

Copyright (Licensing of Reproduction and Rental Rights) (Amendment)

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THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT
(CAP. 218)

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REGULATIONS
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(Made under section 45)

THE COPYRIGHT (LICENSING OF REPRODUCTION AND RENTAL RIGHTS)
(AMENDMENT) REGULATIONS, 2018

Citation
G. N. No.
Of 2014

1. These Regulations may be cited as the Copyright (Licensing of Reproduction and Rental Rights) (Amendment) Regulations, 2018 and shall be read as one with the Copyright (Licensing of Reproduction and Rental Rights) Regulations, 2014 hereinafter referred to as principal Regulations.

Amendment of
regulation 2

2. The principal Regulations are amended in regulation 2, by -

(a) deleting the definition of the term "Minister" and substituting for it the following:

"Minister" means the Minister for the time being responsible for copyright and neighbouring rights;

(b) deleting the definition for the term "Rental Right" and substituting for it the following:

"Rental Right" means a right, whether by renting

or hire, afforded in terms of these Regulations to use one's literary work in return for payments";

- (c) deleting the definition of the term "Reproduction" and substituting for it the following:

"Reproduction" means photocopying and such similar reproductions of a copyrighted work, and includes printouts from digital processes";

- (d) deleting the definition of the term "Society" and substituting for it the following:

"Society" means the Copyright Society of Tanzania established under Section 46 of the Act.

- (e) adding in the appropriate alphabetical order the following new definitions:

"Mass reproduction" means reproduction of work beyond normal exploitation or free use of an author's work through photocopying and such other similar means of reproductions including printouts from digital processes, where such reproduction is done in excess of 100 pages per person per year;

"reproduction right" means a right of reproduction of copyrighted work";

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- (a) by deleting subregulation (1) and substituting for it the following:

"(1) Save as provided in sections 9, 12 and 13 of the Act, a person shall not rent, hire or undertake mass reproduction of literary or copyrighted work unless that person has a valid licence issued by the Society."

- (b) in subregulation (2), by-

- (i) deleting the word "than" appearing in paragraph (a); and
(ii) deleting the letter "f" appearing after the words "fine" in paragraph (b) and substitute for it the word "of" .

Amendment of
regulation 4

4. The principal Regulations are amended in Regulation 4, by -

- (a) designating the content of subregulation (1) as contents of regulation 4; and
(b) deleting the words "determined" appearing in paragraph (c) and substituting for it the word "prescribed".

Amendment of
regulation 10

5. The principal Regulations are amended by revoking Regulation 10 and substituting for it the following:

Appel
al
10.-(1) Subject to subregulation (2), an applicant under this Act who is dissatisfied by any condition of a licence or aggrieved by any

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decision of the Society on a refusal to issue a license, may, prior to undersigning or consenting to any conditions, or, as the case may be, within fourteen days from the date of receipt of the decision of the Society, appeal in writing to the Minister, and the Minister shall within 45 days make his determination:

(2) An appeal laid before the Minister shall be stated in a chronological manner supported by evidenced and reliefs sought.

(3) The Minister may, on consideration of the appeal, confirm, vary or rescind the decision of the Society and inform the Appellant of his decision with reasons.

Amendment of
regulation 14

6. The principal Regulations are amended by revoking regulation 14 and substituting for it the following:

Classification of royalties on mass reproduction in terms of these Regulations, tariff shall be classified as follows:

- (a) Tariff ORG - Reproduction in organizations and institutions, whether public, private, research, international or religious;
- (b) Tariff RPC - payable for reproduction in photocopying centres; and
- (c) Tariff AOB - payable for reproduction by any other establishment determined by the Society, in so far as.

Amendment of regulation 16

7. the principal Regulations are amended in regulation 16 by adding immediately after subregulation (2) the following proviso:

Provided that the seizure shall be for such reasonable period as may be necessary to give effect the reporting and transfer of the property to the custody of the police and the institution of suit summarily for contravention under these regulations and the Act:

Provided further than the procedure for seizure, by police officers of the permissible rank and in terms of the applicable written laws, shall apply mutatis-mutandis to seizure under this regulation.

Amendment of regulation 17

8. The principal Regulations are amended in 17(1) by deleting the word "Authority" and substituting for it the word "Society".

Amendment of Schedules

9. The principal Regulations are amended in the Schedules

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- (a) in form CSTR F.2 appearing in the First Schedule by adding immediately after item 3, a new item 4 as follows:
 - 4. This licence covers all copyrighted literary works."
- (b) in form CSTR F.3 appearing in the First Schedule by deleting the enabling provision and substituting for it the following:
 - "(Made under Regulation 4(1)(b))"
- (c) in the Second Schedule by deleting the enabling provision and substituting for it the following:
 - "(Made under Regulation 13(2))".

Dodoma,
11th October, 2018

CHARLES J. MWIJAGE
Minister for Industry, Trade and Investment