

Luyi Kiimleka

Cash Flow Generated from Operations
Cash Flow from Investing Activities
Cash Flow from Financing Activities
Increase in Cash and Cash Equivalents
Cash and Cash Equivalents at Beginning of the quarter/year
Cash and Cash Equivalents at End of the quarter/year

Dates: Salami,
2nd September, 2003

Basil P. Mbarawa,
Minister for Finance

Government Notice No. 128 published on 18/10/2003
THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT, 1999
(No. 7 of 1999)

REGULATIONS

Made under section 43

THE COPYRIGHT LICENSING OF PUBLIC PERFORMANCES AND
BROADCASTING REGULATIONS, 2003

1. These Regulations may be cited as the Copyright (Licensing of Public Performances and Broadcasting) Regulations, 2003.

2. In these Regulations unless the context otherwise requires-

"license" means a license issued under sub-regulation (1) of regulation 5; and

"Society" means the Copyright Society of Tanzania in its acronymic form "COSOTA".

1. No person shall hold a public performance or broadcasting of a work in which a copyright subsists, except under a license issued by the Society.

4. Every application for license shall be made to the Society in the form set out in Part I of the Schedule hereto.

5.-(1) Subject to sub-regulation (3), the Society shall issue a license in the form set out in Part II of the First Schedule hereto, subject to:

- (a) such conditions as specified in the licensing contract, including the submission, in the form set out in Part III of the Schedule hereto, of a Performance / broadcasting and the payment by the applicant of the fees corresponding to the appropriate tariff classification specified in the second Schedule hereto;
- (b) the payment by the applicant of the fees corresponding to the appropriate tariff classification specified in the second Schedule hereto;

Provided that the Society shall have the power to negotiate and vary the specified tariff from time to time, not exceeding thirty per centum depending on special circumstances such as percentage of music used, rate of inflation, and age of the establishment as the Society may deem fit.

(2) A license shall be valid only for the purpose in respect of which it has been issued and for the period, and with respect to the premises and period specified thereon;

(3) The Society may refuse to issue a license and the reasons for such refusal shall be communicated to the applicant.

6. The applicant shall publicly display the license in a prominent and visible position at or near the main entrance to the premises at which the public performance or broadcasting is to be held.

7.-(1) Any person or organization that promotes or brings into Tanzania any foreign band or performing group shall be required to obtain form, and sign a contract form, with the Society.

(2) Any person or organization that promotes or brings into Tanzania any foreign band or performing group shall be required to sign the contract form and pay the required fee at least within twenty-one days before the band or group actually enters into Tanzania.

(3) After the contract has been duly signed, the Society shall notify and facilitate the issuance of clearance from Government allowing that band or group to come and perform in Tanzania.

Applicant
Name for
License
Leader

License to
be display
ed

Name of
licensee
Foreign
Band or
Group

(4) Any promoter of a foreign band or group shall be required to pay a non-refundable deposit of one thousand shillings for the processing and signing of the contract with the Society.

5. The Society shall pay in accordance with its procedures, royalties or other appropriate remuneration accrued or due, to the person entitled thereto out of the fees collected by it set out under the Third Schedule to these Regulations.

9. An applicant who is aggrieved by any condition endorsed by the Society on a license or with the decision of the Society refusing to issue a license may, before the public performance is held and, in any case, within fourteen days from the date the condition is endorsed or the decision is made, appeal to the Minister to review or rescind the condition or decision, as the case may be.

10. In addition to the fees payable under these Regulations an extra "licensing fee" which is specified in the 2nd schedule shall be payable.

11. Anything done by the Society before, during or after commencement of these Regulations in respect of a public performance or broadcasting of any work and which thing is capable of being done under these Regulations shall be deemed to have been validly done under or pursuant to these Regulations.

12. Any person who contravenes these Regulations shall be guilty of an offence and shall be liable to punishment as per Section 42 of the Act.

SCHEDULES

FIRST SCHEDULE

Made under Regulation 4

FORMS
PART I
CST F. 1

(Part 1 of 5)

THE COPYRIGHT SOCIETY OF TANZANIA
THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT, 1999

Application No. _____

THE COPYRIGHT LICENSING OF PUBLIC PERFORMANCES AND BROADCASTING REGULATIONS, 2003

Application for License for Public Performance/Broadcasting of Works in which Copyright Subsists

Applicant's Name(s) _____
Address _____
District _____ Location _____
Telephone _____
Apply for a license to hold public performances/broadcasting of works in which copyright and neighbouring rights subsist under the Copyright and Neighbouring Rights Act, 1999.

PLEASE TICK OR MARK WITH 'X' IN THE APPROPRIATE BOX

Activities of Establishment	Radio	Music Device Used
1. Radio Station <input type="checkbox"/>	Radio <input type="checkbox"/>	Radio Cassette <input type="checkbox"/>
2. Television Station <input type="checkbox"/>	Television <input type="checkbox"/>	Record Player <input type="checkbox"/>
3. Hotel <input type="checkbox"/>	Hotel <input type="checkbox"/>	Music Centre <input type="checkbox"/>
4. Inn <input type="checkbox"/>	Inn <input type="checkbox"/>	Compact Disk <input type="checkbox"/>
5. Motel <input type="checkbox"/>	Motel <input type="checkbox"/>	Live Band <input type="checkbox"/>
6. Rent - house <input type="checkbox"/>	Rent - house <input type="checkbox"/>	Television Set <input type="checkbox"/>
7. Restaurant <input type="checkbox"/>	Restaurant <input type="checkbox"/>	Other (Specify) <input type="checkbox"/>
8. Bar <input type="checkbox"/>	Bar <input type="checkbox"/>	
9. Bottle store <input type="checkbox"/>	Bottle store <input type="checkbox"/>	
10. Supermarket <input type="checkbox"/>	Supermarket <input type="checkbox"/>	
11. Shop/Store <input type="checkbox"/>	Shop/Store <input type="checkbox"/>	
12. Tavern <input type="checkbox"/>	Tavern <input type="checkbox"/>	
13. Night Club <input type="checkbox"/>	Night Club <input type="checkbox"/>	
14. Discotheque <input type="checkbox"/>	Disotheque <input type="checkbox"/>	

15	Entertainment	<input type="checkbox"/>
16	Saloon	<input type="checkbox"/>
17	Bar and Minibar	<input type="checkbox"/>
18	Taxi Operator	<input type="checkbox"/>
19	Car Hire Operator	<input type="checkbox"/>
20	Other (Specify)	<input type="checkbox"/>

Accommodation Establishments

No. of rooms _____

No. of rooms with radio only _____

No. of rooms with TV only _____

No. of rooms with both (TV and Radio) _____

I/We _____ the
 Manager/proprietor of the above premises
 certify that the above information is true to the
 best of my/our knowledge and belief.

Signature of Manager or
 Proprietor

FOR OFFICIAL USE ONLY

Taxi applicable _____

Fee Payable _____

Fee Number _____

Signature of Licensing Officer
 Checked by _____

Return to: The Copyright Administrator
 The Copyright Society of Tanzania
 P.O. Box 9393
 DAR ES SALAAM
 Tel: 022 2180086
 Fax: 022 2180071

2416

PART II
 CST F2
 THE COPYRIGHT SOCIETY OF TANZANIA
 THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT, 1999
 (No. 7 of 1999)

THE COPYRIGHT (LICENSING OF PUBLIC PERFORMANCES AND
 BROADCASTING) REGULATIONS, 2003

LICENCE

(under regulation 5(1))

(name) _____ of _____

(address) _____

is hereby licensed to hold Public Performances/Broadcasting of works in which copyright
 subsists under the Copyright and Neighbouring Rights Act, 1999, at

(name and location of premises)

in the district of _____
 Subject to the conditions specified in the contract.
 This certificate is valid from _____ 200
 to _____ 200

Copyright Administrator

2417

PART III
CST F.1
THE COPYRIGHT SOCIETY OF TANZANIA
THE COPYRIGHT AND NEIGHBOURING RIGHTS ACT, 1999
(No. 7 of 1999)
CST F.1

THE COPYRIGHT LICENSING OF PUBLIC PERFORMANCES AND
BROADCASTING REGULATIONS, 2001, PROGRAMME RETURN OF WORKS
PERFORMED

(Log sheet issued under Regulation 5(1)(c))

1. Only works actually performed/ broadcasted should be stated. They should be mentioned as performed/ broadcasted.

2. This report must be signed: _____ by head of the MC/DW/ establishment or the promoter/ promoter/organiser or _____ by the hand/group leader.

Address of Organization/hand/group broadcasted: _____

Name of _____ by head of the MC/DW/ promoter/organiser: _____

Place of performance: _____

None

Sl. No.	Title of work	Author	Composer	Arranger	Producer
1					
2					
3					
4					
5					
6					
7					

2418

PART IV

Title	Author	Director	Producer

I/We declare that the works stated above were to the best of my/our knowledge and belief actually performed/broadcasted as stated.

Date: _____ Organization/Board/Group Leader: _____

Return to: The Copyright Administrator,
The Copyright Society of Tanzania,
P.O. Box 9393,
DAR ES SALAAM

SECOND SCHEDULE

Made under Regulation 5(1) (b)

TARIFFS

Tariff Classification	Fee per year	Rate of payment/fee
1. Tariff B (Broadcasting)	Percentage of gross airtime revenue/ gross operating costs as follows:-	
For radio / television broadcasts in Tanzania	Percentage of gross revenue/ operating costs	Percentage of gross revenue/ operating costs
	1-10	1%
	11-20	2%
	21-30	3%

2419

Copyright Licensing of Public Performers and Broadcasting

31-02	1%
41-50	2%
51-60	3%
61-70	4%
71-80	5%
81-90	6%
91-100	7%

Minimum fee - Tsh. 500,000/-

Nil

2. **Tariff P/B/C** (Public Performance of Background Music/ Public Reception of Radio/Television Broadcasts of national or foreign origin)

A. For public performance in Bars/ Clubs/Music/venues

(i) Class A (Bars in hotels and similar establishments)

(ii) Class B (all other Bars/Clubs/Music)

(iii) Class C (any other)

Tsh. 600,000/-

Tsh. 350,000/-

Tsh. 150,000/-

Double the tariff

3. **Tariff P/H/S** (Public Performance in Hotels, Saloons & Restaurants/Public Reception of Radio/Television Broadcasts of national or foreign origin)

A. For public performance of sound recordings in or upon premises such as restaurants and bars food joints

(i) Class A (Restaurants in hotels and similar establishments)

(ii) Class B (Other shops, etc. for eat)

(iii) Class C (Ordinary restaurants and any other)

Tsh. 500,000/-

Tsh. 300,000/-

Tsh. 150,000/-

Double the tariff

3420

B. (i) For public performance of sound recordings in or upon premises such as supermarkets and shops

Tsh. 600,000/-

Double the tariff

(ii) Supermarkets and other similar establishments

Tsh. 300,000/-

C. For public performance of sound recordings in or upon premises such as provisional shops through global contracts with licensing agencies

Tsh. 20,000/-

Double the tariff

D. For public performance of sound recordings by advertising companies or any other company in or upon premises such as mobile advertising/point-to-point

Tsh. 500,000/-

Double the tariff

E. For public performance of sound recordings in or upon premises such as Saloons, Barber shops & Gyms through global contracts with Municipal Councils Licensing Agencies

Tsh. 10,000/-

Double the tariff

4. **Tariff AT** (Public Performance at Airport Terminals)

For public performance of sound recordings in or upon airport terminals-

(a) for domestic flights

Tsh. 200,000/-

Double

(b) for international

TSh. 500,000/-

the tariff

5. **Tariff PD** (Public Performance in Discotheques)

A. For public performance of sound recordings at discotheques (entrance fee criterion)

(i) Entrance fee of TSh. 10,000/- or above

TSh. 1,000,000/-

Double the tariff

(ii) Entrance fee between TSh. 5,000/- and TSh. 9,999/-

TSh. 500,000/-

2471

(10) *Ensemble* fee below TShs. 135k 200,000/-
5,000/-

CLM No. 12 (contd)

6. **Tariff NI.** (Public Performance by Local Musicians-To be paid by the owners of venues)
For live public performances in Tanzania by local Musicians.

7. **Tariff MP** (Public Performance by Foreign Bands-To be paid by Promoters)
For live public performance in Tanzania by foreign musicians.

8. **Tariff MLP** (Public Performance during Festivals and Fairs)
For public performance of musical, literary and dramatic works at festivals, fairs, fairs, concerts, traditional dances or similar functions.

9. **Tariff L** (Lending and sales of sound and video cassettes)
(a) For public distribution of video cassettes for sale or hire or rental.
(b) Class A (wholesalers)
(c) Class B (Retailers)

10. **Tariff J** (Public Performance in Live Shows)

11. **Tariff V** (Performance of Visual Recordings)
For public projection of cinematographic films and other sound or visual recordings.

2422

(9) for cinematographic film/shows
(b) for other sound or visual recordings including video shows.

12. **Tariff PT** (Public Performance in Public Transport)

A. For public performance of sound recordings in taxis, commercial aeroplanes and ships registered in Tanzania.

B. Dances, minicircus, tents and hire vehicles through global contractors with licensing agencies.

13. **Tariff H** (Public Performance in Entertainment Halls)

For live/recorded public performances or presentation of musical literary and dramatic works in public

(a) in entertainment halls
(b) in other places
(c) at an educational institution

THIRD SCHEDULE

Made under regulation 8

DISTRIBUTION RULES

Notes:
These distribution rules shall relate to the following rights assigned to the Copyright Society of Tanzania (COSOTA)

2423

(1) the Copyrights of national and foreign authors of music, literary or dramatic works for the following types of work:

Public performance:

- (i) Broadcasting and recording for the purpose of broadcasting; and
 - (ii) commercial lending of video cassettes containing such music.
- (2) the rights of the performing artists within Tanzania and the Tanzania producers of sound recordings for the following types of work:
- (i) Public performances using records; and
 - (ii) broadcasting using records.

(3) where a COSOTA tariff applies to both categories of rights herebefore mentioned the income from royalties based on such tariff shall be distributed in the following manner:

- (i) 75% for the national and foreign authors of musical, literary and dramatic works; and
- (ii) 25% for the performing artists and the producers of sound recordings.

2-4(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 broadcast which shall be class 1;
- (b) public performance of all kinds, which shall be class 2; and
- (c) film projection and commercial lending of video cassettes, which shall be class 3.

(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 1; and

(ii) Tariff PPG - Public performance of background music Tariff PPS - 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 attribution:

- (a) the complete log sheets supplied by the Radio stations and other Broadcasting Corporation, which shall be class 1;

(b) the log sheets of live performance of groups of Artists supplied to COSOTA, which shall be class 2;

(c) the lists of video cassettes lent out by the video lending Shops and Libraries which shall be class 3;

(d) all log sheets received by COSOTA shall be used for purposes of distribution, except those log sheets which are illegible, obviously treated or incomplete;

(e) 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 1;

(b) the distribution shall correspond with the number of actual performances per work, without considering the duration of the performance; shall be class 2;

(c) the distribution shall correspond with the number of times a film has been lent, without considering the duration of the film; this shall be class 3.

Distribution Keys

(5) The following distribution keys shall apply:-

- (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. Composer of Music	80%	50%
7. Adapter of Music	20%	10%
8. Publisher of Music		50%
9. Composer of Music	40%	20%
10. Author of Words	40%	20%
11. Adapter of Music	20%	10%
12. Publisher of Music		50%

(c) There is a sub-publisher, the original publisher and the sub-publisher shall share their 50% share as stipulated in their contract and 75% commission shall not be notified to COSOTA, equal shares of 25% each shall be assigned to the publisher and the sub-publisher.

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

Works of Unknown Author

(7) Works of authors who cannot be identified as members of COSOTA or as members of a foreign copyright society shall not be taken into consideration for distribution of royalties.

Periods of Distribution

(8) The period of distribution shall be fixed as follows:

- (a) April 1st to September 30th; October 1st to (b) March 31st (for class 1);
- (b) July 1st to December 31st; January 1st to June 30th (for class 2); and
- (c) April 1st to March 31st (for class 3).

Provided that distribution statements shall be sent to the authors and publishers not later than 3 months after the end of each distribution period.

Distribution Class and Log Sheets used for Distribution

1. (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 of the Broadcasting Corporation and of the producers of groups of artists 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

Performers on own record *Performers on commercial record*

100% *100%*

(a) performing artists 100%

(b) In the case of groups of performing artists, each group member shall receive an equal share; and

(c) performers of unknown performing artists and records of unknown producers of sound recordings.

Performance of artists who cannot be identified as members of COSOTA or as members of a foreign copyright society and records which cannot be identified as products of 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.

4.-(1) Before analyzing the royalties in the different distribution classes, a percentage to cover administration costs of COSOTA shall be deducted. This percentage shall be the same for all the royalties collected.

(2) The percentage of the deduction shall correspond with the effective cost of administration of COSOTA without aiming at accumulating a reserve or making profits and it shall not exceed 30% of the gross royalty collections.

5.-(1) After the deduction of the costs of administration as set out in item 4 herein the following parts of the net royalties received by COSOTA shall be paid:

- (a) 10% of the royalties accruing from the rights of the authors of musical literary and dramatic works (item 2 herein) shall be paid to the fund for cultural and social security of the author members; and
- (b) 5% of the royalties accruing from the rights of the performers and the producers of sound recordings (item 3 herein) shall be paid to the fund for cultural and social security of the said members.

(c) The elaborate rules for the use of the money from the two funds shall be set out by the COSOTA Board, subject to the approval of the General Assembly.

6.-(1) Royalties received from foreign sister societies shall be paid as soon as possible to the deserving members of COSOTA, after deduction of a handling charge of 5% designed to cover administration costs of COSOTA.

(2) Money from foreign societies not signatory with COSOTA will be in reserve funds for 3 years after which if not distributed to owners should be used for Social Security and Cultural Promotion Funds.

(3) Mechanical Distribution Rights shall not be covered by these Rules.

Dar es Salaam, **JUMA A. NGASONGWA,**
26th September, 2003 *Minister of Industry and Trade*

Deduction of costs of administration

Social security and cultural promotion funds

Royalties received from foreign sister societies