



Copyright like other Intellectual Property Rights are not union matters, as such the laws that regulate and the organizations responsible for the registration of copyright are different in Tanzania mainland and Zanzibar.

The Copyright and Neighbouring Rights Act No. 7 of 1999 Cap 218 R.E 2002 (the Act) is the main legislation in Tanzania Mainland which provides for the protection and registration of Copyright. Copyrights are registered at the copyright Society of Tanzania (COSOTA) which is established under S. 46 of the Act. Thus the Copyright Office of Tanzania is COSOTA.

COSOTA functions include inter alia promotion and protection of works upon which copyright subsist, maintenance of the register of works, productions and associations of authors and to search for, identify and publicize the rights of owners.

According to the Act, the substance of copyright comprises of exclusive economic and moral rights of the author. Economic rights as provided for under the Act include right to distribution, reproduction, rental, public exhibition and many other related rights. The law vests the exclusive right to the author either to carry out or to authorize exploitation of his work.

Works in which copyright may subsist include all original literary and artistic works whose authors are entitled to copyright protection by the sole fact of creation of such works. Derivative works such as translations, adaptations, arrangements and other transformation of literary and artistic works are also protected as original works. The protection will be granted notwithstanding the form of expression, the quality and purpose for which the works were created.

Registration requirements are provided for under the Copyright and Neighbouring Rights (Registration of Members and Their Works) Regulations, 2005 (the Regulations). The regulations allow an author or other owner of copyright to apply for membership of COSOTA through Form No. CST 4 for individuals and CST 5 for groups. Additionally, applicants are required to pay annual subscription through Form No. CST 6 for individual member and CST 7 for groups. Applicants are also required to attach a declaration of their work at the time of application through Form No. CST 8.

Declaration of work during application is for the purposes of collective copyright protection and registration, and they are free of charge provided the member /applicant have paid the annual subscription fee.

After the receipt of the application, COSOTA will cause a search to be made amongst the registered works and pending applications in order to ascertain whether there is a record or



any dispute in respect of the same work.

Thereafter, Copyright Administrator accept an application absolutely or he may refuse depending on the result of the search and consideration of an application as well as of any evidence of ownership produced or of any other matter of which the applicant may be required to furnish for the purposes of registration.

If the application is rejected, the Copyright Administrator is required to inform the applicant of his refusal in writing as soon as the decision is made and all the materials received as evidence shall be returned to the applicant.

After rejection, the applicant may apply for hearing or he may make a considered reply to that refusal, failure to take any of these steps will render his application withdrawn.

And where an application is accepted, the Copyright Office is obligated to communicate such to the applicant, and where the Copyright Office set some conditions for registration, if the applicant objects to such conditions he shall apply for a hearing or communicate his objections in writing within thirty days. If the applicant does not object to the conditions he shall notify the Copyright Office and alter his application accordingly.

Finally, the regulations further provide that upon registration, the copyright Administrator is required to acknowledge the receipt of the application and any materials deposited.

To sum it up, authors and artists may register their work at COSOTA which is the Copyright office of Tanzania. Although the Act does not make registration compulsory, but if one is to get royalties for their works, they must be members of COSOTA. Furthermore, the benefits of registration of one's work, far outweighs non registration thereof.