;
  - (3) The following log sheets claimed from the users shall be considered as the-basis for the distribution:
    - (a) the complete log sheets supplied by the Radio stations and other Broadcasting Corporations, which shall be class I/or report from music detection and monitoring system.
    - (b) the log sheets of live performance of groups of Artists supplied to COSOTA, which shall be group 2;
    - (c) all log sheets received by COSOTA shall be used for purposes of distribution, except those log sheets which are illegible, obviously Incorrect or incomplete;
    - (d) log sheets received by COSOTA after the period of its distribution activities shall be taken into account during the next distribution period;
  - (4) Specific rules for the different distribution classes shall be as follows-
    - (a) 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; and fractions of minutes shall be rounded up to the nearest minute, and shall be as class I;
    - (b) the distribution shall correspond with the number of actual performances per work, without considering the duration of the performances, shall be class 2;
    - (c) the distribution shall correspond with the number of times a film has been lent, without considering the duration of the film, this shall be class 3.

***Distribution Keys***

- (5) The following distribution keys shall apply in:
  - (a) all musical works in which a member of COSOTA is a right holder; and
  - (b) all foreign works without documentation showing a different key;

	Manuscript Works	Published Works
1. Composer of Music	100%	50%
2. Publisher of Music		50%
3. Composer of Music	50%	25%
4. Author of Words	50%	25%
5. Publisher of Music		50%
6. Adapter of Music	20%	10%

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

**Folklore**

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

**Works of deceased members**

(7) Works of Author who is deceased shall be distributed to his/her beneficiaries as prescribed in his/her work registration

**Works of Unknown Authors**

(8) 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.

**Periods of Distribution**

COSOTA my distribute twice per year

(a)

**Distribution class and log sheet used for distribution.**

Rights of the performing artists and of the producers of sound recordings

3.-(1) 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.

(2) The complete log sheets or data from music detection and monitoring system of the Broadcasting Corporation shall be the basis for the distribution.

(3) All log sheets received shall be used for the purpose of distribution, except those log sheets which are illegible or obviously incorrect or incomplete, provided that Log sheets received by COSOTA after the end of its distribution period shall be used during the next distribution period.

Distribution Keys: -

Performance on own record of broadcasting Corporation	Tape	Performance on commercial record of Tanzania Record-Producer

- (a) performing artists 100% 50%
- (b) In the case off groups of performing artist, each group member shall receive an equal share; and
- (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 off 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

Deduction of cost of administration

4.-(1) Before attributing the royalties to the different distribution classes, a percentage to cover administration costs of COSOTA shall be deducted from all the royalties collected.

(2) 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.

Tanzania  
Culture and  
Arts Funds

5.-(1) After the deduction of the costs of administration as set out in Item 4, Five percent (5%) of the royalties accruing from the rights of the authors, performers and producers of sound recording, of musical literary and dramatic works shall be paid to the fund for Tanzania Culture and Arts Funds.

Royalties  
received from  
foreign sister  
societies

6.-(1) 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.

(2) Money from 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 Tanzania Culture and Arts Funds.

## **B. DISTRIBUTION RULES FOR COMMUNICATION TO THE PUBLIC AND REPRODUCTION**

### **1. RIGHTS:**

These distribution rules relate to the following rights assigned to the Society

- (a) The Copyrights of national and foreign works for the following types of uses:  
(Communication to the public, and Reproductions made of the works.
- (b) The Rights of the artists within Tanzania for the following types of uses:  
Communication to the public, and Reproductions
- (c) In case where tariff applies to both categories of rights hereinbefore mentioned the income from royalties based on such tariff shall be distributed in the following manner:

#### **Artistic (Music) work**

50% for the national /foreign authors of musical

50% for the performing artists and the producers of sound recordings.

#### **Artistic (Dramatic) work**

100% for the national/foreign author/Producer/Director of dramatic works subject to the agreed contract;

#### **Literary work**

.100% for the national/foreign authors of literary works subject to the agreed contract

### **2. RIGHTS OF AUTHORS OF MUSICAL, DRAMATIC WORKS**

#### **(a) Distribution class:**

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

**Class 4** Telecommunications, Digital/Online services & Web/Simul-casting-communication to the public and reproduction.

#### **(b) Attribution of the royalties to the distribution class:**

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

**Class 4** Tariffs for Telecommunications & Digital/Online

#### **(c) Log sheets or lists to be used for distribution:**

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

**Class 4** the list of ringtones and downloads supplied by the Telecoms companies and online service providers.

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

Log sheets or lists received by the Society after the period of its distribution activities shall be

taken into account during the next distribution period.

(d) **Specific rules for the distribution classes:**

**Class 4**

The distribution shall correspond with the number of actual downloads or reproductions per work.

(e) **Distribution Keys:**

The following distribution keys shall apply in all domestic works and 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%		40%
		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 The Society, equal shares of 25% each shall be attributed to the publisher and the sub-publisher.

(a) Works of Unknown Authors

Works of authors who cannot be identified shall not be taken into consideration for distribution of royalties.

(b) **Works of deceased members**

Works of Author who is deceased shall be distributed to his/her beneficiaries as prescribed in his/her work registration

(c) Periods of Distribution



5. TANZANIA CULTURE AND ARTS FUNDS

After the deduction of the costs of administration as set out in Item 4, Five percent (5%) of the royalties accruing from the rights of the authors, performers and producers of sound recording, of musical literary and dramatic works shall be paid to the fund for Tanzania Culture and Arts Funds.

6. ROYALTIES RECEIVED FROM FOREIGN SOCIETIES

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

7. Money for foreign societies not signatory with the Society will be held in reserve funds for three (3) years after which if not distributed to owners it will be used to cover administrative costs.

Dodoma,  
....., 2021

INNOCENT L BASHUNGWA  
*Minister for Information, Culture, Arts and Sports*