

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

(Made under section 54G)

THE COPYRIGHT AND NEIGHBOURING RIGHTS (COLLECTIVE  
MANAGEMENT ORGANIZATIONS) REGULATIONS, 2022

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Citation

1. These Regulations may be cited as The Copyright and Neighbouring (Collective Management) Regulations, 2022.

Interpretation

2. In these Regulations, unless the context otherwise requires —
  - “Act” means The Copyright and Neighbouring Rights Act Cap 218
  - “Collective Management Organization” has the meaning ascribed to its under section 4 of the Act
  - “Copyright Administrator” means the head of the Copyright Office;
  - “General meeting” means the annual general meeting or the special general meeting through which members of a collective management organisation participate and exercise their membership rights;
  - “Management fees” means the amounts charged, **deducted** or offset by a collective management organisation from revenue generated from rights or from any income from the investment of revenue generated from rights to cover the costs of the **management** of copyright or related rights;
  - “Member” means a right holder or an entity representing right holders, including other collective management organizations and associations of right holders, who or which has fulfilled the

membership requirements of a collective management organization and admitted by it;

“Representation agreement” means an agreement between collective management organizations whereby one collective management organization mandates another collective management organization to manage the rights it represents.

"Rights revenue" means income collected by a collective management organization on behalf of right holders, whether deriving from an exclusive right, a right to remuneration or a right to compensation;

"Royalty" means payment of an agreed rate to a right holder for the use of a copyright work; and

"User" means a person carrying out acts subject to the authorization of right holders, remuneration of right holders or payment of compensation to right holders.

## **PART I**

### **GRANTING OF LICENSE**

Application for  
License

3. (1) A Company may apply to the Office in the prescribed form and upon payment of the application fees of Tsh 5,000,000/=Five Million Tanzanian Shillings, for grant of license to operate as a Collective Management Organization.

(2) Subject to conditions specified in Section 52C of the Act a Company applying for licence to operate as a Collective Management Organization shall furnish the Office with the following documents:

- (i) the Memorandum of Association of the Company;
- (ii) a Statement indicating the class of right or category of right

owners in which the society owns rights, or intends to represent or act for;

(iii) membership list of not less than 30 right owners representing the class of right to which the company or organization is seeking a license to operate as a Collective Management Organization, which list shall indicate the signed consent of such persons to belong to the Organization, or where the Organization has been in existence, that they are members of the society;

(iv) Undertakings by at least 2 (two) Directors or representatives of an organization including the Chairman of the Board of the Organization that the Organization shall comply with provisions of the Act and these Regulations in respect of the operations of the Organization;

(v) Certified copy of a membership agreement used by the organization;

(vi) Certificate of incorporation;

(vii) Tax clearance certificate;

(viii) Business licence;

(ix) The memorandum of Association of the Organization provides the main function of the organization to be the administration of collective management of copyright.

(x) The Articles of Association of the Organization makes provision for attendance of representative of the Office at the Governing Board and other general meetings of the organization of the Organization as an observer;

(xi) such other documents as may be required by the Office.

(3) No person shall be qualified to be appointed as Chairman of the Governing Board of the Collective Management Organization unless he is a member of the Organization; and

(4) The Governing Board and Management of the Collective Management Organization consist of persons who are citizens of Tanzania and ordinarily resident in Tanzania.

Issuance of License to the Collective Management Organization

4. (1) Upon the approval of an application, the Office shall issue the applicant a Certificate as evidence of its license to operate as a Collective Management Organization.

(2) The Office may refuse to grant a license if the application is not in conformity with the provision of Section 52C and Regulation 3.

(3) At the request of an applicant for a license under these Regulations, whose application has been refused or accepted subject to modifications, conditions or limitation, and on payment of the prescribed fee, the Office shall provide the applicant, in writing, the grounds for its decision.

(4) Subject to the provisions of these Regulations a license shall be valid for 1 (one) year and may be renewed every year in accordance with procedure herein stipulated.

Action where there is no collective management organization for a category of rights.

5. (1) Where a collective management organization has not been established in respect of any category of rights, or the license for a collective management organization in a category has been revoked, the Office shall, by notice in a newspaper with the largest circulation, invite fresh applications for the license of a collective management organization with respect to that category.

(2) Where more than one organization applies for the same class of rights, the Office shall evaluate each application separately and issue

license to the organization that best represents the interests of the right holders with respect to that category of rights.

Waiver of Requirements for License of the Collective Management Organizations

6. Where there is a single applicant for a collective management organization license and the application does not fulfil any of the requirements for issuance of license under the Act and these Regulations, the Office may waive the requirement if it determines that the failure to fulfil the requirement shall not adversely impact the effectiveness of the organization:

Provided that the collective management organization shall be required to comply with all the requirements for obtaining a license during the period of its license by the Office.

Renewal of a Licence

7. (1) Subject to the provisions of Section 52C at least three months before the lapse of its registration, a collective management organization shall apply to the Office to renew its license in a prescribed Form CMO 3 as set out in the Schedule and the application shall be accompanied by —
  - (a) a statement of changes made to the Memorandum and Articles of Association during the year preceding the application;
  - (b) certified copies of the organization's audited accounts for the year preceding application;
  - (c) the organizational structure of the organization and names and qualifications of its senior management;
  - (d) a statement of changes in senior management and reasons thereof;
  - (e) a detailed report of its operations during the year preceding the application;
  - (f) a. an up-to-date list of its members; and
  - (g) the current repertoire administered by the Organization

indicating the title of each work and right owner.

(h) Renewal fee of Tsh 2,000,000/= two millions Tanzanian Shillings.

(2) Upon satisfying itself on the conduct of the Collective Management Organization the Office may issue a license for another period of 1 year on such terms as it deems fit

(3) The Office may refuse to approve an application for renewal of a licence if it is of the opinion that the Collective Management Organisation no longer meets the requirement for grant of licence.

Determination  
of an  
Application for  
Renewal of  
License

8. (1) The Office, in determining whether or not a collective management organization has the capacity to collect and distribute royalties, shall consider the following factors —

(a) whether or not there is demonstrated integrity, transparency and accountability in the collection and distribution of royalties by the organization;

(b) whether or not the organization adheres to the national values and principles of good governance;

(c) the particulars of the directors and their antecedents;

(d) whether or not the organization's membership is representative of the holders of the category of rights that it claims to represent;

(e) whether or not the administrative costs exceed thirty percent of the royalties collected by the organization;

(f) whether or not royalties are regularly and properly distributed using approved distribution rules;

(g) the particulars of the senior management and their academic and professional qualifications;



- (h) the strategies and systems of the organization for ensuring that royalties are collected and distributed efficiently;
  - (i) the audited accounts of the organization;
  - (j) whether or not the organization has submitted quarterly reports before the tenth day of next quarter; and
  - (k) any further information or clarification that may be useful in determining the application for renewal.
- (2) Where the information required under sub - regulation (1) of this regulation is not available, the Board shall appoint an auditor to conduct a systems', forensic or financial audit of the organization as may be necessary.
- (3) The certificate of renewal of registration shall be in Form CMO 4 as set out in the Schedule.

Revocation and  
restoration of  
License

9. (1) The Office may, on its own motion or on application by any interested person revoke the license of a Collective Management Organization where:
- i. in the opinion of the Office the Collective Management Organization contravenes or fails to comply with any provision of the Act, these Regulations, direction or order made or given to it under the Act and these Regulation;
  - ii. the Collective Management Organization no longer acts for or represents the copyright owners of any class of works in respect of which license was granted to it;
  - iii. the Collective Management Organization failed to disclose material facts that, if known at the time of considering its application for a license, would have constituted cause for refusal of the said application; and
  - iv. the Office becomes aware of facts unknown at the time of

considering the application for grant of license, or of subsequent occurrences which, if placed before the Office, would have constituted a ground for refusal of the application for grant of license.

- v. On such other ground or grounds that it would be reasonably justifiable to refuse application for grant of license to operate as a Collective Management

(2) Restoration of the Collective Management Organization on the register

(i) A collective management organization whose license is recalled and which has been removed from the Register of the collective management organizations may, within a period of one year from the date of removal, apply to the Registrar in prescribed form for its restoration on the Register and shall pay a fee as prescribed.

(ii) An application in terms of subsection (i) shall be accompanied by—

(a) an affidavit giving reasons for the society's non-compliance with these regulations or the Act which resulted in its removal from the Register.

(b) any other document the Registrar may require.

## **PART II**

### **CODE OF CONDUCT FOR THE COLLECTIVE MANAGEMENT ORGANIZATIONS**

Code of  
Conducts for  
the  
Organizations.

**10.**—Every copyright organization shall conform to the following Code of Conduct as follows: -

(1) Every Organization shall make available to the public-

(a) certificate of registration as a Collective Management Organization;

- (b) basic documents of governance such as memorandum of association, articles of association, constitution or charter;
- (c) list of all members of the Management;
- (d) names and address of Chairman, other members of the Management and other officers of the Organization;
- (e) right or the set of rights in the specific categories of works for which the copyright organization has been authorized to issue or grant licences;
- (f) all rules made by the Organizations;
- (g) annual report and audited accounts as approved by the Annual General Meeting;
- (h) licence agreement formats;
- (i) details of all existing licences other than those clauses in the licence having commercial sensitivity;
- (j) foreign Organization with whom there are agreements to collect royalties and the details of the agreement other than those clauses having commercial sensitivity;
- (k) details of the complaint/Grievances filing.

(2) The members shall be-

- (a) treated fairly, honestly, impartially, courteously, and ensure that its dealings with them are more transparent;
- (b) provided with a copy of its basic documents of governance such as memorandum of association, articles of association, constitution, charter, Tariff Rules and Distribution Rules at the time of joining and or at any time on request;
- (c) provided with a copy of the document enumerating the powers and responsibilities of each members of the Management Organization;

and

(d) provided with-

(i) the basis for calculating royalties to be paid to the members;

(ii) the manner and frequency of payments to members; and

(iii) the general nature of deduction out of total income before distribution.

## **PART II**

### **MEMBERSHIP AND MANAGEMENT OF COLLECTIVE MANAGEMENT ORGANIZATIONS**

Membership to  
the Collective  
Management  
Organization

11. (1) Membership of a Collective Management Organization shall be made open to all copyright owners of the category of works or class of rights to which the Organizations seeks license or is licensed to operate under these Regulations.

(2) A Collective Management Organization shall not impose condition(s) requiring a member to constitute the Organization as his sole collecting agent or as agent for any other purpose otherwise than for the purpose of managing the rights of the member within the scope of the Organization's license under these Regulations.

(3) A Collective Management Organization shall not make a mandatory requirement for a member to assign to it the right to collect royalties from equivalent foreign collective administration schemes.

(5) Where the Office is satisfied that an organization is in breach of sub - regulations 1, 2 and 3 above, the Organization and/or its officers may be liable to a written caution and may be required to rectify the breach within a specified time.

Membership  
rules of  
collective  
management

12. (1) A collective management organization shall —

- i. accept as members, where they fulfil the membership requirements specified in the articles and memorandum of

organizations.

association —

- i. rights holders; and
- ii. entities representing rights holders including other collective management organizations or associations of right holders; and
- ii. in a case where the organization refuses to accept an application for membership, provide in writing to the rights holder the reasons for its refusal.

(2) A collective management organization shall ensure that its membership requirements —

- (a) are based on objective, transparent and non-discriminatory criteria;
- (b) are included in its memorandum and articles of association; and
- (c) are made publicly available.

(3) A collective management organization may impose a subscription fee on its members:

Provided that the subscription fee shall be agreed upon at a general meeting of the members and approved by the Office.

Withdrawal of membership

13. A member shall, upon reasonable notice of his/her intention to do so, have the right to withdraw his membership of a Collective Management Organization or the rights assigned to the Organization in respect of any of his works.

Members participation.

14. A collective management organization shall—

- (a) ensure that its memorandum and articles of association provides for appropriate and effective mechanisms for the participation of its members in decision-making;
- (b) ensure that the representation of the different categories of members

in decision-making process is fair and balanced;

- (c) allow its members, and rights holders who are not members but who have a direct legal relationship with it by law, license or other contractual arrangement, to communicate with it for the purposes of exercising members' rights; and
- (d) keep and maintain records of its members and regularly update those records.

Meetings of  
collective  
management  
organizations.

15. Subject to these Regulation and other laws governing companies in Tanzania a collective management organization shall convene a general meeting of its members at least once a year;

- (a) the general meeting shall decide on any amendments to the memorandum and articles of association of the organization, and the membership terms of the collective management organization;
- (b) the general meeting shall decide the appointment and dismissal of the organization's officials, review the officials' performance and approve their remuneration and other benefits;
- (c) in accordance with these regulations the general meeting shall decide
  - (i) the rules on the distribution of amounts due to members and right holders;
  - (ii) the rules on the use of non-distributable amounts;
  - (iii) the investment rules on rights revenue and any income arising from the investment of rights revenue;
  - (iv) the rules on deductions from rights revenue and any income arising from the investment of rights revenue;
  - (v) the risk management policy;
  - (vi) the approval of any acquisition of, sale of or charge on

immovable property;

- (vii) the approval of mergers and alliances with other similar organizations.

Report of  
Meetings

16. Every Organization licensed under these Regulations to function as a Collective Management Organization shall cause a report containing the minute and decisions taken at every meeting of the General Assembly and Governing Board of the Organization to be entered in a special register kept for that purpose and a certified copy of such report shall be submitted to the Office where the Office so requires.

Accounts,  
Annual Report  
and Audit

17. (1) Every Collective Management Organization shall keep proper accounts consistent with ordinary accounting standard.

(2) The Office may, if it considers it necessary, at any time appoint an auditor to audit the accounts of a Collective Management Organization and the cost of such auditing shall be borne by the Organization.

(3) Where as a result of an examination of any account or audit of any account it appears to the Office that any offence under any enactment has been committed by the Collective Management Organisation or by any of its officers, the Office may initiate a criminal proceeding against the Collective Management Organization or Officers of the Organization identified with the commission of the offence.

(4) Where an Officer has been indicted for the commission of an offence as provided in sub - regulation (3) above, the Organization Shall forthwith suspend such officer from further performing the functions of the office he held immediately preceding such indictment.

Form and  
contents of  
annual report

18. (1) This regulation shall apply to the filing of financial year report to Office under section 53D of the Act.

(2) Every registered collective management organization shall, within three months after the end of the financial year, submit to the Office, an annual report for that year accompanied by a copy of the

organization's audited accounts in respect of that year.

(3) The annual report referred to in paragraph (2) shall contain —

- (a) a comprehensive report of the organization's activities during the year;
- (b) a list of the organization's members at the end of the financial year;
- (c) the total amount of royalties collected by the organization;
- (d) the amount of royalties paid to each member by the organization;
- (e) the amount of money spent by the organization on administration and operations;
- (f) the name, postal and physical address of the auditors of the organization;
- (g) the amount of money used for the social activities;
- (h) non-distributed royalties and reasons for the non-distribution;
- (i) the names, addresses and occupations of current officials of the organization; and
- (j) any other relevant information as the Office may require.

Holding  
Account

19. (1) Every Collective Management Organization shall establish a Holding Account which shall be used, inter alia, to hold any share of the distributable amount, which cannot be allocated or distributed for reasons including the following:

- a. the organization has lost contact with the member concerned;
- b. the qualified person entitled is not currently a member;
- c. where the member or his/her agent is not available or easily ascertainable, the relevant copyright owner or agent entitled to the amount is not ascertained;



- d. there is a dispute as to entitlement;
- e. a portion of funds collected cannot be allocated immediately as there is presently inadequate data for apportionment.

(2) Where funds in the Holding Account are to be distributed, the Organization shall distribute the fund based on the best available data prior to expiration of that Holding period.

Retention  
period of Funds  
in Holding  
Account.

20. (1) Funds placed in the Holding Account are to be held for at most 3 years (the "holding period"). Such funds may be paid out to a person who becomes entitled within this period; that is, where the circumstances that required the amount to be placed in the Holding Account have ceased.

(2) Amounts which remain in the Holding Account at the expiration of the holding period would fall into general revenue for distribution in respect of the then current accounting period or the period just terminated if that happens to coincide with the expiration of the holding period.

Duty of  
Collective  
management  
organizations to  
report.

21. (1) Collective Management Organizations shall within 14 days of occurrence notify and furnish the Office with information in respect of:

- i. alteration to the Memorandum or Articles of Association or any internal rules;
- ii. adoption of Tariffs and any alteration thereof;
- iii. Reciprocal Representation Agreements with foreign collecting societies;
- iv. any alteration to the standard membership agreement;
- v. any decisions in judicial or official proceedings to which the organization is a party, where the Office so requires;

vi. any documentation, report or information which the Office may require

(2) Collective Management Organization shall, not later than the 1st day of July in each year prepare and submit to the Office the following documents in respect of its operation for the preceding year:

- i. a general report of its activities; and
- ii. annual audited financial report which shall show among others;
  - (a) the total revenue during the period of the report;
  - (b) the total sum and general nature of expenses; and
  - (c) payment of royalties to members in accordance with the organization's distribution policy.

Duty to provide information to the users of copyright works.

22. (1) Collective Management Organizations shall provide users of copyright works, or any member of the public, upon a written request, reasonable information on their services. Such information shall include:

- i. The description of the rights or class of rights it administers;
- ii. Its Current Licensing arrangements including tariff, terms and conditions of license for all categories of users; and
- iii. such other relevant information that may be necessary.

(2) Where a Collective Management Organization seeks any change in the tariff rates for any category of users, it shall inform such users through a medium that could be accessed publicly by them.

(3) Where the Office is satisfied that a Collective Management Organization is in breach of any of the provisions of sub-regulations 1 to 2 above, the Organization and/or its officers may be liable to a written caution and be required to rectify the breach within a specified

time.

(4) Upon failure to rectify the breach within the specified period, the Collective Management Organization shall be liable to a fine of Tsh 2,000, 000 (Two Million Tanzanian Shillings) which shall be from administration cost.

Administration  
costs

23. (1) A Collective Management Organization may withhold from the amount collected or received by it such deductions necessary to cover expenditure incurred in the fulfillment of its functions, and the amount so deductible shall be within the limits to be decided by the Governing Board subject to a maximum limit of 30 percent of the total royalties and fees collected during the year in which the deductions are made.

(2) Without prejudice to sub - regulation (1) above, the Office may, upon a prior written application of a Collective Management Organization approve the deduction of more than 30 percent of the total revenue of the organization to cover the Collective Management Organization's expenditure.

(3) Where an organization exceeds its authorized expenditure limit as provided in sub - regulations 1 and 2 above, the Collective Management Organization and/or any of its officers responsible for such breach may be liable to a caution and/or written admonition and be required to rectify the breach within a specified time.

(4) Upon failure to rectify the breach within the specified period, the office may suspend or revoke the license.

Management  
and Conflict of  
interest

24. (1) A collective management organization shall ensure that any person who manages its business does so in a prudent manner, using prudent administrative procedures, accounting procedures and internal control mechanisms.

(2) A collective management organization shall establish and apply procedures —

- i. for avoiding conflicts of interest; and
- ii. where conflicts of interest cannot be avoided, to identify, manage, monitor and disclose actual or potential conflicts of interest in such a way as to prevent them from adversely affecting the collecting interests of rights holders represented by the organization.

(3) The procedures referred to in paragraph (2) shall include an annual statement by the person referred to in paragraph (1) to the general meeting, stating —

- (a) any interests in the collective management organization;
- (b) any remuneration received in the preceding financial year from the collective management organization including benefits in kind and other types of benefits;
- (c) any amount received in the preceding financial year as a rights holder from the collective management organization; and
- (d) a declaration concerning any actual or potential conflict between—
  - i. any personal interests and those of the collective management organization; and
  - ii. any obligations owed to the collective management organization and any duty owed to any other person.

(4) A collective management organization shall ensure that its training procedures for employees, agents and representatives include appropriate training on conduct that complies with its obligations under these Regulations.

### **PART III**

## **LICENSING, COLLECTION AND DISTRIBUTION OF ROYALTIES**

Licensing and  
fee setting

25. (1) Every Organization shall treat licensees fairly, honestly, impartially and courteously and ensure that its dealings with licensees are more transparent.

(2) Every Collective Management Organization shall observe the following while fixing the Tariff Scheme, namely: -

- i. license fee to be fair and reasonable;
- ii. take note of the value of the rights of the works;
- iii. the purpose and manner in which the rights are to be exploited;
- iv. any relevant decisions of the Court or Tribunal.

(3) . A collective management organization and user shall —

(a) negotiate the licensing of rights in good faith; and

(b) negotiate in good faith the tariffs for exclusive rights and rights to remuneration in relation to —

- i. the economic value of the use of the rights in trade taking into account the nature and scope of the use of the work and any other relevant matter;
- ii. the economic value of the service provided by the collective management organization; and
- iii. the value added by any service providers and individuals; and

(c) notify the user in writing of the criteria used for the setting of the tariffs specified in paragraph (b) of sub regulation 1.

(2) A collective management organization shall —

(a) respond promptly to requests from users indicating,

among other things, the information needed in order for the collective management organization to offer a license;

- (b) upon receipt of all relevant information, a Collective Management Organization shall either: -
  - i. offer a license; or
  - ii. deny the user a license and notify the user in writing of the reason for the refusal;
- (c) allow users to communicate with it by any means, including the purpose of reporting on the use of the license; and
- (d) after giving a user a license, treat that user in good faith.

(3) Where more than one collective management organization operates in one sector, the collective management organizations shall enter into a recognition agreement for joint negotiations of licensing and the joint collection of royalties.

Collection and  
use of rights  
revenue

26. (1) A collective management organization shall ensure —

- (a) that it is diligent in the collection and management of rights revenue;
- (b) that it keeps separate in its accounts —
  - i. rights revenue and any income arising from the investment of rights revenue;
  - ii. any own assets it may have and income arising from such assets, from management fees, subscription fees or from other activities; and
  - iii. administration and distribution amounts;

- (c) that it does not use rights revenue or any income arising from the investment of rights revenue for purposes other than distribution to rights holders, except where it is allowed —
  - i. to deduct or offset management fees in accordance with the Act or these regulations; or
  - ii. to use rights revenue or income arising from the investment of rights revenue in accordance with the Act or these regulations; and
- (d) that where it invests rights revenue, or income arising from the investment of rights revenue, it does so —
  - i. in the best interests of the rights holders whose rights it represents; and
  - ii. in accordance with the general investment and risk management policy of the organization.

(2) The board of a collective management organization shall seek the approval of distribution rules from the general meeting of its members.

(3) Any income sought to be retained by the collective management organization shall be with the approval of the members in a general meeting and be expended for the purpose members have resolved.

Distributions of amounts to rights holders.

27. (1) Every Collective Management Organizations shall distribute payments to its members in accordance with its Distribution Rules.

(2). A collective management organization shall regularly, diligently and accurately distribute and pay amounts due to rights holders in accordance with the organization’s general rules on distribution.

(3) A collective management organization shall distribute and pay the

amounts due to right holders promptly, but in any event not later than the beginning of the period which starts nine months from the end of the financial year in which the rights revenue was collected.

(4) Notwithstanding sub-regulation (2), a collective management organization may distribute or pay the amounts due to rights holders out of time if there are objective reasons for not distributing or paying the amounts including reasons relating to —

- (a) reporting by users;
- (b) identification of rights or right holders; or
- (c) matching of information on works and other matters with rights holders.

(5) A collective management organization shall ensure that amounts due to right holders are kept separate in the accounts of the organization where: -

- (a) those amounts cannot be distributed within the specified time; and
- (b) sub- regulation (3) does not apply.

(6) A collective management organization shall take all necessary measures to identify and locate rights holders for the purposes of distribution and payments of amounts due to the rights holders including —

- (a) making available, not later than three months after the beginning of the period specified in sub-regulation (2), information on works and other matters for which a right holder has not been identified or located to —
  - i. the rights holders represented by the collective management organization or entities which are its members and which represent rights holders; and



ii. the collective management organization with which it has concluded representation agreements;

(b) verifying the relevant records relating to a rights holder for the purposes of distribution or payment of due amounts; and

(c) where rights holders remain unidentified or not located, making the information referred to in sub-regulation (b) available to the public not later than one year after the period referred to in subparagraph (a).

(7) The information referred to in paragraph (5) shall include, where available —

(a) the title of the work or other matter;

(b) the name of the rights holder;

(c) the name of the publisher or producer of the work or other matter; and

(d) any other relevant information which could assist in the identification of the rights holder.

(8) Amounts due to right holders shall be non-distributable for the purposes of these regulations where —

(a) they cannot be distributed before the end of the period of three years from the end of the financial year in which the collection of the rights revenue occurred; and

(b) the collective management organization has taken all necessary measures to identify and locate the right holders.

(9) A collective management organization shall provide its members with statements of the royalties paid within a given period.

Payment of  
royalties in

28. (1) A collective management organization shall regularly, diligently

representation  
agreement

and accurately distribute and pay  
amounts due to other collective  
management organizations.

(2) A collective management organization shall distribute or pay put  
amounts due under sub – regulation (1) promptly but in any event no  
later than the beginning of the period which starts nine months from  
the end of the financial year in which the rights revenue was collected.

(3) Despite the generality of sub - regulation (2), a collective  
management organization may not distribute or pay out amounts due  
under sub regulation (2) if there are objective reasons for not  
distributing or paying including reasons relating to —

- (a) reporting by users;
- (b) identification of rights or right holders; or
- (c) matching of information on works and other subject matter  
with right holders.

(4) The other collective management organization referred to in sub -  
regulation (1) or, where it has a member which is an entity  
representing rights holders, that member shall ensure that it distributes  
and pays the amounts due to rights holders promptly but in any event  
not later than the beginning of the period which starts six months from  
the receipt of amounts, save where sub - regulation (3) applies with the  
necessary modifications.

Deduction

29. (1) A collective management  
organization shall ensure that where a  
rights holder authorizes it to manage the  
rights holder's rights, the organization  
shall provide the right holder with  
information on—

- (a) management fees; and

(b) any other deductions from the rights revenue and any income arising from the investment of the rights revenue before obtaining the right holder's consent to manage the right holder's rights.

(2) A collective management organization shall ensure that deductions —

(a) are reasonable in relation to the services provided by the collective management organization to right holders; and

(b) are established on the basis of objective criteria.

(3) A collective management organization shall ensure that management fees do not exceed justified and documented costs incurred by the organization.

(4) A collective management organization shall ensure that where it provides social, cultural or educational services out of deductions from rights revenue or income arising from the investment of rights revenue, such services shall be provided fairly.

(5) A collective management organization shall not make deductions, other deductions of management fees —

(a) from the rights revenue derived from the rights it manages on the basis of a representation agreement; or

(b) from income arising from the investment of rights revenue, unless the other collective management organization that is party to the representation agreement expressly consents to the deductions.

Treatment of  
Rights managed  
under  
representation

30. (1) A collective management organization shall not discriminate against any rights holder whose rights it manages under a representation

agreements.

agreement.

(2) Despite the generality of sub regulation (1), a collective management organization shall not discriminate against a rights holder whose rights it manages under a representation agreement with respect to—

- (a) applicable tariffs;
- (b) management fees; and
- (c) the conditions for —
  - i. the collection of rights revenues; and
  - ii. the distribution of amounts due to right holders.

User's  
obligations

31. (1) A user and a collective management organization shall enter into a written agreement on the information that the user shall provide to the collective management organization where such information is necessary for —

- (a) the collection of rights revenues; and
- (b) the distribution and payment of amounts due to rights holders.

(2) The collective management organization and user shall ensure that they take into account, as far as possible, voluntary industry standards on the format for the information referred to in sub - regulation (1).

Information  
provided to  
other collective  
management  
organizations

32. (1) A collective management organization shall make available the information specified in sub - regulation (2) at least once in each year to the other collective management organizations on whose behalf it manages rights under a representation agreement for the period

to which the information relates.

(2) The information required to be made available under sub - regulation (1 shall include —

- (a) the rights revenue attributed for the rights managed under a representation agreement;
- (b) the amounts paid by the collective management organization —
  - i. for each category of rights managed under the representation agreement; and
  - ii. for each type of use for the rights managed under the representation agreement;
- (c) rights revenue attributed which is outstanding for any period;
- (d) deductions made in respect of management fees;
- (e) deductions made for a purpose other than in respect of management fees;
- (f) any licenses granted or denied with regards to works and other matters covered by the representation agreement; and
- (g) resolutions adopted by the general meeting insofar as the resolutions are relevant to the management of the rights under the representation agreement.

Disclosure of information to the public.

33. (1) A collective management organization shall —

- (a) publish the information specified in sub - regulation (2); and
- (b) publish and keep up to date on its public website the information specified in sub - regulation (2).

(2) The information specified in this sub - regulation is —

- (a) the collective management organization's memorandum and

- articles of association;
- (b) the list of officials of the collective management organization;
- (c) the collective management organization's rules on the distribution of amounts due to right holders;
- (d) the collective management organization's rules on management fees;
- (e) the collective management organization's rules on deductions, other than in respect of management fees, from —
  - i. rights revenue;
  - ii. income arising from the investment of rights revenue including deductions for the purposes of social, cultural and educational services; and
  - iii. the complaint handling and dispute resolution procedures available or the collective management organization; and
- (f) the collective management organization's annual reports and audited accounts.

Organization's  
procedures for  
alternative  
disputes  
settlement.

34. (1) A collective management organization shall make available to — its members; rights holders who are not its members but who have a legal relationship with it by law, assignment, license or other contractual arrangement; collective management organizations on whose behalf it manages rights under representation agreement; and users; effective and timely procedures for dealing with complaints.

(2) The matters covered by the procedures for dealing with complaints referred to in sub regulation (1) shall relate in particular to —

- (a) the authorization to manage rights;
- (b) the termination or withdrawal of rights;
- (c) membership terms;
- (d) the collection of amounts due to right holders;
- (e) deductions and distributions;
- (f) the service provided; and
- (g) the conduct of members of staff during licensing.

(3) A collective management organization shall respond in writing to complaints; and give reasons where it rejects a complaint.

(4) A collective management organisation shall ensure that the disputes to which paragraph (2) applies can be submitted to an independent and impartial alternative dispute resolution procedure:

Provided that the parties shall consent to the alternative dispute resolution procedure.

Notice to  
supply  
information

35. (1) The Office may give notice to

b.a collective management organization or a member,

c.a right holder or a body representing the interests of right holders;

d.a user or body representing the interests of users,

requiring the person to whom the notice is given to

supply the information or document required in the notice at a time and a place and in a form and manner specified in the notice.

(2) The person to whom the notice is given shall supply to the Office the information or document which is specified or described in the notice.

(3) Nothing in this regulation gives the Office any power to require a person to supply any information or document which the person would be entitled to refuse to supply on the grounds of advocate-client privilege, on the grounds of confidentiality of communications, confidential business information or any information the disclosure of which is protected or otherwise restricted by any other law.

Notice of non -  
compliance

36. (1) Where the Office finds that a collective management organization has failed to comply with its obligations under the Act and these Regulations, the Office may give a compliance notice to that person, body or organization.

(2) A compliance notice shall be in writing and

(a) shall state the collective management organization has not complied with a provision of these Regulations,

(b) specifying the provision in question and state the acts or omissions which contravene that provision.

(c) request the collective management organization, to end the non-compliance within such time as the notice may specify where non-compliance with the provision is continuing and provide evidence that the non-compliance has ended.

(3) If the Office thinks fit, request the collective management organization to provide a written undertaking that non-compliance with the provision shall not be repeated; and caution the collective management organization that if the organization does not comply



with the compliance notice, or the organization fails to comply with a written undertaking provided in respect of the compliance notice, further action may be taken in accordance with the Act or these Regulations.

(4) The Office may withdraw a compliance notice and in doing so shall give the collective management organization notice of the withdrawal.

(5) Where a compliance notice has been given, no action to impose a penalty under these Regulations may be taken in relation to that failure unless the collective management organization to whom it has been given;

(a) has failed to comply with the compliance notice; or

(b) to comply with a written undertaking provided in respect of a compliance notice.

Penalty for non-  
Compliance

37. (1) The Office may impose a financial penalty on a collective management organization if the Office is satisfied upon hearing the collective management organization that the collective management organization has failed to comply with its obligations under the Act and these Regulations.

(2) Where the Office imposes a financial penalty on a collective management organization under paragraph (1), the Office may also impose a financial penalty on a director, manager or similar officer of that collective management organization.

(3) The amount of the financial penalty shall be such amount as the Office considers appropriate.

(4) In deciding what amount is appropriate the Office shall have regard to the nature of the failure of compliance.

(5) A financial penalty may comprise of either —

- (a) a sum of not less than Tsh 2,000,000/= two million shillings; or
- (b) a sum not less than Tsh 2,000,000/= two million shillings together with a sum not exceeding 100,000/= one hundred thousand shillings for each day that the person referred to in paragraph (2) continues to fail to comply with its obligations under these Regulations:

(6) A financial penalty shall be payable to the Office

Notice of the  
Penalty

38. (1) As soon as practicable after imposing a penalty, the Office shall give notice of the penalty to the collective management organization on whom it is imposed. (2) The notice shall state—

- i. that the Office has imposed a penalty;
- ii. the amount of the penalty;
- iii. the acts or omissions which the Office considers contravene the Act or these Regulations;
- iv. the provisions of the Act or these Regulations which the Office considers are contravened
- v. any other facts which the Office considers justify the imposition of a penalty; and
- vi. the period, which shall be not less than 28 days from the date the notice is received by the person, within which the penalty is to be paid.

(3) The Board may rescind a penalty which has been imposed on a collective management organization and give the collective management organization written notice of the rescission.

Appeals

39. (1) If a collective management organization or a person to whom a penalty has been imposed is aggrieved by the imposition of the penalty or the amount of the penalty, the organization may within 28 days after imposition of the penalty, appeal to the Minister

responsible with the Copyright.

(2) The appeal shall be in a written forms containing grounds for the appeal.

(3) The Minister after hearing both sides being in person or in writings may determine the matter and issue his decision.

(4) Organization which is not satisfied with his decision may institute a case in court of competent jurisdiction.

Penalty not to be paid during pendency of appeal

40. Where an appeal or a court action is made against the decision of the Organization the party filing the appeal is not under an obligation to pay the penalty pending the hearing and determination of the appeal and such non-payment shall not be paid during pendency of appeal.

Appeal Committee.

41. (1) There shall be Appeal Committee of the Office chaired by the Copyright Administrator or any person duly authorized, which shall have powers to entertain and determining appeals referred to the office pursuant to Section 54F of the Act.

(2) The Committee, shall be properly constituted for purposes of any proceedings before it, if it comprises of at least three members but not more than five members appointed by the Copyright Administrator.

(3) A sitting of the Committee shall be presided over by the Chairperson who shall be the Copyright Administrator or his/her delegate.

Procedures for Appeals against Collective Management Organizations.

42. (1) Subject to Section 54F of the Act, a person aggrieved by the decision or act of the Collective Management Organization may, within thirty (30) days from the date of decision or act, file an appeal to the Office in a prescribed form and upon payment of the prescribed fee.

(2) An appeal under sub – regulation (1) shall be filed by notice of appeal accompanied by: -

- (a) Statement of facts setting out the grounds on which relief is sought, and facts relied on by the Appellant;
- (b) Copy of decision of the collective management organization, if any;
- (c) Copies of any supporting documents to be relied on at the hearing.

(3) Upon receipt of the notice of appeal under sub regulation 2, the office shall issue or cause to be issued a notice requiring to appear to the office for hearing on the date set out in the notice, but should not be later than 14 days from the date of filing of notice of appeal.

Decision of the  
Office on  
appeal

43. (1) The decision of the Office shall be in writing, determined by the majority and read out in open, within thirty days from the date of the close of the hearings.

(2) The decision shall contain; –

- a. the nature of the complaint;
- b. the names of the parties;
- c. the order or decision and the reasons thereof;
- d. the relief or remedy to which the parties are entitled;

(3)The members of the panel, with the exception of any dissenting member,shall sign the decision.

#### **MISCELLANEOUS PROVISIONS**

Compensation  
of Licensees

44. Every Collective Management Organisation shall provide for compensation, refund or other arrangements which may apply in the event a user is unable to utilize the licence issued to it by the Collective Management Organisation, which situation arose as a result of the negligence, misrepresentation or other such fault traceable to or caused by the Collective Management Organisation.

Unethical  
Practices

**45.** (1) The following conduct or practices by Collective Management Organisation shall be deemed to be unethical:

(a) granting licences for works for which it is not authorized to administer; (b) collecting and/or distributing or purporting to collect and/or distribute royalties in respect of works for which it is not authorized to administer;

(c) making false representation in respect of any matter to which it is required to provide information knowing such representation to be false;

(d) discriminating in the provision of licence to members of the same user class either in the terms of such licence, or differential tariff rate, except such differential treatment can be reasonably justified based on peculiar facts and circumstances applicable to the said user class;

(e) inducing a user who is in the process of negotiating for a licence with another society or right owner to refrain from completing the licensing process;

(f) failing to make available to any other Collective Management Organisation information which is reasonably required by such other Collective Management Organisation to enable it effectively administer the rights held by it. Such information may include but not limited to:

i. information regarding the repertoire of an author who has assigned works to both Collective Management Organisation;

ii. information held by a Collective Management Organisation that may assist the requesting Collective Management in the computation and equitable distribution of royalties; and

iii. information on the existing reciprocal representation agreement if any of a Collective Management Organisation.

(g) using information obtained from another Collective Management Organization, for purposes otherwise than as stipulated in subparagraph (e) above.

(h) doing any thing or acting in a manner that has the effect of preventing any other Collective Management Organisation from carrying its functions as approved under these Regulations.

Enforcement of  
Sanctions

46. (1) Where a Collective Management Organisation is found to be in breach of any part of this regulation or the Copyright Act or has been directed to take any step or action, or where sanction has been imposed on it by the Office, and the Collective Management Organisation fails to so act or serve the sanction within the time specified by the Office, the Management Officers of the organization may be liable to a written caution.

(2) Where an organization fails to carry out any action within the time as may it may be directed to do so by the Office, the licence of the Collective Management Organisation may be suspended pending its compliance, and if the Collective Management Organisation fails to comply within 3 months of such suspension, the Office may revoke its licence.

3. Any officer of an organization who has been cautioned for two time may be disqualified by the Office from holding any management position in any collecting organization unless he satisfies the Office on why he shall not be disqualified or why such disqualification shall be lifted

Welfare fund of  
copyright  
organization

47. An Organization may frame a rules for its welfare of its members as determined by its General Body and keep not more than five per cent. of its total royalties collected for implementing the rules effectively and the amount that could not be distributed on account of non-accessibility of the members concerned.

**SCHEDULE**

**FORM CM0 01**

THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT,1999

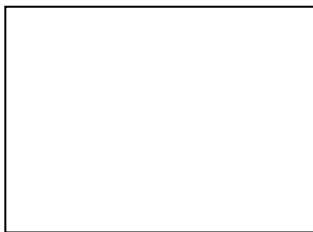
THE COPYRIGHT OFFICE OF TANZANIA

APPLICATION FOR LICENSE TO OPERATE AS A COLLECTIVE MANAGEMENT  
ORGANISATION UNDER SECTION 52A OF THE ACT

Name of the Collective Management Organization	
Postal address	
Email	
Physical Address	
Name of Agent (if any)	
Date of Registration	
Registration number	
Number of Members	
Class of right owners presented	
Number of directors	

We attach herewith all the documents referred to in REGULATION 3 (2) in support of our application.

Dated at this..... day of .....20.....



.....  
Signature(s)

Seal of the Collective Management Organization



**THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT,1999**

**THE COPYRIGHT OFFICE OF TANZANIA**

**LICENSE TO OPERATE AS A COLLECTIVE MANAGEMENT ORGANISATION UNDER  
SECTION 52A OF THE ACT**

It is hereby certified that

.....

has been Licensed as a collective management organization under section 52A of the Act under registration number ..... for the ..... category of owners of copyright or related rights.

Dated at..... this ..... day of ....., 20....

.....

**Copyright Administrator**

.....

**Seal of the Office**

**FORM CMO 3**

**THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT,1999**

**THE COPYRIGHT OFFICE OF TANZANIA**

**APPLICATION FOR RENEWAL OF LICENSE TO OPERATE AS COLLECTIVE MANAGEMENT ORGANISATION**

*Made Under Regulation 6*

Name of the Collective Management Organization	
Postal Address	
Email	
Physical Address	
Name of Agent (if any)	
Date of Registration	
Registration number	
Number of members	
Class of Right Owners Presented	
Number of Directors	
Application Number	
Any change which occurred during the past year (uses separate sheet if necessary)	

We hereby apply for renewal of the registration of the Organization as a collectivemanagement organization for the period .....

We attach hereto a certified copy of our audited accounts for the year 20 .....

Dated at this..... day of .....20.....

.....

.....

Seal of the Collective Management Organization

Signature(s)

**THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT,1999**

**THE COPYRIGHT OFFICE OF TANZANIA**

**CERTIFICATE OF RENEWAL OF LICENSE TO OPERATE AS A COLLECTIVE MANAGEMENT ORGANIZATION UNDER REGULATION 8(3) OF THESE REGULATIONS**

This is to certify that the License of .....  
for the ..... class of owners of copyright and related rights  
(Delete as appropriate) owners of ..... with  
registration number ..... has been renewed.

The renewed registration will commence on.....day of.....expire on the  
..... day of .. ..... 20 .....

**Dated at..... this ..... day of ..... 20 .....**

.....  
Copyright Administrator

.....  
Seal of the Office

THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT,1999

THE COPYRIGHT OFFICE OF TANZANIA

NOTICE OF APPEAL

(Under Regulation 41(2) )

TAKE NOTICE that,..... being dissatisfied with the Decision/Action of ..... Dated .....20...

I/WE..... do hereby appeal to the Office upon the grounds set out in paragraph 2 and the statement accompanying this notice and will at the hearing of the appeal seek the relief (s) set out in paragraph 3.

1. The Appellant further states that the particulars of the Decision/ action appealed against are set out in paragraph 4. The names and addresses of persons directlyaffected by appeal are set out in paragraph 5.

2. Grounds of Appeal:

.....

(Attach a copy of the grounds)

3.Relief (s) Sought from the Appeals Authority:

.....

(Attach a copy if necessary)

4. Name of Appellant: .....

5. Address of Appellant: .....

6. Annexure to be filed with Notice of Appeal: .....

Signature

<p style="text-align: center;"><b>DODOMA</b></p> <p style="text-align: center;">.....2022</p>	<p style="text-align: center;"><b>MOHAMED OMARY MCHENGERWA</b></p> <p style="text-align: center;"><i>Minister for Culture, Arts and Sports.</i></p>
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