



CHANGES TO THE COPYRIGHT LAW IN TANZANIA

Copyright law to include singers, musicians, dancers, producers of sound recording, the copyright law in Tanzania protects 'neighboring rights' as well. Neighboring rights are secondary rights of copyright that the performers are entitled. Performers are defined under the Tanzanian (for example cassette recordings and compact discs) in their recordings, broadcasting entities in their radio and television programs, etc. Copyright and neighboring rights are essential to human creativity. Copyright protection gives the creators incentives in the form of recognition of their efforts and providing them with fair economic rewards. Through copyright protection, creators are assured that their works can be disseminated without fear of unauthorized copying or piracy. This in turn increases access to and enhances the enjoyment of, among other things, knowledge and entertainment all over the world.

CHANGES TO THE LAW

1. **Remedies of infringement under the Copyright and Neighboring in Tanzania** is governed by Copyright and Neighboring Act, Cap 218 of 1999. Hence Written Miscellaneous Laws (No 3) of 2019 was passed in Parliament whereas, it has amended many laws one of them been the Copyright and Neighboring Act Cap 218 of 1999. Whereby it is understood and known as per the Copyright and Neighboring Act, Cap 218 of 1999 is that whenever a person has faced any infringement in copyright or neighboring the civil remedies available as per section 36 of Copyright and Neighboring Act, Cap 218 of 1999 are;
 - An injunction, so as to prevent the infringement or to prohibit the continuation of infringement.
 - Payment of any damages, suffered in consequences of the infringement.
2. Generally, copyright protection is available to works, unpublished works, audio visual works, architecture works, performance, phonograms, broadcasts and expression of folklore carried out in Tanzania. The Copyright and Neighboring Rights Act, 1999 contains rules on availability of copyright protection for works, unpublished works, audio visual works, architecture works, performance, phonograms, broadcasts and expression of folklore. Furthermore, the Copyright and Neighboring Rights Act, 1999 contains specific rules on situations whereby copyright protection is available to:



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- Situations whereby the publication, production, performance, broadcasting, etc was not carried out in Tanzania.
- Situations whereby the publication, production, performance, broadcasting, etc was not carried out by a Tanzanian national.
- Unpublished works and works first published in a foreign country by authors of foreign nationality.
- Expressions of foreign folklore

3. Remedies of infringement under the Copyright and Neighboring in

Tanzania under the principal Act which is Copyright and Neighboring Act Cap 218 of 1999 is amended in section 42 by; in subsection (1), by deleting paragraphs (a) and (b) and substituting for them the following-

- “(a) in the case of the first offence in commercial basis, a fine of not less than twenty million shillings or thirty per centum of the value of the pirated copyright material, whichever is higher; and
- (b) In case of each subsequent offence in commercial basis, a fine of not less than thirty million shillings or fifty per centum of the value of the pirated copyright material, whichever is higher, in addition, the court may order compensation to the right holder.”



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- Furthermore by adding immediately after subsection (1) the following: Cap. 172 “(1A) In addition to the punishment under subsection (1), where the offender is a legal person regulated by Tanzania Communications Regulatory Authority, the person may be subjected to suspension in accordance with the Tanzania Communications Regulatory Authority Act.”.
4. Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act, the Copyright Administrator or a person authorized by him in writing may, at any time prior to the commencement of the proceedings by a court of competent jurisdiction, compound such offence and order such person to pay-
- the sum of money together with all reasonable expenses Copyright Society of Tanzania may have incurred in connection with the offence; and
 - All fees and charges which would have been due where the action had been authorized under this Act.
 - Where an offence is compounded in accordance with subsection (1) and proceedings are brought against the offender for the same offence, it shall be a good defense for such offender to prove to the satisfaction of the Court that the offence with which the offender is charged has been compounded under subsection (1).
 - Where a person fails to comply with the order issued under this section within the prescribed period, the Copyright Administrator;



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- Shall, in addition to sum ordered, require the person to pay an interest at the rate prescribed in the regulations; and;
- May enforce the order in the same manner as a decree of a court for the payment of the amount stated in the notification.”

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