



## **THE COPYRIGHT PROTECTION PROCESS IN TANZANIA.**

### **Do you know what a Copyright is?**

Copyright is a crucial aspect of intellectual property law that protects original works of authorship from unauthorized copying, reproduction, and distribution. In Tanzania, copyright protection is governed by the Copyright and Neighbouring Rights Act No. 7 of 1999 (the "Act"). This article provides a comprehensive overview of copyright protection in Tanzania from a legal perspective, including the scope of protection, duration of copyright, exceptions, enforcement, and the role of the Copyright Office of Tanzania (COOTA).

### **The Scope of Protection.**

Under the Act, copyright protection applies to original works of authorship, including literary, artistic, musical, and dramatic works, as well as related rights such as performers' rights and producers' rights. Copyright protection arises automatically upon the creation of a work, without the need for registration or any other formalities. However, registration of copyright works is still recommended as it serves as evidence in case of disputes.

The Act also provides for certain exceptions to copyright protection, such as fair use for educational purposes, criticism and review, and the reporting of current events. The fair use exception allows for the use of copyrighted material for purposes such as research, private study, or teaching, provided that the use is fair and does not compete with the original work.

### **What is the lifespan of a Copyright?**

The duration of copyright protection in Tanzania varies depending on the type of work. Literary, artistic, and musical works are protected for the lifetime of the author plus fifty years from the end of the year in which the author dies. Cinematographic works, sound recordings, and broadcasts are protected for fifty years from the end of the year in which the work was first published or made available to the public.

### **Enforcement of Copyright Protection.**

In order to enforce copyright protection, copyright owners can bring civil and criminal actions against infringers. The Act provides for a range of remedies for copyright infringement, including injunctions, damages, account of profits, delivery up or destruction of infringing copies and equipment used for making infringing copies.

The Act also makes it an offense to import or sell infringing copies of copyrighted works,



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and provides for penalties including fines and imprisonment. However, the effectiveness of these enforcement measures is limited by the inadequate resources and capacity of the authorities responsible for enforcing copyright laws.

The Copyright Society of Zanzibar is established under section (38) of the Zanzibar Copyright Act of 2003 as a body corporate organization which have perpetual succession and by using its name capable of being suing and sued

### **What is the Role of the Copyright Office of Tanzania (COOTA)**

The Copyright Office of Tanzania (COOTA) was established under the Act to administer the collection and distribution of royalties to copyright owners. COOTA is also responsible for promoting awareness of copyright laws and providing training and education to creators of copyright works.

COOTA is funded by the royalties it collects, which are paid by users of copyrighted works such as broadcasters, publishers, and distributors. However, the effectiveness of COOTA in enforcing copyright protection is limited by the lack of resources and capacity to monitor and enforce compliance by users of copyrighted works.

### **International Treaties.**

Tanzania is a signatory to various international treaties on copyright protection, including the Berne Convention for the Protection of Literary and Artistic Works and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). These treaties provide for minimum standards of copyright protection and enforcement, and require member states to provide adequate legal remedies and enforcement measures for copyright infringement.

### **Conclusion.**

Copyright protection is an essential aspect of intellectual property law that plays a critical role in promoting innovation and creativity. In Tanzania, copyright protection is governed by the Copyright and Neighbouring Rights Act No. 7 of 1999, which provides for the protection of original works of authorship. Copyright protection arises automatically upon the creation of a work and lasts for a specified period of time. The Act provides for various remedies for copyright infringement, and Tanzania is also a signatory to various international treaties on copyright protection. COOTA plays a key role in promoting awareness of copyright laws and providing support to creators of copyright works.