

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

(Made under section 48)

THE COPYRIGHT AND NEIGHBOURING RIGHTS  
(COPYRIGHT LEVY ON BLANK DEVICES) REGULATIONS,  
2022

ARRANGEMENT OF REGULATIONS

1. Citation
2. Interpretation
3. Imposition of the Levy
4. Payment of Levy
5. Collection of Levy
6. Distribution of Levy
7. Exemption from Levy payment
8. Records keeping
9. Confiscation and sealing of premises
10. Offences and penalties

**SCHEDULE**

- |                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Citation             | 1. These Regulations may be cited as the Copyright and Neighbouring Rights (Copyright Levy on Blank Devices) Regulations, 2022.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Interpretation       | 2. In these Regulations, unless the context otherwise requires<br>"Blank device" means blank material, apparatus, or equipment used or capable of being used to copy or transfer protected work prescribed under the Act, including but not limited to those mentioned under the schedule to these Regulations;<br>levy" means the levy imposed on devices pursuant to section 48A of the Act and regulation 3<br>"Minister" means Minister responsible for Copyrights;<br>"Organizations" means Collective Management Organizations;<br>"Office" means the Copyright Office of Tanzania established under section 46 of the Act. |
| Imposition of a Levy | 3. (1) Pursuant to section 48A of the Act, the Minister                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

responsible for Finance shall impose a levy at the rate of 1.5 percentage to be charged on the value of blank devices as shown in the schedule.

(2) The Minister may, on recommendation of the Office, vary the list of devices in the Schedule or the levy payable on such devices.

Payment of the Levy

4. The levy payable under these Regulations shall be paid by—
- (a) a manufacturer of blank devices material in the case of materials manufactured or produced or assembled in Tanzania; and
  - (b) an importer of blank devices at the point of entry into Tanzania.

Collection of the levy

5. The levy shall be collected by the authority responsible for collection of levies and deposited into the Office's account special for this levy.

Distribution of the levy

6. (1) The Office shall pay appropriate remuneration due to an author or an organization entitled thereto out of the levy collected under these regulations.
- (2) The remuneration shall be distributed in accordance with the procedures for distribution of royalties or other remuneration set by the Office as follows: -
- (a) Ten (10 %) percent for Culture and Arts Trust Fund;
  - (b) Twenty (20%) to the Office for Administration Purpose.
  - (c) Ten (10 %) as a dividend to the Government.
  - (d) The remaining sixty (60%) percent, after the distribution referred to in sub-paragraphs (2) (a) (b) & (c) of this paragraph, shall be distributed equally among all Licensed Collective Management Organizations or authors or entitled thereto.
- (3) The organizations shall further distribute the remuneration for musical, audiovisual and literary works in accordance with the Distribution Rules approved by the Office.

Exemption from Levy Payment

7. 1) The levy payable under this Regulations shall not apply to: -
- (a) Materials manufactured in Tanzania for purposes of export;
  - (b) Institutions that represent persons with disability as may be approved by the Minister; or

(c) Other materials which the Minister may exempt by a notice published in the Government gazette from time to time.

(2) A person shall be exempted from the payment of any levy stipulated in the Schedule hereto where he produces a certificate of exemption given under the hand of the Minister.

(3) The Minister may, from time to time, stipulate the conditions and fees to be paid for the issuance of an exemption certificate under this section.

**Record Keeping**

8. (1) All persons engaged in the manufacture, assembling or importation of any material for which a levy has been prescribed in the Schedule to this order shall, (for the purpose of complying with the requirements of this Regulations), keep such books and make periodic returns as may be required by the Office.
- (2) All persons engaged in the manufacture, assembling or importation of any material for which a levy has been prescribed in the Schedule to this order shall grant access to Copyright Inspectors to carry out inspection of their premises.

**Confiscation and sealing of premises**

9. Where no exemption has been granted as in paragraph 7(1) above, the Office, Authority responsible for collection of levies or Police may confiscate any consignment of material for which levy is prescribed, but has not been paid by the manufacturer, or importer, and where it deems necessary, seal up any premises used for the purpose of manufacturing or assembling such materials, or any premises used for the storage of such materials imported into the country pending the payment of the prescribed levy.

**Offences and penalties**

10. Any person who contravenes these regulations commits an offence and shall be liable on conviction to a fine as stipulated in the Copyright and Neighbouring Rights Act Cap 218 and The Copyright and Neighbouring Rights (Compounding of offences) Regulations, 2019

**SCHEDULE**

S/N	BLANK DEVICES
1.	Radio/ TV sets enabling recording
2.	Analogue Audio Recorders
3.	Analogue Video Recorders
4.	CD/DVD Copier
5.	Digital Jukebox

<b>6.</b>
-----------

<b>MP3 Player</b>
-------------------

The percentage in the schedule above shall apply in the case of:

- (a) imported materials, to the totality of cost, insurance and freight (CIF);
  
- (b) materials manufactured, produced or assembled in the country, to the ex-factory cost.