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

REGULATIONS

(Made under section 45)

THE COPYRIGHT AND NEIGHBOURING RIGHTS (LICENSING AND RIGHTS TO BENEFIT FROM RE-SALE) REGULATIONS, 2022

ARRANGEMENT OF REGULATIONS

PART III
RIGHT TO BENEFIT FROM RE SALE

SCHEDULES

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PART I
PRELIMINARY PROVISIONS

Citation

1. These Regulations may be cited as the Copyright and Neighbouring Rights (Licensing and Rights to Benefit From Re-Sale) Regulations, 2022.

Interpretation

2. In these Regulations, unless the context otherwise requires-

Cap. 218

"Act" means the Copyright and Neighbouring Rights Act;

"commercial advertising revenue" means an economic right or financial gain that a broadcasting organizations earn from conveying a message, promoting, and aiming to market a product or service and includes sponsorship;

"communication to the public" means transmission of the image or sound or both, of a work, a performance, a sound recording or a broadcast, in such a way that the image or sound is perceived or accessed by person outside the normal circle of a family and its closest social acquaintances at a place so distant from the place where the transmission image or sound is not perceivable or accessible and, further, irrespective of whether the person receives or accesses the images or sound at the same place and time, individually chosen by them;

"mainstream radio or television" means radio or television programs aired by licensed content service provider using terrestrial broadcasting networks;

"public performance" includes recreation, playing, dancing or playing music or film in public place outside a normal circle of friends or family either direct or by means of any device or process;

"right holders" means individual or social group that have particular entitlements in relation to specific duty bearers;

"Society" means the Copyright Society of Tanzania established under section 46 of the Act; and

Cap. 172

"TCRA" has the meaning ascribed to it under the Tanzania Communication Regulatory Authority Act.

PART II
PUBLIC PERFORMANCE, BROADCASTING AND COMMUNICATION TO THE PUBLIC

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

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

(a) under a licence issued by the Society;
(b) under authorization by the owner of the work; or
(c) where it is free use in accordance with the Act.

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

(3) The Society shall advise accordingly on the said contract and charge a maximum of 1% of the contract value as an administration service fee.

Application for licence

4.-(1) An 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 law; and

(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 year following licence year, furnish to the Society-

(a) a statement defined in the terms and conditions and 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 -

(a) for the purpose for which it has been issued;
(b) for the period specified in the license; and
(c) 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 from the day of the decision.

Renewal of licence

7. A person who intends to renew a licence shall, within thirty days before expiry of licence, make application for renewal of licence to the Society.

(2)An application under subregulation (1) shall be in writing.

(3) Subject to sub regulation (1), an application for renewal of licence shall be processed upon satisfactory meeting the requirements for the application of licence and payment of fee prescribed in the Third Schedule.

Duplicate licence

8.-(1) The Society may, upon application and payment of fees prescribed in the Third Schedule, issue a duplicate licence to a licensee in lieu of the lost, stolen, or destroyed licence .

(2) An application under this regulation shall be in writing and accompanied with-

(a) a police loss report; and

(b) any other information as the Society may require.

Licence to be displayed

9.The licensee shall publicly display the licence in a prominent and visible position.

Revocation or suspension of licence

10.-(1) The Society may revoke or suspend a licence where a licensee-

(a) engages in activities beyond scope of operations authorized under the licence;

(b) is in possession of a licence issued as a result of false or fraudulent representation;

(c) contravenes any provision of the Act, these Regulations, or any other relevant written law; or

(d) breaches any condition attached to the licence.

(2) The Society shall, prior revocation of a licence, issue a thirty days written notice to the licensee requiring the licensee to show cause why the licence should not be revoked or suspended.

(3) The notice shall state the time for the licensee to file his defence.

(4) The Society shall revoke or suspend the licence where the licensee -

(a) fails to file his defence pursuant to sub regulation (3); or

(b) fails to adduce sufficient reasons to the satisfaction of the Society.

Distribution

11. The Society shall pay royalties in accordance with its procedures stipulated in Part III of these Regulations.

Penalty for delay to pay fees

12. A person who delays to pay fees within thirty days from due date, shall pay an additional fees prescribed in the Second Schedule to these Regulations.

Penalty failure to pay fees

13. Any person who fails to pay fees such person shall pay an additional fees prescribed in the Third Schedule to these Regulations.

Cessation or change of business

14.-(1) A licensee shall, within seven days, notify the Society in writing where-

(a) a licensee ceases to carry on 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.

(2) Any person who contravenes this regulation commits an offence.

PART III

RIGHT 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; and

(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 of royalties

17.-(1) The resale of royalties shall cover the following works:

(a) original works of art;
(b) graphic works;
(c) three-dimensional works; and
(d) manuscripts.

(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.

(3) For the purpose of this regulation "manuscripts" include-

(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; and
(v) architectural work.

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; and
(b) inalienable and shall not be waived under any circumstances.

Management of resale rights

19.-(1) Artist resale right shall be managed by the Society in cooperation with the right holders and federation or 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, where there is more than one seller, all sellers;
(b) each person acting in the capacity of an art market professional and as agent for the seller;
(c) where there are no agents, the buyer or, if there is more than one buyer, all of the buyers; and
(d) where there is no agent, each person acting in the capacity of an art market professional and as

agent for the buyer.

Purporting identification of artist

22. Where a mark or name purporting to identify a person as an artist of an artwork appears on the artwork, it shall be presumed in the absence of any other mark or evidence to the contrary, that the person is the artist.

Circumstances where royalties are not to be paid

23. There shall be no resale royalty payable on commercial resale of an artwork where-

(a) the sale price is less than one million shillings;
(b) such work concerns the resale of a building, or a drawing, plan or model of a building;
(c) such work is an an auction for charitable purposes;
(d) the works of fine art produced are of identical copies; or
(e) the work concerns a manuscript of a literary, dramatic or musical work.

Procedure for payment of resale rights to Society

24.-(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:

(a) such conditions as specified in the licensing contract between the artist and the buyer in the first sale; and
(b) payment of the fees corresponding to regulation 15.

(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.

Distribution of royalties

25. The Society shall pay royalties to the artists or person entitled whose work was sold after deducting tax to be remitted to the Revenue Authority and deduction of not more than 35% as an administration fees out of the fees collected by the Society under these Regulations.

Appeals

26.-(1) An applicant who aggrieved by a decision made by the Society under these Regulations may, in writing, appeal to the Minister.

(2)An appeal under sub regulation (1) shall be made within fourteen days from the date of the decision

(3) The Minister shall consider the ground of appeal and may, within twenty one days, set aside, confirm or vary the decision of the Society and notify the parties of the decision and the reasons thereof.

Penalty for delay to pay royalties

27. A person who delays to pay the royalties within thirty days shall pay an additional royalty of 1% of the selling price of the royalty rates.

Penalties

28. A person who contravenes these Regulations commits an offence and shall, upon conviction be liable to penalties as per the Act.

Right to information on commercial resale of artwork

29.-(1) The following persons are entitled to request from art market professionals or sellers information about transactions that are within the scope of resale rights:

(a) authors who are beneficiaries in respect of a sale or a person acting on his behalf; and

(b) the Society if believes on reasonable grounds that a person falls under regulation 17.

(2) The request shall be in writing, requesting the person to give the Society 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.

Reduction of fee payable by user

30. The Chief Executive Officer and Copyright Administrator may upon good cause reduce fee payable by user to the tune of not exceeding 30% of the required amount

Revocation of GN. Nos. 328 of 2003 and

31. 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

29 of 2016 revoked.

FIRST SCHEDULE

(Made under regulations 4(1) and 6)

FORMS CST F.1

PART 1

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 ……………………………………

Public Performance: Please tick or mark with "X" in the appropriate box.

Activities of Establishment/User		Music Device Used	
1. Radio Station	☐	Radio	☐
2. Television Stations	☐	Radio & recorded means...	☐
3. Hotel	☐	Disk player............................	☐
4. Inn	☐	Record Player	☐
5. Motel	☐	Music Centre .. .. … ..	☐
6. Rest House/Guesthouse/Lodge.	☐	Music System	☐
7. Restaurant	☐	Computer	☐
8. Bar/Grocery/Lounge/Cafe Mess/ pubs/joint.	☐	Juke Boxes	☐
		Projector	☐
9. Bottle Store/ Liquor store/ wines and spirits	☐	Video Player	☐
		Television Set	☐
10. Supermarket/superrates/ hypermarket	☐	Telephone	☐
		Compact Disk	☐

11. Shop/Store	Live Band .. ..
12. Tavern/open air like	Satellite Services.. .. ..
13. Restaurants.....	Other (Specify) .. ..
14. Night Club	
15. Discotheque	
16. Entertainment	
17. Saloon, Barber shop,	
18. Bus, Minibus, Ship, Train, Bajaj, Motorcycle.. ..	
19. Taxi, Car Hire Operator..	
20. Aeroplane.....	
21. Advertising Agency….	
22. Furniture Store.....	
23. Showrooms......................	
24. Casinos..........................	
25. Offices...........................	
26. Medical facilities, e.g Hospitals, dispensary..	
27. Pharmacy..........................	
28. Banks……………………….	
29. Petrol Stations, and similar	
30. MCs/ DJs..	
31. Halls... .. .:	
32. Gymnasium/Fitness Centre	
33. Other (Specify) ………......	

I/We ………………………………….. the

GN. NO.137 (Contd.)

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

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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 ☐ Television Station ☐ Ringtones. .. .. ☐ Ring back tones .. .. ☐ Digital downloads .. .. ☐ Webcasting. ☐ Simul-casting .. .. ☐ Music on Hold .. .. ☐ Other (please specify) ☐	Communication to the Public of a work or making available to the public of a work ☐ .. .. Reproduction of a work…….. ☐ Broadcasting of a work….. ☐ Other ☐ (Specify)……………………………………

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

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

GN. NO.137 (Contd.)

………..……………………
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 regulations 6(1)(b) and 12)

TARIFFS

Tariff Classification

1.	Tariff B	
	(a) (Broadcasting) Radio Stations as follows:	
	(i) Governement owned Radio with National coverage as per licence issued by TCRA	3% of its gross advertising revenue per annum or Tshs 8,000,000 whichever is higher
	(ii) Private owned Radio with National coverage as per licence issue by TCRA	2% of its gross advertising revenue per annual or Tshs 7,000,000/= whichever is higher
	(iii) Government owned Radio with Regional coverage as per license issued by TCRA	1.5% of its gross advertising revenue per annum or Tshs 3,500,000/= whichever is higher.
	(iv) Private owned Radio with District coverage as per licence issued by TCRA	1.0% of its gross advertising revenue per annum or Tshs 3,000,000/= whichever is higher.
	(v) Government owned Radio with District coverage as per licence issued by TCRA	0.25% of its gross advertising revenue per annum or Tshs 7000,000 or whichever is higher
	(vi) Private owned Radio with district coverage as per licence issued by TCRA	0.25% of its gross advertising revenue per unnum or Tshs 750,000/= whichever is higher.
	(vii) For Community Radio according to TCRA as per 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 per annum or Tshs 8,000,000/= whichever is higher.
	(ii) Private owned Tv Channel with nation coverage as per licence issued by TCRA	1.5% of its gross advertising revenue per annum or Tshs 4,500,000/= whichever is higher
	(iii) Governement owned Tv Channel with Regional coverage as per licence issued by TCRA	1% of its gross advertising revenue per annum or Tshs 2,000,000/= whichever is higher
	(iv) Private owned Tv Channel with Regional coverage as per licence issued by TCRA	0.5% of its gross advertising revenue per annum or Tshs 1,000,000/= whichever is higher
	(v) Governement owned Tv Channel with District coverage as per licence issued by TCRA	0.25% of its gross advertising revenue per annum or Tshs 700,000 whichever is higher
	(vi) Private owned Tv Channel with District coverage as per licence	0.1% of its gross advertising revenue per annum or Tshs

	issued by TCRA	500,000 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 300,000/= per annum
	(ix) cable tv	Tsh 300,000/= per annum
2	Tariff PBG (Public Performance of Background Music/Public Reception of Radio/Television Broadcasts of national or foreign origin).	
	(a) 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 as follows:	
	(i) For public performance in Bars/ Pubs/Clubs/Mess/Groceries	Applicable Royalty/License Fee Rate per annum for Bar in: -five and four star Hotels Tsh 250,000/= per annum -cities and Regional Headquarters Tsh 150,000/= per unnum; -others Tsh 50,000/= per annum
	(ii) 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/= per annum
	(ii) Class B. (Coffee shops, Cafes etc)	Tshs. 250,000/= per annum
	(iii) Class C. (Ordinary restaurants and any other)	Tshs. 50,000/= per annum
	(b) public performance of sound recording in or upon premises such as:	
	(i) supermarket and shops	Tshs. 600,000/= per annum
	(ii) Superrates, Furniture stores and other similar Establishments	Tshs. 300,000/= per annum
	(c) public performance of sound recordings in or upon premises such as provisional shops	Tshs. 20,000/= per annum
	(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/= per annum
	(e) public performance of sound recordings in or upon premises such as Saloons, Barbershops and other similar establishments.	Tshs. 10,000/= per annum
	(f) public performance of sound recordings in or	Tshs. 200,000/= per annum

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	upon Pharmacy and similar establishments	
	(g) public performances of sound recordings upon petrol stations or similar establishments and convenience stores	Tshs. 100,000/= per annum
	(h) public performances of Hotel room, Lodge, Rest house and similar establishment with TV/Back ground music	Tshs. 5,000/= 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. 500,000/= per annum
	(ii) international flights terminals	Tshs. 1,000,000/= per annum
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/= per annum
	(ii) entrance fee between Tshs. 5,000 and Tshs. 9,999=	Tshs. 500,000/= per annum
	(iii) Entrance fee below Tshs. 5,000/=	Tshs. 200,000/= per annum
	(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/= per annum
	Twice a week	Tshs 600,000/= per annum
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/= per annum
7	Tariff MF (Public Performance by Foreign Bands-To be paid by Promoters)	
	live public performance in Tanzania by foreign musicians:	Tshs. 500,000/= per annum
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,	Tshs 300,000/= per day

	dramatic and other works at exhibitions, trade fairs or similar functions	
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/= per annum
	(ii) Class B(Retailers)	Tshs. 50,000/= per annum
10	Tariff J (Public Performance in Juke boxes)	
	Public performances of sound recordings by means of jukeboxes	Tshs. 50,000/= for each box per annum
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/= per annum
	(ii) for other sound or visual recordings including video shows	Tshs. 250,000/= per annum
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/= per annum
	(b) Buses	
	luxury	Tshs. 50,000/= per annum
	semi- luxury	Tshs. 30,000/= per annum
	Ordinary	Tshs. 20,000/= per annum
	(c) Other means of public transport	Tshs 20,000/= per annum
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/= per annum
	(b) at an educational institution	
	(i) For students events	Tshs 50,000/= per annum
	(ii) For business purpose	Tshs 250,000/= per annum
14	Storage of music and film works in memory stick, CD and other devices for purpose of reproduced distribution	Tshs 15,000 per annum
15	Tariff TD Communication to the Public & Reproduction via Telecommunication, Digital/Online service providers, Web-/Simul-casting and “music on hold”	The right holder shall receive 60% of gross revenue of the usage of the work consumers.

THIRD SCHEDULE

(Made under regulation 4(2)(b), 7(3),8(1) and 24)

FEES

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 regulation 29)

A. DISTRIBUTION RULES FOR PUBLIC PERFOMANCE 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 he 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-

(b) 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 1 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.

(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.

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

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

(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.

(9) COSOTA my distribute twice per year

Distribution class and log sheet used for distribution.

Rights of the performing artists andof 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 Tape of broadcasting Corporation	Performance on commercial record of Tanzania Record-Producer

(a) performing artists100% 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.

(4) 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. After the deduction o f the costs of administration as set out in Item4, 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.-(l) Royalties received from foreign sister societies shall he 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 the 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

The period of distribution shall be fixed as follows: -

Class 4 April 1st to March 31st to be distributed not less than once a year

Distribution statements shall be sent not later than 3 months after the end of each distribution period.

3. RIGHTS OF THE PERFORMING ARTISTS AND OF THE PRODUCERS OF SOUND RECORDINGS.

(a) Distribution Class:

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 4 above.

(b) Log sheets or lists used for distribution:

The complete log sheets or lists shall be the basis for the distribution.

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

Log sheets or lists received by the Society after the end of its distribution period shall be used during the next distribution period.

(c) Distribution Keys:

The following distribution keys shall be applied:

Performance on own record Performance on commercial
Tape of broadcaster record of a Tanzanian or Foreign Record-Producer

(i) Performing Artist - 100% Performing Artists- 50% Producer - 50%

(ii) In the case of groups of performing artist, each group member shall receive an equal share.

(iii) Performance of unknown performing artists and records of unknown producers of sound recordings.

(iv) Performance of artists who cannot be identified shall not be taken into consideration for distribution of royalties.

4. DEDUCTION OF COSTS OF ADMINISTRATION
Before attributing the royalties to the different distribution classes, a percentage to cover administration costs of the Society shall be deducted from all the royalties collected.

The percentage of the deduction shall correspond with the effective costs of administration of the Society without aiming at accumulating a reserve or making profit but it shall not exceed 30% of the Gross Royalty collections.

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.

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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 years after which if not distributed to owners it will be used to cover administrative costs.

Dodoma,
………………., 2022

MOHAMED OMARY MCHENGERWA
Minister for Culture, Arts and Sports