

APPLY COPYRIGHT LAW IN NEWS GATHERING AND REPORTING

- + Define copyright law and neighboring right Act of 1999**
- + Explain the importance of copyright**
- + Outline elements of copyright law**
- + Explain copyright law in news gathering and reporting**

COPYRIGHT LAW AND NEIGHBORING RIGHT ACT OF 1999

COPYRIGHT LAW

In Tanzania, the law governing copyright is the **Copyright and Neighboring Rights Act, [CAP 218 R.E 2002]** ('the Act') which came into force on 31st December 1999. Copyright assures the authors of literary and artistic works against unauthorized copying and piracy of their work. The problem of piracy has been so acute in Tanzania especially for music and film works thereby leading to the enactment of the Films and Music Products Regulations, 2013 which require fixation of tax stamps on each CD or DVD. The problem of piracy of copyrighted works still exists due to modern technology which makes it easier to do unauthorized copying.

Copyright as it is, is appreciated even without registration though if a person registers his work with the Copyright Society of Tanzania (**COSOTA**) he will be in a good position to be easily recognized as the owner of the work and to be entitled to benefits that go along with the registration of the work such as royalties. Some authors are unaware of their rights and procedure to enforce the same under the law.

Section 4 of the Act defines Copyright as the sole legal right to print, publish, perform film or record a literary, artistic or musical work. This legal right is given to the author/originator or assignee of the work. Any publication, print or performance of the work without authorization of the author or assignee amounts to breach which is usually referred to as piracy.

NEIGHBORING RIGHT ACT

Section 4 of the Act defines neighboring rights as the secondary right of copyright which performers are entitled. Performers are defined under the Act to include singers, musicians, and dancers, producers of sound recording (for example cassette recordings and compact discs) in their recordings, broadcasting entities in their radio and television programs.

Performers are protected against certain acts to which they have not consented, such as the broadcasting and communication to the public of a live performance; the fixation of the live performance; the reproduction of the fixation if the original fixation was made without the performer's consent or if the reproduction was made for purposes different from those for which consent was given.

THE IMPORTANCE OF COPYRIGHT

- 01) **Exclusive use:** Once you get copyright for your work, others cannot use it without permission. If any infringement takes place, you can carry out legal action.

- 02) **Record of ownership:** Once you get the copyright registered, there will be a public record of the ownership of your work.

- 03) **Preventing misuse:** You can prevent misuse of your work by registering a copyright. You will have more control over how it is presented to the public.

- 04) **Economic gain:** The most crucial benefit is the economy you derive from the same. You will have the sole right to any revenue that accrues from your original work.

- 05) **Encourages creativity:** It encourages general creativity in the society as owners enjoy the benefits of creative work.

🚩 ELEMENTS OF COPYRIGHT LAW

1. Requirements for Copyright Protection

For a work to be protected, it must meet specific criteria

- **Originality:** The work must be created independently by the author and not copied
- **Fixation:** The work must be recorded or fixed in a tangible or digital medium (e.g., written down, recorded, filmed).
- **Eligibility:** The creator must be a citizen of Tanzania, or the work must have been first published in Tanzania

2. Works protected

The Act protect a wide range of creation including, Books, pamphlets, and computer programs, musical works (vocal or instrumental), Cinematographic (audio-visual) and photographic works, Paintings, sculptures, and architectural drawings.

3. Types of Rights Granted

The law grants two main types of rights to creators,

- **Economic Rights:** These are exclusive rights that allow the owner to authorize or prohibit reproduction, distribution, renting, public performance, and broadcasting of their work.
- **Moral Rights:** These are personal rights that remain with the author, even if economic rights are sold, including the right to claim authorship (attribution) and the right to object to modifications that damage their reputation (integrity).

4. Duration of Protection

General Rule: Life of the author plus 50 years after their death. Joint Ownership: Life of the last surviving author plus 50 years. Anonymous/Pseudonymous Works: 50 years from the date of publication. Audio-visual works: 50 years from creation or publication

5. Ownership and Transfer

Initial Ownership: The person who creates the work is the original owner. Employment: Works created during employment usually belong to the employer, unless a contract states otherwise.

Transfer: Copyright can be transferred (assigned) through written agreements or licensing.

6. Enforcement and Registration

Automatic Protection: Copyright protection is automatic upon creation. Registration is not mandatory, but it is highly recommended to prove ownership in case of disputes

COSOTA: The Copyright Office of Tanzania (COSOTA) is the regulatory body that registers work and regulates collective management organizations (CMOs).

7. Fair use and Exceptions

Copyright is not absolute. The law allows for exceptions known as "fair use" or "fair dealing," which allow, without the owner's consent, the use of works for, **Personal private use** (not for commercial gain). **Educational purposes** (e.g., quoting a book in a classroom). **Criticism, review, or news reporting.**

✚ COPYRIGHT LAW IN NEWS GATHERING AND REPORTING

Copyright law in news protects original expression (articles, photos, videos) while allowing the use of factual information, which is not copyrightable. Journalists must obtain permission to use third-party content unless it falls under fair use which allows using limited material for reporting based on factors like the amount used and impact on the owner's market.

Key Aspects of Copyright Law in News

What is Protected: Original literary, artistic, or scientific works, including news articles, photos, and videos, are protected automatically upon creation.

What is Not Protected: Facts, ideas, data, and news information themselves are not protected by copyright. Other journalists can use the same facts but must create their own expression.

Fair use (or Fair Dealing): Journalists can legally use copyrighted material without permission for news reporting, commentary, and criticism. The determination of fair use depends on the purpose (e.g., educational/news), the nature of the work, the amount of material used (not using the "heart" of the work), and the impact on the original work's value.

User-generated contents (UGC): Images or videos from social media are still copyrighted by the user. Reporters must secure permission or rely on fair use before using UGC in their reporting.

Freelancer rights: Freelancers typically own the copyright to their work unless there is a contract stating otherwise (e.g., "work for hire"), meaning news outlets may need specific licenses to republish or sell their work. Freelancer journalist is a self-employed writer, reporter, or content creator who produces stories, articles, or multimedia content for various publications and clients rather than being employed by a single news organization. They pitch ideas, work on commission, and manage their own time and business, often specializing in specific topics

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The end

Thank you