



DAR ES SALAAM SCHOOL OF JOURNALISM

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OUR MOTTOR: MEDIA FOR DEMOCRACY



TOPIC 5: COPYRIGHTS LAW

➤ What is Copyrights Law

✓ Is a branch of intellectual property law. Intellectual property includes protection of individual rights on the results of their mind or intellect. Copyright in Tanzania is protected by the Copyrights and Neighbouring Rights Acts. or

■ **Copyright** is a type of intellectual property that gives its owner the exclusive right to make copies of a creative work, usually for a limited time. The creative work may be in a literary, artistic, educational, or musical form. Copyright is intended to protect the original expression of an idea in the form of a creative work, but not the idea itself. A copyright is subject to limitations based on public interest considerations, such as the fair use doctrine in the United States.

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Neighbouring rights

Rights which extend the original concept of protection of copyright in an author's original work, such as:

The rights of performers (for example, actors, singers or musicians) to give or withhold consent to the exploitation of their performances.

The rights of producers of sound recordings and films to give or withhold consent to the reproduction of their recordings or films.

The rights of broadcasters or cable programme makers to authorise or prohibit the use of their programmes.

In relation to the recorded music industry, neighbouring rights relate to the right of performing artists and their labels to be paid for certain ancillary activities using their recorded music. Neighbouring rights include the right to be paid when music is played in TV and radio broadcasts or in public places such as shops, restaurants and nightclubs

COPYRIGHTS REGISTRATION IN TANZANIA INTRODUCTION

■ **Copyright**, is the sole legal right to print, publish, perform, film or record a literary or artistic or musical work. Whereas, the authors of original literary and artistic works acquire copyright for their works, by the sole fact of the creation of such works.

■ **Why registering your copyrights?**

Although copyright automatically accrues to the author of the original work, registration of the copyright can be of importance, when it comes to protection and enforcement of copyright. Tanzania has a copyright registration system, which is not mandatory in order to enjoy legal protection of rights, but is very useful in proving ownership if you ever need to enforce your Intellectual Property, by registering your Copyrights it Simplifies adducement of evidence in Court and in Dispute Settlements. Further, it enables the author to claim and receive royalties in and out of Tanzania mainland.

■ **COPYRIGHT REGISTRATION PROCEDURE**

The person who wants to register his/her copyrights in Tanzania has to do it through Copyright Society of Tanzania (COSOTA). COSOTA is an organization established by the Act which is responsible for managing copyright matters in Tanzania. It has a several of functions among other, is to maintain registers of works, productions and association of authors, performers, translators, producers of sound recordings, broadcasters and publishers.

Eligibility for copyright protection in Tanzania

Generally, copyright protection in Tanzania is available to;

- Works of authors who are nationals of Tanzania, or have their habitual residence in Tanzania.
- Works first published in Tanzania, irrespective of the nationality or residence of their authors.
- Works first published in a foreign country of authors of foreign nationality and having their residence in a foreign country, provided that the country where the author has his habitual residence provides the same protection to the works first published in Tanzania

Requirements for Filing application for registration

For a copyright to be registered for protection, the applicant or his agent shall file an application for registration of copyright with COSOTA. The application for registration of copyright is made in a prescribed form accompanied with the following documents and information;

- • Two copies of the copyrighted work;
- • Two passport-size photos of the applicant;
- • A copy of the applicant's passport, National Identity card or birth certificate;
- • A copy of the passport, National Identity card or birth certificate of the applicant's next of kin; and,
- • A copy of any agreement or other document evidencing other rights holders' contributions to and/or ownership of the copyrighted work.
- • For the creator of any copyright idea under the group or company must show the relation in a written form between the declaration and the group/company.
- • Names of group members and representative if it is a group or band or choir.
- • For the creator of any copyright idea under the group or company must show the relation in a written declaration form between him and the group/company.

Examination of the application

On receiving the application for registration of copyright, the Copyright Administrator conducts search on the registered works, and works pending for registration, with a view to ascertain there is dispute or existence of the same work in the register. After conducting the search, the Copyright Administrator may accept or reject the application.

If the Copyright Administrator rejects the application, he will inform the applicant of his decision and his reasons thereto, and the applicant has to reply to such notice or apply for hearing to the refusal within one month to the objection by the Copyright Administrator.

✓ Certificate of Registration

If the Copyright Administrator accepts the application, he will issue the certificate of registration

✓ POST-REGISTRATION RIGHTS AND COPYRIGHT BUSINESS.

After Registration of the author of the work will enjoy protection of his exclusive economic and moral rights, in relation but not limited to, reproduction of the work, distribution of the work, public exhibition of the work, translation of the work, public performance of the work, broadcasting of the work, importation of copies of the work, to claim authorship of his work, and to object to and to seek relief

when his honor or reputation are about to be prejudiced by the third party.

✓ Duration of Protection of Author's Rights

Generally, in Tanzania the protection of copyrights is for the life of the author and for fifty years after his death. In case it is joint authorship work, the protection is during the life of the last surviving author and fifty years after his death.

However, in the case of a work of applied art, the rights are protected for twenty-five years from the making of the work.

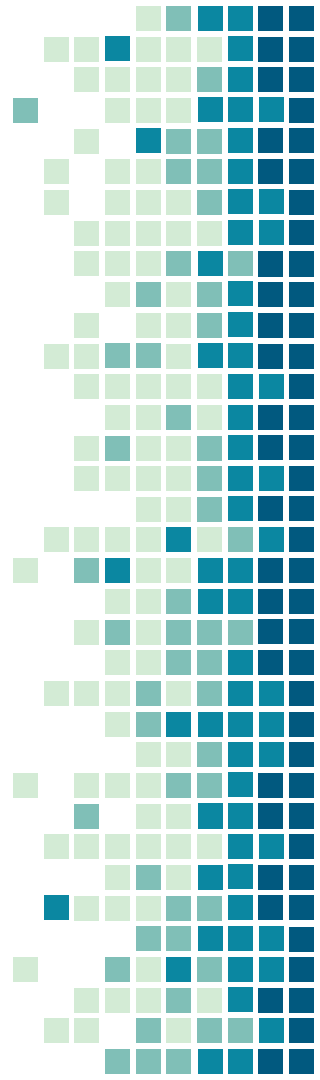
Remedies against infringements

- In Tanzania, there are several remedies against an infringement of a protected right such as Civil Remedies and criminal punishment.
- Civil Remedies range from instituting proceedings for an injunction, prohibition, payment of damages, seizure or destruction. While on criminal punishment a person who infringes rights will be guilty of an offence and will be subject to prescribed sanctions, the later remedy against the offender may be in addition to the civil remedies. It worth noting that an infringer will be criminally punished if the infringement was for commercial purposes only.

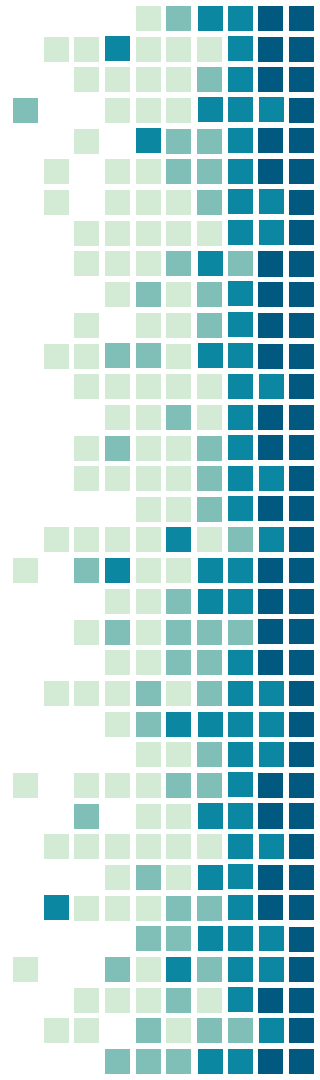
■ COPYRIGHT LICENSES

Generally, the owner of the copyright, may license such license to a third part. Copyright licenses can be either exclusive or non-exclusive.

A non-exclusive license, is where the copyright owner will reserve some of his rights such as to remain the author of the work. Under this kind of license, the licensee will carry out the act concerned concurrently with the author or, concurrently with any other possible non-exclusive licensees. An exclusive license will entitle the licensee to carry out the act concerned to exclusion of all others, including the author or other owner of copyright. The license will be exclusive, if the license agreement in writing and signed by both parties, has clearly states the exclusivity nature of the license or the fact is obvious by looking at the terms and circumstances of the license agreement.



Any
Question?



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