STUDY ON ARTIST COPYRIGHT MANAGEMENT & ROYALTIES COLLECTION AND DISTRIBUTION IN THE TANZANIA MUSIC INDUSTRY

Conducted by Martin Cuff and Ernest Omalla
On behalf of the Tanzania Musicians Network
Supported by BEST-AC

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<th>Abbreviation</th>
<th>Full Form</th>
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<td>BASATA</td>
<td>NATIONAL ARTS COUNCIL</td>
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<td>BEST-AC</td>
<td>BUSINESS ENTERPRISE SUPPORT TANZANIA</td>
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<td>BRELA</td>
<td>BUSINESS REGULATION &amp; LICENSING AUTHORITY</td>
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<td>CMO</td>
<td>COLLECTIVE MANAGEMENT ORGANIZATION</td>
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<td>COSOTA</td>
<td>COPYRIGHT SOCIETY OF TANZANIA</td>
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<td>COSOZA</td>
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<td>COSTECH</td>
<td>SCIENCE &amp; TECHNOLOGY COMMISSION</td>
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<td>GDP</td>
<td>GROSS DOMESTIC PRODUCT</td>
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<td>ICT</td>
<td>INFORMATION &amp; COMMUNICATION TECHNOLOGY</td>
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<td>IFPI</td>
<td>INTERNATIONAL FEDERATION OF THE PHONOGRAPhic INDUSTRY</td>
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<td>IP</td>
<td>INTELLECTUAL PROPERTY</td>
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<td>KOPITAN</td>
<td>REPRODUCTION RIGHTS SOCIETY OF TANZANIA</td>
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<td>MCT</td>
<td>MEDIA COUNCIL OF TANZANIA</td>
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<td>RTD</td>
<td>RADIO TANZANIA DAR-ES-SALAAM</td>
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<td>TAF</td>
<td>TANZANIA FILM FEDERATION</td>
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<td>TBC</td>
<td>TANZANIA BROADCASTING CORPORATION</td>
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<td>TANZANIA MUSIC PRODUCERS ASSOCIATION</td>
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<td>TGMA</td>
<td>TANZANIA GOSPEL MUSICIANS ASSOCIATION</td>
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<td>TANZANIA INVESTMENT CENTRE</td>
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<td>TMN</td>
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<td>TJS</td>
<td>TANZANIA SHILLING</td>
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<td>UNESCO</td>
<td>UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION</td>
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1. INTRODUCTION

Taken literally, Copyright means “the right to copy.” Applicable to creative works – films, books, music, art - Copyright creates an environment where the creators of artistic content can distribute their works safe from the fear of loss of earnings - or status - that might come about from unauthorized copying. Copyright therefore provides content creators with both legal recognition of their creative outputs, and economic reward for their efforts.

All around the world, governments have recognised that Copyright management and enforcement is beneficial for a number of reasons including:

• It provides a legal framework to the moral and economic rights of creators in their creations;
• It encourages fair trade in creative content so that it can contribute to economic and social development;
• It ensures that content creators are remunerated for the use of their creations;
• It promotes rights of the public in accessing creative content, and;
• It moves creativity and the dissemination of creative products from the realm of artistic endeavour to the realm of business and economy.

In developing countries, the protection of copyright is vital for the growth of international trade and economic development. It has been argued that the extent to which a nation is willing to protect intellectual property rights is closely linked to the ability of that country to benefit from the international trade in goods and services protected by such rights. As we move from an industrial-based to a knowledge- and information-based economy, the protection of Copyright and IP is therefore a necessary precondition for participation the global economy.

From a development perspective too, it is important to consider Copyright Law as a version of Property law that offers a number of benefits, including:

• The redress of imbalances caused by colonialism and underdevelopment:
• The support of economic growth;
• The nurture national stability;
• The improvement of welfare and poverty alleviation efforts.

Further, since Copyright extends beyond the Copyright holder’s lifetime, it is also an invaluable method for the transfer of wealth between generations, and the establishment of financial security for descendents.

With this in mind, this project provides research on Copyright and Royalties management, specifically as it impacts on the Tanzanian “Music Industry.” The project considers:

• The music industry landscape internationally and locally;
The research aims to provide evidence and inputs on Copyright Management and Royalties distribution in Tanzania, in relation to international and regional best practice. The goal is to contribute to an enhanced understanding of the role and current process of copyright management in Tanzania, and to contribute specific content, inputs and information to the process of reform of copyright practice. The report should provide the Tanzanian government with a framework through which an increased focus can be placed on mainstreaming copyright industries in national development policies. In turn this will allow Musicians to better exploit their Copyrights and thus become more financially sustainable.
The ultimate objective of the study is therefore to provide a clear assessment of Tanzanian Copyright Management practice and make specific recommendations that could be adopted by the government that would allow the sector to achieve significantly increased commercial outcomes in both domestic and international markets.

2. THE MUSIC INDUSTRY

2.i GLOBAL OVERVIEW

The “Music Industry” is an umbrella term that is used to describe a range of activities that involve the creation, recording, performance, distribution, and exhibition of music. Among the many participants on the Industry’s value chain are composers, musicians, music producers, engineers, recording studios, live performance venues, record labels, retail outlets and performance rights organizations.

According to the International Federation of the Phonographic Industry (IFPI), a global music industry trade body with some 1300 members in 66 countries and affiliated industry associations in 55 countries, the global Music sector is currently worth US$ 16.5 billion. This is just less than half the size of the industry a decade ago. The shrinking market is primarily due to digitization; music was one of first sectors to be impacted by the new Digital Economy and the shift from physical goods to online digital sales.

Until 2010, the international music industry was dominated by the major music conglomerates: Vivendi Universal Music Group, Sony Music and Warner Music Group and EMI, which accounted for some 70% of the global music market. (EMI was broken up as a company in 2011).

<table>
<thead>
<tr>
<th>Universal Music Group</th>
<th>Sony Music</th>
<th>Warner Music Group</th>
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<td>€4.449 billion</td>
<td>€4.240 billion</td>
<td>€2.186 billion</td>
<td>€1,792 billion</td>
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Table 2: Sector Turnover 2010 - “The Majors”

2.ii KEY COMPONENTS

The key components within the music industry are:

- The **Authors** who create and write music
- The **Performers** who perform music both live and in recordings.
• The *Producers / Engineers* who assist musicians to record and engineer their recordings.
• The *Managers* who take care of the musicians’ careers and manage their business needs.
• The *Lawyers* who negotiate deals for clients and ensure they have the protection they need in law.
• The “*Record Labels*” who develop talent and finance production and distribution for a share of revenue.
• The *Distributors* who market and promote the artist’s music and pay a royalty on sales.
• The *Collection Societies* that enforce and collect revenues generated from copyrights in recordings and compositions.
• The “*Exhibitors*” – the Print, Radio, TV and (increasingly) the Internet channels that connect the performers and music with the consumer.
• The *Retailers* who sell music either physically or digitally.

These stakeholders interact as follows:

2.iii  SECTOR VALUE CHAIN
The value chain of the music industry is surprisingly long, and tens of different businesses are involved in providing specialised and dedicated services to each stage of the music production process.

The Music Value Chain starts with the original idea or concept for a song, moves through its development and preparation to the song’s performance, either live or in a recording studio. The recorded copy is distributed to various different platforms of exhibition, where an audience consumes it.

The chain has been demonstrated as follows:
CREATION
Creation refers to the inception phase. This starts right at the beginning of the process and includes the conceptualisation and formulation of the lyrics, melody and beats. This phase relies on music knowledge and the availability of instruments.

PRODUCTION
Production is the act of capturing the song in fixed form – either as the creation of sheet music / written score, or in the form of a recording, where the disparate parts (crew, equipment, talent etc) are brought together. The final product is a two-part entity: the completed musical piece, and the accompanying copyright documentation.

The other side of the value chain is determined by what happens to that one song and its copyrights, once it is completed - namely MONETISATION.

DISTRIBUTION
Distribution refers to the activities around the preparation of a song for sale to various publishing platforms. The distributor is a legal entity, a person or a corporation, that has been granted the right to generate revenue from the copyright of the Music. They generate revenue by releasing the Music to the public or licensing the rights to sub-Distributors (such as radio stations) who will release the music to the public in their defined territory / language / medium.

PUBLISHERS
Publishing refers to how a Song is packaged into various channels or streams of distribution (eg. Radio, Television, DVD, digital download etc.)
RETAIL
Refers to the options through which audiences / consumers take up the product via its various channels – how consumers “buy” music.

This extended music industry value chain was worth more than US$168 billion globally in 2006 – in particular due to the extensive list of music-related sectors, including those tied to consumer electronics, radio advertising, and musical instruments.

Internationally, the largest sector underpinned by recorded music sales is the global commercial radio advertising market, which was worth US$34 billion in 2006.

“Record companies provide radio stations with content they need to attract the audience that advertisers want to reach. However with only 1% of advertising revenues flowing back to record companies, or just over US$190 million in performance rights income from radio broadcasts to producers in 2006, radio networks currently squeeze incredible value from recorded music.”

Other important sectors include Television and film, the advertising industry and corporate communications; without music the entire film production sector would lose a great deal of its emotional impact and thus its value. Hotels, restaurants and bars would offer a diminished experience to customers without ambient music. Music also contributes to tourism not only through ambient sounds, but via music and arts festivals that attract visitors. Music can even contribute through clear and unequivocal location branding – *The Girl from Ipanema* or Sinatra singing *New York, New York* for example.

Beyond this there are the teams of accountants, the lawyers, the fashion designers and seamstresses and laundries and stationery providers, website designers, music video camera crew and tour operators who provide services to musicians both at home and on the road. The music value chain thus draws in a whole range of often apparently unrelated businesses.
2.iv  REVENUE STREAMS FOR MUSICIANS

Within this value chain, there are a number of opportunities through which musicians should be able to generate revenue. According to WIPO guide “How to Make Money from Music” by David Stopps, these revenue streams include:

2.iv.i  Authors

- Income from public performances on radio, television, downloads and streaming on the Internet, live performances, concerts, bars, shops, hairdressing salons and anywhere a work is played or heard in public.
- Income from copyright licenses when recordings on CDs, cassettes and vinyl are sold to the public.
- Income from copyright licenses when works are the subject of downloads, streaming on the Internet or as ring tones or real tones.
- Income from synchronization licenses when the work is synchronized to visual images, video or film.
- Income from the sale of printed sheet music or scores or from graphic downloads on the Internet.
- Income from home copying levies.

2.iv.ii  Performers

- Income from fees for live performances in front of audiences at festivals, concert venues, clubs and private events.
- Income from royalties when a “phonogram”¹ producer (record company or label) sells a fixed performance (recording) to the public on a physical sound carrier such as vinyl, cassettes or CDs.
- Income from royalties when a phonogram producer sells a recording on the Internet as a download, by streaming or as a mobile phone ring tone or real tone.
- Income from public performances when a recording is played on the radio on television, or in public (such as in an arena, a disco, club, juke box, shop or a hairdressing salon etc.).
- Income from ‘master re-use’ or synchronization when a recording is synchronized to visual images, video or film.
- Income from home copying levies.
- Income from sponsorship and branding.

Most of these revenue activities are directly linked to the exploitation of copyrighted music.

¹ Phonograms are material objects which embody sounds (other than those accompanying audio-visual recordings such as movies), for example cassette tapes, CDs or vinyl albums.
3. COPYRIGHT

The role and application of copyright has been written about extensively elsewhere, and key international documentation from WIPO (including comparable management systems and international best practice models) is made available as part of this report. This section therefore is included solely to provide a “broad strokes” overview, and is not intended to be comprehensive or complete.

3.i Overview

Modern copyright law has its origins in British stationers’ attempts to protect works from piracy through the passage of the Statute of Anne in 1710, which gave the control over a work to the author instead of the publisher. Today, several international treaties now support the modern concepts of copyright, setting minimum standards of protection that each signatory country then implements within the bounds of its own copyright law.

3.i.i. The Berne Convention

The oldest and most important treaty is the Berne Convention, first signed in 1886 and updated several times since. Ratified by more than one hundred and sixty countries, the Berne Convention establishes minimum standards of protection, including:

- The types of works eligible for protection
- The duration of protection
- The scope of exceptions and limitations)
- Principles of “national treatment” (works originating in one signatory country are given the same protection in the other signatory countries as each grants to works of its own nationals)
- Principles of “automatic protection” (copyright inheres automatically in a qualifying work upon its fixation in a tangible medium and without any required prior formality).

3.i.ii. The Universal Copyright Convention

The Universal Copyright Convention of September 1952 (“UCC Agreement”) was created to provide an alternative to the Berne Convention. The UCC imposes fewer substantive requirements than the Berne Convention. For countries that are members of both the Berne Convention and the UCC, in cases of conflict between the two conventions the Berne Convention prevails.

3.i.iii. WIPO Copyright Treaty

The WIPO Copyright Treaty, signed in 1996, provides for computer programs and databases to be protected by copyright. Importantly, it also recognizes that the transmission of works over the Internet and similar networks is an exclusive right within the scope of copyright.
3.i.iv Agreement on Trade Related Aspects of Intellectual Property Rights
The Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) also entered into force in 1996, and includes a number of provisions related to the enforcement of IP rights. Under the TRIPS agreement, national laws have to make the effective enforcement of IP rights possible, and describes in detail how enforcement should be addressed. TRIPS is administered by the World Trade Organization.

3.i.v The Rome Convention
1961 of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention) solidified three areas of rights:
- Performers
- Producers of Phonograms
- Broadcasting Organizations.

3.ii COPYRIGHT – INTERNATIONAL NORMS
At the very core of all Copyright Law is the concept that if you have created a song (music and/or lyrics) you are considered the legal owner of that property (song), and you have the sole and exclusive right to decide how that property can be copied, used, reproduced, monetised and shared by others. That includes the right to license someone else to exploit the copyright. Rights terminology is complex, and therefore some of the most common understanding of the terminology has been included here:

3.ii.i AUTOMATIC RIGHTS
Copyright is considered to be automatic; songwriters do not need to register a newly composed song in order to “own” the copyright. (Please note however, Copyright law only protects the expression of ideas, not the ideas themselves. In other words, musical notes cannot be copyrighted – only the arrangement of those notes into a physically expressed form.)

3.ii.ii AUTHOR’S RIGHTS
The term Author’s Rights is a direct translation of the French term droit d’auteur. Authors’ rights have two distinct components: the MORAL rights of the author, and the ECONOMIC rights in the work. Copyright protection exists from the time the work is created in fixed, tangible form. There might be three separate copyrights for a single song – for example:

Table 5: Rights in a Song
Only an author - or those deriving their rights through the author - can rightfully claim copyright. Where a work is created jointly by more than one artist, the authors of a joint work are all co-owners of the copyright in the work, unless there is an agreement to the contrary.

Author’s Rights are subdivided into two fields – Moral Rights and Economic Rights, which are explained as follows:

3.ii.iii  MORAL RIGHTS
The concept of moral rights thus relies on the connection between an author and the creation. Moral Rights include:

a)  *The Right of Paternity* - the right to claim authorship of the work, and;

b)  *The Right of Integrity* - the right to object to any modification of the work that would be prejudicial to the author’s honour or reputation

Moral rights protect the personal and reputational value of a work to its creator, rather than any monetary value. Moral rights cannot be transferred.

3.ii.iv  ECONOMIC RIGHTS
In contrast, Economic Rights allow the rights owner to derive financial reward from the use of his/her works. The right of the copyright owner to prevent others from making copies of his works without his permission and approval is the most basic right protected by copyright legislation. Other Economic Rights include the right to:

- Prepare derivative works based upon the work
- Distribute copies of the work to the public by sale or transfer of ownership
• Distribute copies of the work to the public other by rental, lease, or lending
• Perform the work publicly or display the work publicly
• Perform the work publicly (in the case of sound recordings) by means of a digital audio transmission

For the purposes of conceptualising the copyright chain, economic rights can therefore been further split into additional categories:

3.ii.iv.i Performing Rights:
Performing Rights are royalties earned by the creators of original works such as composers, lyricists or music publishers when their musical creations are performed in public – for example when they are played on the radio or on TV, or at a concert.

3.ii.iv.ii Mechanical Rights:
Mechanical Rights royalties are earned by music composers, lyricists and publishers when their musical works are copied onto CD, DVD, tape, video, MP3 or computer hard drive, or as cellphone ringtones.

3.iii NEIGHBOURING RIGHTS
Neighbouring Rights, also known as rights neighbouring to copyright or related rights were created for people / businesses who, while not technically “authors” of a work, nevertheless have contributed creatively or technically or organizationally to the creation of a work in order justify recognition of a copyright-like property right. This is Rights Related or Neighbouring to copyright.

Neighbouring Rights are important for musicians because they extends copyright protection of published sound recordings not only to the original authors, but to musical performers and record companies who record a version of the song. Neighbouring Rights entitles these musicians to receive royalties for any public performance or communication to the public by telecommunication of their recordings. (Please note however, in the case of works “made for hire”, where an artist has created the work while in his/her capacity of employee, the employer and not the employee is considered to be the author and copyright holder.)

The rights of producers of phonograms are recognized because their creative, financial and organizational resources are necessary to make sound recordings available to the public in the form of commercial phonograms; and because of their need to take action against unauthorized uses. The Neighbouring rights of broadcasting organizations are also recognized because of their role in making works available to the public, and in light of their justified interest in controlling the transmission and retransmission of their broadcasts.
3.iv COPYRIGHT USES

What this all ultimately means is that the author a piece of music should have access to a myriad of rights and earning opportunities as a result. An author of a single song should, when the song has been published, be able to expect rights payments from a range of sources. A portion of copyright royalties should also be expected by the performer of the author’s song, again using a variety of options.

This therefore creates a complex chart of opportunities, with each branch offering a potential earning opportunity for each and every song in an artist’s catalogue.

3.v. COLLECTIVE MANAGEMENT

Given the plethora of rights and the myriad of ways in which they can be used / abused, it is obviously extremely difficult for any individual musician or composer to track the usage of their works across every platform, and to conduct the necessary invoicing and payment chasing to collect revenues. In many countries therefore, copyright collective management organizations (also known as collecting societies or “collective management organizations” or “CMOs”) have been established to manage the tasks of rights management and royalties collection.

Table 6 Possible Rights emanating from a single property
According to WIPO, the status of those societies differs in various respects, including the form and extent of government supervision and the limits to their specific mandates - whether they manage performing rights exclusively for instance or whether they also administer mechanical rights, and whether they are the sole collective organization mandated to deal with performing rights (which is the usual case, generally.)

In some countries, the CMOS are private bodies administering performing rights. In a number of developing countries, these organizations are public or semi-public and they administer performing rights as well as rights in practically all categories of works.

3.v.i MAIN ACTIVITIES

By working on behalf of a lot of rights holders, CMOs can more efficiently license the use of works on behalf of those rights holders, can collect royalties from usages, and then distribute these royalties back to rights holders. Collecting societies also negotiate license fees for public performance and reproduction and act as lobbying interests groups.

Rights Management organisations can carry out a wide range of functions. According to WIPO, the necessary minimum activities for a rights management organization are:

- To set up and maintain a file of members and their repertoire
- To set rates, license, monitor use, collect and distribute royalties to right-holders.

The type and range of functions an organization will provide may be larger, however, depending on the local circumstances and financial (and other) resources. Typical management tasks include:

- Set industry standards for rates and terms of use. (Setting minimum or actual terms for the initial creation of works by authors or for performances made by performers and for their subsequent use through negotiations with producers, industries or Government.
- Rights acquisition through agreements with national right-holders and foreign rights management organizations (repertoire)
- Registration of right-holders' works and rights
- Creation and maintenance of a documentation database for rights held and right-holders interests.
- Providing database services to members affiliates and third parties (data warehouse)
- Pre-licensing activities
- Licensing
- Creation and maintenance of documentary records of licenses issued.
• Monitoring the use of works and rights under different license types (blanket/individual)
• Collecting the use-of-work data (from licensees directly, or through the use of market data by way of sampling) necessary for royalty and fee distribution purposes
• Collecting license fees and other remuneration
• Auditing licensees to ensure accurate reporting of use and royalty payments
• Collecting revenue in external markets through agreements with foreign rights management organizations
• Investing license fees and other remuneration to maximize overall revenues
• Analysis of use-of-work data to establish right-holders’ entitlement to collected fees and remuneration
• Defining of royalty distribution policies, formulas and procedures (distribution plan)
• Distributing fees and other remuneration to right-holders
• Promoting the use of works managed in local and foreign markets

Collecting societies are therefore typically mandated to:
• Sell non-exclusive licenses;
• Collect royalties
• Distribute collected royalties
• Enter into reciprocal arrangements with other collecting societies
• Enforce their rights.

3.v.ii GOVERNANCE OF COLLECTIVE MANAGEMENT SOCIETIES
One of the most important issues with collection societies is their democratic governance. Again, according to WIPO, it is highly desirable, if not essential, for collection societies to have a board structure that correctly reflects the rights they administer. So if a collection society collects income for the public performance of works and distributes this income to authors and performers, the governing board should be made up of 50 percent authors and 50 percent performers.

3.v.iii RECIPROCAL INTERNATIONAL ARRANGEMENTS
Reciprocal arrangements are required with international collection agencies; this is because it is almost impossible for a CMO to track usage in foreign countries. Unfortunately there is no one international umbrella organization for related rights collection societies.

3.v.iv BLANKET LICENSES
The usual instruments of licensing musical “performing rights” are blanket licenses that typically authorize users to use any musical work in the repertoire of the collective management organization for the purposes, and
within the period, indicated in the license. Such a license might for example provide a broadcaster with a single annual authorization encompassing thousands of songs owned by thousands of composers, lyricists and publishers.

The basic principle of calculating remuneration and standard tariffs is that the financial or other economic benefit of the user should be taken into account as the most important criterion. It has been generally accepted as a part of this principle that users should pay around 10% of their income derived from the use of works. This however is changing due to newer technologies facilitating the use of works and bringing down the costs of production and distribution of copies and communication.

Blanket License tariffs are usually agreed as the result of collective negotiations with representative organizations of users (such as association of concert bureaus, restaurant owners, hotels, retail shops).

3.vi AFRICAN CMO CASE STUDIES
In neighbouring Kenya, the Music Copyright Society of Kenya (MCSK) is run as a Non-Profit making Collecting Management Organisation for Authors, Composers, Arrangers and Publishers of musical works. Its main Mandate is to collect Royalties on behalf of its members and other affiliate Collecting Management Organisations and distribute the same to them. However, to protect the Neighbouring rights of performers, two other associations exist: KAMP - The Kenya Association of Music Producers and PRISK – The Performers Rights Society of Kenya. KAMP is the body representing the rights and interests of producers of sound recordings. It is registered and granted its license to operate as a collective management organization with basic mandate to collect royalties for producers of sound recordings. PRISK is a collective management organisation licensed by the Kenya Copyright Board to represent performers in musical and dramatic works. PRSK is hence a performer works licensing company appointed as a collecting society under Gazette Notice No. 12322 of 2009. PRISK is a non-profit company limited by guarantee, and not having a share capital.

In Ghana too, the Ghana Music Rights Organisation (GHAMRO) was created to take over responsibilities of collections from the Copyright Society of Ghana (COSGA). GHAMRO, a non-profit membership organisation, took over the mandate to manage the music rights of music owners manage the rights of music owners, and also to issue license to music users such as night club operators, hotel, drinking bars among others operating in the country. An Interim Copyright Management Team (ICMT) which was put in place to manage the operations of COSGA in April 2010, with the primary objective of restructuring the copyright sector, collecting and distributing royalties, overseeing COSGA’s liquidation and finally ushering in the new collecting societies. Two other societies, Copy Ghana and ARSOG also have been certified to manage the rights of members.
The Copyright Society of Malawi is an all-embracing society with over 4,000 individual rights holders of musical works as members. COSOMA has two functions. It acts as a copyright office for the administration of the Copyright Law and it also serves as a Collective Management organisation. COSOMA is a non-profit making organisation which administers rights of thousands of authors, composers, publishers etc. including the right to reproduce their work. Through its work, COSOMA enables rights holders to receive royalties for use of their works; provides social welfare services to its members; and contribute to cultural development in the country through the protection of the rights of creative people.

The National Office of Copyright (ONDA) in Algeria, the Moroccan Copyright Bureau (BMDA) in Morocco, the Senegalese Copyright Office (BSDA) in Senegal, the Copyright Society of Cameroon (SOCADRA), also all operate as single entities managing copyright registration and royalties collection.

4. MUSIC IN TANZANIA

4.i TANZANIAN MUSIC SECTOR OVERVIEW
Tanzania boasts of being home to some of the best artists in East Africa - and the widespread use of Kiswahili has led to Tanzanian artists being celebrated outside the country.

According to WIPO, the first music craze in Tanzania can be traced to the early 1930s when Cuban Rumba became widespread in the country. This period also saw young Tanzanians organizing themselves into dance bands, like the Dar-es-Salaam Jazz Band, Tabora Jazz and Morogoro Jazz. Then, during the socialist era, certain government departments and agencies maintained bands of full-time musicians who assisted in the communication of messages and entertainment of supporters.

In the past few years, the Tanzanian music industry has seen many changes, not least the liberalisation and privatisation of the economy, and the end of the full-time, salaried bands. The industry has seen the mushrooming of hip-hop and reggae artists performing in the Kiswahili language. Local musicians have developed a new style called “Bongo Flava”, which is a blend of melodies, beats, rhythms and sounds. Gospel Music has also proved particularly important on the mainland and is allegedly responsible for about 70% of the industry’s turnover.

A significant element that has changed the nature of the industry in recent years is the introduction of Digital Music – the production of sounds, beats, melodies and accompanying elements through digital / technology methods rather than through the assembly of instruments, musicians etc – and the rising importance of a studio
producer in the production process. At the same time however, there is also a resurgence of interest in the incorporation of unique Tanzanian musical instruments into the performances of musicians in the country.

The following tables demonstrate: The Number of Musicians and their Works registered with COSOTA:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Music 'Authors &amp; Performers Registered'</td>
<td>1890</td>
</tr>
<tr>
<td>Music 'Publishers &amp; Producers Registered'</td>
<td>39</td>
</tr>
<tr>
<td>Music 'Works Registered'</td>
<td>12688</td>
</tr>
<tr>
<td>Total Music Works Members</td>
<td>1929</td>
</tr>
<tr>
<td>Total COSOTA members</td>
<td>3464</td>
</tr>
<tr>
<td>Total Registered Works</td>
<td>15573</td>
</tr>
</tbody>
</table>

The national (but Dar es Salaam-centric) scope of COSOTA’s membership is reflected as follows:

<table>
<thead>
<tr>
<th>REGION</th>
<th>TOTAL MEMBERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dar es Salaam</td>
<td>2300</td>
</tr>
<tr>
<td>Mwanza</td>
<td>160</td>
</tr>
<tr>
<td>Mbeya</td>
<td>150</td>
</tr>
<tr>
<td>Arusha</td>
<td>140</td>
</tr>
<tr>
<td>Kilimanjaro</td>
<td>139</td>
</tr>
<tr>
<td>Tanga</td>
<td>123</td>
</tr>
<tr>
<td>Mara</td>
<td>85</td>
</tr>
<tr>
<td>Kagera</td>
<td>82</td>
</tr>
<tr>
<td>Iringa</td>
<td>56</td>
</tr>
<tr>
<td>Tabora</td>
<td>40</td>
</tr>
</tbody>
</table>

The number of licenses issued for the assignment of copyrights:

<table>
<thead>
<tr>
<th>Periods</th>
<th>Total issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010- March 2013</td>
<td>301</td>
</tr>
<tr>
<td>2012/2013</td>
<td>400</td>
</tr>
</tbody>
</table>

In this relatively low budget environment, currently Tanzanian Musicians access revenue from the following sources

- CD & DVD Sales
- Live Shows (Gate Fees)
- Corporate / Sponsored Performances (including Church Performances)
• Ringtones
• Juke Boxes
• Synchronisation Fees for Movies and TV
• Digital Download
• Copyright Exploitation

However, due to a number of reasons including piracy and lack of copyright experience (explored further below), most Tanzanian musicians rely principally on gate takings from live performances (and sponsored performances by churches for Gospel musicians) rather than copyright exploitation, in order to make a living.

In spite of the apparent success of the sector, there are few clear statistics on the precise size, scope or value of the Tanzanian Music industry. COSOTA estimates that the Copyright industries, of which Music is an integral part, generated added value of between TZS 391.635 and TZS 680.990 billion to the economy in 2007-8. They also generated TZS 38.930 billion and TZS 83.686 billion as income to employees, or a proportion of 2.8% and 5.2% of the total national economic value. Tanzania’s Copyright industries made a contribution of 3.2% to GDP in 2009.

Nevertheless, in spite of lack of clarity on the industry itself, the market for Tanzanian Music is tangible. It includes not only the approximately 45 million Tanzanians inside the country but also another 85 million other Swahili speakers living in East Africa and outside the country, as well as the Swahili-speaking Diaspora, worldwide. This equates to a customer base of around 130 million people – Tanzania’s economy is growing – as much as 7-8% per year by some estimates – and the country is politically stable. The median age of the population is around 18 years, and literacy is estimated to be between around 73%2. With improvements both in economic status and education, it is expected that Tanzanian youth would increasingly seek to consume audio-visual content in general and Tanzanian / Swahili-language content in particular.

4.ii TREATMENT OF COPYRIGHT IN TANZANIA
Copyright is collectively managed in mainland Tanzania by the Copyright Society of Tanzania. (COSOTA). Its counterpart in Zanzibar is COSOZA.

The history of copyright in Tanzania dates back to colonial times, during which The Copyright Ordinance, Cap 218 (August 1, 1924), was introduced as an extension of the United Kingdom (Imperial) Copyright Act (1911). After independence however, prevailing political sentiment raised significant objections to the continued practice of outgoing copyright payments to the former colonizer. In particular, the need for large numbers of School Text Books to rapidly up-skill the country’s youth meant that Copyright was actively ignored by the government of the day.

The colonial Copyright Ordinance was replaced by the Copyright Act No. 61 (1966), which was finally replaced by the current Copyright and Neighbouring Rights Act No. 7 (1999) (CAP 218 RE 2002). This situation effectively meant more than thirty years of business practice in Tanzania during which the rights of Copyright holders were not protected and Copyright was not vigorously enforced. This has left a complex legacy for the implementation of modern Copyright.

Under current Tanzanian law, copyright is recognized as a property right which vests in the authors of original literary, dramatic, musical and artistic works. Copyright also vests in authors of sound recordings as well as other published forms. The duration of copyright is typically fifty years from creation or publications. The copyright law in Tanzania protects ‘neighbouring rights’ as well. Performers are defined under the Tanzanian copyright law to include singers, musicians, and producers of sound recording (for example cassette recordings and compact discs).

The regulations of the Copyright Act make provision for blanket licenses, and set a range of tariffs for licenses for different establishments and uses. The regulations also stipulate how copyright owners will be remunerated from the blanket license fees, as well as the payment periods for distributions. The system could generally be described as a “pull” system, since the Copyright authority is required to pull the relevant information from various sources before they can make the necessary calculations.

As a general rule, copyright protection is available to works of authors who are nationals of, or have their habitual residence in Tanzania. Works first published in Tanzania may also qualify for copyright protection irrespective of the nationality or residence of their authors. Works first published abroad but then published in Tanzania may also qualify for copyright protection. Copyright generally has a fifty year window of protection.

Tanzania is a member of the Berne Convention for the Protection of Literary and Artistic Works of 1886 as revised at Paris in 1971. COSOTA is also an associate Member of The World Intellectual Property Organization (WIPO), International Confederation of Societies of Authors and Composers (CISAC), The African Regional Industrial Property Organization (ARIPO), SEACONET and has foreign affiliated Sister Societies through Reciprocal Agreement, which suggests the government’s commitment – in principle at least - to copyright management and enforcement.

4.iii LEGISLATION

The main legislation is the Copyright and Neighbouring Rights Act of 1999 No. 7 as revised in 2002, 2003 and 2004 – and currently under review. This Act provides a clear legal framework for the establishment of ownership of intellectual property including films and the various copyrighted elements that go into a film’s chain of title (music, screenplay, underlying works, acting and directing, etc.).
The Copyright Act also established COSOTA as a copyright registration and royalties management entity. In the implementation of the parent Copyright Act, COSOTA is further supported by the following regulations:

- The Copyright (Licensing of Public Performances and Broadcasting) Regulations 2003.
- The Copyright and Neighbouring Rights (Production and Distribution of Audio and Audio-Visual)

The regulatory obligations of the public broadcasters are contained in the Tanzania Broadcasting Act of 1993, which calls on stations to, amongst other things to:

- Encourage the development of Tanzania and Africa;
- Maximise use of Tanzanian creative resources;
- Limit advertisements to a maximum of 30% of total daily broadcast time;
- Contribute to shared national consciousness, identity and continuity;
- Provide programming that caters for culture, arts, sports and education pertaining to Tanzania and Africa;

The Tanzania Communications Regulatory Authority (TCRA) was established by the TCRA Act of 2003. The Act specifies that the TCRA is an independent authority, serving the postal, broadcasting and electronic communications industries, and its roles include licensing. The TCRA was formed through the merger of the Tanzania Communications Commission and the Tanzania Broadcasting Commission.

Article 18 of the Tanzanian Constitution, as amended by the 14th Amendment (2005) provides that every person:

- Has the right to freedom of opinion and expression;
- Has the right to seek, receive and impart information, regardless of national frontiers;
- Has the freedom to communicate, and the right to do so without interference; and,
- Has the right to be informed at all times of various events of importance to the lives and activities of the people, and issues of importance to society.

However, as from a business perspective, the music industry is connected with a wide range of laws, including Administrative / Public, Criminal, Civil, Commercial, Company, Labour, Health, Tax, Banking, Insurance, Communication and Media, Transport and Intellectual Property.

4.iv POLICY

Music Industry offers social and cultural benefits, giving citizens the opportunity of crafting, shaping and communicating their own culture via song, demystifying.
cultural and ethnic differences, and it promoting the integration and unification of Tanzania’s peoples. The Music industry therefore can play a primary role in building a national identity. To support this cultural imperative, the main policy document is the Cultural Policy of the United Republic of Tanzania (Sera ya Utamaduni) of 1997. ‘Sera Ya Utamaduni’ identifies the ways through which the Ministry of Information, Culture, Sport and Youth expects culture, including Music, to serve social development goals.

The policy contains a number of stipulations around the rights of every Tanzanian to enjoy culture. However, in spite of this policy, most of the interventions suggested are structured in terms of protection and management rather than sector development. Therefore, while the potential of Music as a catalyst for creativity and shared culture nationwide is alluded to within a broader cultural framework - and there is specific mention of the obligation of the Cultural Industries to contribute to national economic development - current policy offers no clear guidance of how that might be achieved.

There is no policy position on how Tanzanian music and music culture could be nurtured by strategic government interventions, nor is there recognition of the kinds of development funding, skills training and education, business training and market access development that could be undertaken to improve the sector’s performance recognized.

Another key policy is Tanzania Vision 2025. The Vision is supported by a number of operational plans, with timeframes of one, five and fifteen years respectively. There are three principal objectives of the Vision 2025 - which are;

- Achieving quality and good life for all;
- Good governance and the rule of law; and
- Building a strong and resilient economy that can effectively withstand global competition.

These objectives actually not only deal with economic issues, but also include social issues such as education, health, the environment and increasing involvement of citizens in working for their own development. The thrust of these objectives is to attain a sustainable development of the Tanzanian people, imagining the kind of Tanzania that the citizens of the country will be living in by the year 2025. This is envisaged to be a substantially developed society and a Middle Income country, with high quality livelihoods, and poverty a thing of the past.

Consistent with this vision, the Tanzania of 2025 should be a nation imbued with five main attributes;

- High quality livelihood.
- Peace, stability and unity.
- Good governance,
- A well educated and learning society; and
- A competitive economy capable of producing sustainable growth and shared benefits.
The Music industry has significant potential as a contributor to Vision 2025, not only supporting the cultural aspects of the nation state, but also supporting the economic growth required to drive the transformation.

The new Intellectual Property Policy, currently under development, should also have significant influence on the music Industry. (It is imperative that the Music Sector be given the opportunity to comment on the draft of this policy). There are indirect connections to the ICT policy. The policy explicitly states the requirement to enable Tanzanians to participate meaningfully in the knowledge economy. There are also potential – but currently unacknowledged – linkages to the policies of Tourism, Trade and others.

Generally however, the concept of music as a sustainable and valuable creative industry with clear business imperatives is absent from the current policy environment in Tanzania.

5. STAKEHOLDERS

5.i COSOTA
The parent law governing copyright industries in Tanzania, the Copyright and Neighbouring Rights Act No. 7 (1999), established COSOTA to act as a copyright office and copyright management organization, as a bridge between the authors and users. COSOTA is responsible for the Registration, Management and Collections of all creative industries in Tanzania – film, books, art, as well as music. It operates nationally with just 17 staff (a reduction from 20 just three years ago). Its systems are entirely manual, labour intensive and paper heavy and it is chronically underfunded.

Key Objectives of the organization include:

- Adopting measures that will ensure effective advancement of the moral and economic interest of authors, performers, producers of phonograms and broadcasters.
- Establishing effective machinery for collection and distribution of royalties by assuming full responsibility for the operations attaching to the administration of the rights entrusted to it.
- Ensuring the adoption of modern business practices in order to improve services.
- Building on efficient and effective workforce by adopting Human Resources Management Policies.
- Achieving financial self-sufficient (self-reliance) and generate surplus income for the welfare of the society and its members.

Key Functions include:
• To promote and protect the interests of authors, performers, translators, producers of sound recordings, broadcasters, publishers, and, in particular, to collect and distribute any royalties or other remuneration accorded to them in respect of their rights provided for in this Act.

• To maintain registers of works, productions and associations of authors, performers, translators, producers of sound recordings, broadcasters and publishers. The head of the Copyright Society of Tanzania is the Copyright Administrator. The Copyright Administrator is the Chief Executive Officer of the Society and is responsible for administration and management of the Society, including the supervision of other staff of the Society. One of the powers of the Copyright Administrator is to receive and register copyrights.

• To receive and register copyright licenses and assignments. The Licensing Department function and responsibilities include:
  • Collecting royalties from users of copyrighted works through public performance and broadcasting
  • Issuing Copyright licenses to the users of copyrighted works
  • Coordinating and conduct anti piracy programs and
  • Conducting publicity programs
  • To search for, identify and publicize the rights of owners and give evidence of the ownership of these where there is a dispute or an infringement.
  • To print, publish, issue or circulate any information, report, periodical, books, pamphlet, leaflet or any other material relating to copyright and rights of performers, producers of recordings and broadcasters.
  • To advise the Minister on all matters under this Act.

COSOTA’s Funding derives from
• Fees payable under the Copyright and Neighbouring Rights Act 7/1999
• Grants and bequests
• Such other moneys or assets as may vest in or accrue to the Society, including government subsidy whether in the course of its functions or otherwise. The budget allocated is always below what COSOTA would need to perform its functions,
• 30% of royalties monies collected from issuance of licenses. Due to shortage of staff, COSOTA contracts a number of field officers to collect payments – they receive 10% of the royalties they collect on COSOTA’s behalf.

<table>
<thead>
<tr>
<th>Annual year</th>
<th>Amount collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010/2011</td>
<td>TZS 17,330,000</td>
</tr>
<tr>
<td>2011/2012</td>
<td>TZS 32,957,000</td>
</tr>
<tr>
<td>2012/2013</td>
<td>TZS 17,177,000</td>
</tr>
</tbody>
</table>

However, COSOTA’s ability to function is constrained by the failure of government to deliver, not only on the amounts requested, but on the amounts allocated – in 2013, COSOTA has received just over TZS 30,000,000 (around $1870 per month) from government funds.
### Annual year

<table>
<thead>
<tr>
<th>Annual year</th>
<th>Amount requested</th>
<th>Amount Allocated</th>
<th>Amount received</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010/2011</td>
<td>TZS 215,605,000</td>
<td>TZS 130,887,151</td>
<td>TZS 106,526,950</td>
</tr>
<tr>
<td>2011/2012</td>
<td>TZS 619,272,563</td>
<td>TZS 524,280,580</td>
<td>TZS 380,730,000</td>
</tr>
<tr>
<td>2012/2013</td>
<td>TZS 213,107,923</td>
<td>TZS 37,000,000</td>
<td>TZS 30,057,600</td>
</tr>
</tbody>
</table>

COSOTA’s also retains 30% of the monies it collects on behalf of artists. Collections are as per financial years are as follows:

### Financial Year

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Collections</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008/2009</td>
<td>TZS 211,846,738.00</td>
</tr>
<tr>
<td>2010/2011</td>
<td>TZS 295,139,200.00</td>
</tr>
<tr>
<td>2011/2012</td>
<td>TZS 194,668,000.00</td>
</tr>
<tr>
<td>2012/2013</td>
<td>TZS 148,620,000.00</td>
</tr>
</tbody>
</table>

### COLLECTIONS FOR PUBLIC PERFORMANCE AND DISTRIBUTION OF ROYALTIES

<table>
<thead>
<tr>
<th>S/NO</th>
<th>Details of Collection</th>
<th>Amount collected</th>
<th>Distribution Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>By agents, licensing officers and field officers from 1/7/2011 to 31/12/2011</td>
<td>TZS 67,805,000.00</td>
<td>20/6/2012</td>
</tr>
<tr>
<td>2.</td>
<td>By agents, licensing officers and field officers from 1/1/2012 to 30/6/2012</td>
<td>TZS 70,352,500.000</td>
<td>Iligawiwa tarehe 30/8/2012</td>
</tr>
<tr>
<td>3.</td>
<td>By licensing officers and field officers from 1/7/2012 to 31/12/2012</td>
<td>TZS 88,160,000</td>
<td>Iligawiwa tarehe 26/2/2013</td>
</tr>
</tbody>
</table>

COSOTA is also responsible for confronting Piracy – although it is not the final arbiter of copyright infringement and it is not mandated to conduct prosecutions itself. Nevertheless, COSOTA, together with the police force and other stake/right holders of copyright issues conducts anti-piracy operations across the country and has seized not only counterfeit goods but also equipment used in the manufacture and distribution of pirated works - including Computers, Printers, scanners, Duplicating machines, paper cater, CD maker, VHS player, DVD players DVD ROMs, and microphones. Approximately 20 operations were conducted across the country in areas such as Dar es Salaam, Dodoma, Singida, Arusha, Ruvuma, Tabora, Tanga and others. During these operations a total number of 65,072 copies of pirated works (DVD, VHS, VCD, CD) were seized.
WORLD INTELLECTUAL PROPERTY ORGANIZATION

The World Intellectual Property Organization (WIPO) is an international organization dedicated to promoting creativity and innovation by ensuring that the rights of creators and owners of intellectual property are protected worldwide, and that inventors and authors are thus recognized and rewarded for their ingenuity. As a specialized agency of the United Nations, WIPO exists as a forum for its Member States to create and harmonize rules and practices to protect intellectual property rights. Most industrialized nations have protection systems that are centuries old. Many new and developing countries, however, are now building up their patent, trademark and copyright laws and systems. With the rapid globalization of trade during the last decade, WIPO plays a key role in helping these new systems to evolve through treaty negotiation, legal and technical assistance, and training in various forms, including in the area of enforcement of intellectual property rights.

WIPO is closely involved in the on-going international debate to shape new standards for copyright protection in cyberspace. WIPO administers the following international treaties on copyright and related rights:

- Berne Convention for the Protection of Literary and Artistic Works
- Brussels Convention Relating to the Distribution of Program-Carrying Signals Transmitted by Satellite
- Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms
- Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations
- WIPO Copyright Treaty (WCT)
- WIPO Performances and Phonograms Treaty (WPPT)

WIPO also provides an Arbitration and Mediation Center, which offers services for the resolution of international commercial disputes between private parties involving intellectual property.

OTHER GOVERNMENT STAKEHOLDERS

BASATA

Baraza la Sanaa la Taifa – is the National Arts Council. It is an official parastatal organization established under the National Arts Council Act No. 23 of 1984 and is the official government agency for the revival, promotion and development of the arts in Tanzania. It’s role is to streamline the government's liability, promote and develop the arts in Tanzania and facilitate the production and use of art, encourage and promote a culture of Tanzanian art and promote creativity and innovation in the arts.
5.iv  **BRELA**
The Business Registration and Licensing Agency is charged with the registration and licensing of businesses including Music production and distribution entities. Brela’s position is that a market economy is a catalyst to sustainable economic development, because it breeds and nurtures competition in the markets for both goods and services. Competition in turn leads to product and systems innovations for better quality products and services in the market and also value for money, all for the benefit of consumers.

5.v  **COSTECH**
COSTECH is the principal advisory organ of the Government on all matters relating to scientific research and technology development in the country. The roles of the Commission are as summarized below:

- To advise the Government on all matters relating to Science & Technology including but not limited to the formulation of Science & Technology policy, priority setting for Research & Development, allocation and utilization of resources.
- To promote, coordinate, monitor and evaluate scientific research and technology development and technology transfer activities in the country.
- To facilitate national, regional and international cooperation in scientific research and technology development and transfer.
- To acquire, store, and disseminate scientific and technological information and popularize Science & Technology.

COSTECH impacts on the music sector because of the increasing role of technology in music creation, music and copyright management, and for widespread digital transmission of music product.

5.vi  **MCT**
The Media Council of Tanzania (MCT) is an independent, voluntary, non-statutory self-regulatory body established by the media fraternity of Tanzania. The MCT was established on June 30, 1995, at the Journalists and Stakeholders’ Convention held in Dar es Salaam. It began work on May 22, 1997, when it was officially registered under the Societies Ordinance (1954). The mission of the MCT is to create an environment that enables a strong and ethical media that contributes towards a more democratic and just society, while the vision is to push for a democratic Tanzania with a free, responsible and effective media. The general objective of the MCT is to assist and maintain the freedom of the media in Tanzania. MCT should be an ally in the effort for best business practice from the media in Tanzania.

5.vi  **TANTRADE**
The Tanzania Trade Development Authority (TanTrade) was established by the Tanzania Trade Development Authority Act No. 4 of 2009. TanTrade is mandated among other things is to implement the National Trade Policy, the National Export Development Strategy, the Trade Integration Strategy and other sector policies all which aim at developing and promoting Tanzania’s internal and external trade. The goal is to enhance Tanzania’s economic performance through development and
promotion of goods and services for both local and foreign markets. Tantrade has recently been charged with investigating the potential of the Cultural Industries.

5.viii  TANZANIA BROADCASTING CORPORATION
TBC strives to be a truly Public Broadcaster that is accountable to the public through its programmes that are characterised as follows:

- Broadcast throughout the Nation
- Broadcasting quality programmes with universal appeal,
- Broadcast impartial programmes.
- Accessible to all citizens regardless of their ideology, religion, class or physical disability

TBC has local content obligations of 75% of local programming but it has challenges finding sufficient content of appropriate quality. The broadcaster has to find around 75% of its operating income from commercial sources.

5.ix  TANZANIA COMMUNICATIONS REGULATORY AUTHORITY
The Tanzania Communications Regulatory Authority (TCRA) is a statutory regulatory body responsible for regulating the communications and broadcasting sectors in Tanzania. It was established under the TCRA Act no. 12 of 2003 that merged the Tanzania Communications Commission (TCC) and the Tanzania Broadcasting Commission (TBC). The functions of TCRA according to its establishing Act No. 12 of 2003 include among others, to issue, renew and cancel broadcast licences in Tanzania and to establish standards for regulated goods and regulated services.

5.x  TANZANIA REVENUE AUTHORITY
The Tanzania Revenue Authority (TRA) was established by Act of Parliament Not. 11 of 1995, and started its operations on 1st July 1996. In carrying out its statutory functions, TRA is regulated by law, and is responsible for administering impartially various taxes of the Central Government. A main goal of TRA is to increase revenue to GDP to 19.9% by 2018.

5.xi  MUSIC – PRIVATE SECTOR

The private music sector is fragmented and structured into silos that rarely intersect. Various Associations, organizations and federations exist representing Musicians generally, studio producers, gospel artists and others. Many musicians are still organized under Bands or groups. There are limited training opportunities and information about copyright is scarce. A number of musicians are not registered with COSOTA and thus have no option of exploiting copyrights of their work.
A non-exhaustive list of the Radio and Television broadcasters in Tanzania follows:

<table>
<thead>
<tr>
<th>Television</th>
<th>Radio</th>
<th>Radio cont.</th>
</tr>
</thead>
<tbody>
<tr>
<td>ITV</td>
<td>Clouds FM</td>
<td>Radio 5 Arusha</td>
</tr>
<tr>
<td>TBC</td>
<td>Radio Free Africa</td>
<td>Radio Ebony</td>
</tr>
<tr>
<td>C2C</td>
<td>East Africa Radio</td>
<td>Radio Kili</td>
</tr>
<tr>
<td>Channel 10</td>
<td>Radio One</td>
<td>Country FM</td>
</tr>
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<td>Star TV</td>
<td>TBC Taifa</td>
<td>Magic FM</td>
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<td>East Africa TV (EATV)</td>
<td>TBC FM</td>
<td>Radio Chemi Chemi</td>
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<td>Agape TV</td>
<td>Kiss FM</td>
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<td>Mlimani TV</td>
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<td>ATN</td>
<td>Magic FM</td>
<td>Radio Kwizera</td>
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<td>Clouds TV</td>
<td>Choice FM</td>
<td>Radio Sauti ya Injili</td>
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<td>Abood Television</td>
<td>Times FM</td>
<td>Radio Maria</td>
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<td>Capital TV</td>
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5.xiii  EAST AFRICA COPYRIGHTS MANAGEMENT

East Africa Copyrights Management is an exciting new copyrights monitoring system that is being introduced into the Tanzanian market by Push Observer. Push Observer is a state of the art media monitoring firm, headquartered in Dar es Salaam, that offers a platform for capturing, storing and reporting of broadcast content from multiple TV & Radio stations. It is Tanzania’s first 24/7 real-time reporting company and it promises new levels of efficiency and transparency for critical broadcasting tasks. By offering tracking of actual usage of broadcast content, the service helps stakeholders - broadcasters, advertising agencies, marketers, enterprise and both government and non-government organizations - to add value for advertising clients, and increase their ability to record, access, and view broadcast content more efficiently.

Push Observer has now been further adapted to track the actual use of copyrighted material by radio stations and terrestrial broadcasters across Tanzania for copyright purposes. It has already been tracking music usage in Tanzania since 2009, and is envisaged to roll-out across regional borders. Licensing core technology from ASCAP, the leading U.S. Performing Rights Organization representing over 470,000 songwriters, composers and music publishers, East Africa Copyrights Management has followed strict legal due diligence processes and has matched its offering both to existing legislation and to the market. The goal is to roll out as a Private Public
Partnership with government – ideally with COSOTA with commercial terms based on the existing 30% COSOTA commissions. The concept has been tabled in Parliament, and the process includes the gazetting of the new COSOTA board, and a formal tender process to be managed. EACM estimates the value of the copyright market to be $3 million annually.

Using existing software, East Africa Copyrights Management also has the potential to track every individual track played by every private restaurant, shop, and salon in the country. Stations already tracked by EACM include:

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<td>TBC</td>
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<td>C2C</td>
<td>East Africa Radio</td>
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<td>Ten</td>
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<td>Capital TV</td>
<td>Passion</td>
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<td>CCTV</td>
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6. **KEY CHALLENGES**

The research highlighted some key challenges for the management of copyright and collection of royalties in Tanzania. These include:

6.i **OUTDATED LEGAL FRAMEWORK**

The Copyright and Neighbouring Rights Act is now outdated and in need of urgent amendment. However, the process is slow and in the meantime, COSOTA and the industry are hobbled by various restrictive elements. The industry has prepared an extensive list of recommended changes to the Act. Since these are illustrative of many of the problems with Copyright management in the country, they are worth summarizing here:
Appeals: Incoherent Appeals process and “Final Responsibility”

- To include time limitation for an appeal to the Minister of competent authority.
- Either: the appeal to the Minister of competent authority is not final and conclusive an appeal will lie to the High Court – this is option one
  OR
- The decision of the Minister to be final and conclusive
- To add “the Minister of competent authority”

Registration: Lack of compulsory regulation undermining processes

- “all producers, distributors, DJ’S, Promoters and advertising agencies to register themselves with their respective organizations and declare their security features/device’ to COSOTA

Enforcement / Penalties: Insufficient penalties and enforcement to prevent abuse

- To create an offence on any person who fails to pay royalties contravenes section
- To include expenses for destruction and fine of pirated works seized to be borne by the offender see (FCC Act)
- To use the minimum sentence style that is it should read “fine not less than five million, imprisonment not less than three years” rather than not more than.
- Role of the Police force, TRA, TCRA, Customs and the public to be clearly mentioned in the Act in so far as promoting and protecting copyright is concerned they should cooperate with the Copyright Office and the Collective Management Organizations.
- Internet provisions to be included in the Act
- To add a section that “it is an offence to sell, buy or use copyrighted work which has no security device
- Also offences relating to expressions of folklore as in section 42(2) be improved in the penalty section
- Where there is an offence provided penalty should also be stipulated
- Storage of seized pirated works to be expressly mentioned to be held under the custody of the Copyright Office if the inspection was conducted by the copyright office.
- To have a provision on the anti piracy campaigns/raids
- To have provision on whoever aids, conspires to infringe copyright will have committed an offence and penalty to be stipulated

Office Structures / CMOS: Inadequate institutional structures

- To have a Copyright Office this will have a department of Mechanical Rights.
- To have Collective Management Organization to be established as Private entities supervised by the Copyright Office
- To stipulate the functions of the Copyright Office and the Collective Management Organizations (CMO’S)
• On the part of CMO to add levy royalties on foreign and local copyrighted works.
• To have clearly stipulated powers of the Copyright Office and the Collective Management Offices (CMO’S)
• The funds to be clearly provided for the Copyright Office.
• To provide for the financial year of the Copyright Office and the Collective Management Organizations (to be like the government financial year)

Transparency & Representivity of Board: Lack of transparent board management
• The appointment of Board members should not require to be published in the Government Gazette and that the 3 members appointed by the Minister, should have a right to vote.
• The composition of the Board will need to be changed.

Copyright Inspection: Lack of enforcement protocols
• To have clear provisions of appointment of copyright inspectors in the Copyright Office.
• A provision to indicate the qualification of inspectors, roles and duties
• To have provision of the mode of inspection
• To have a provision of the inspectors not being held liable while performing their duties in good faith

Prosecution of Offenses: Unclear dispute provisions
• To have clear provisions on who will prosecute copyright cases.
• To have provisions for dispute settlement on copyright matters as mandatory and to show the consequences of if a person does not turn up for dispute settlement then his works can be restricted. If the matter fails then it can be referred to the Court of law for determination

Contracts: Chaotic contractual / legal framework
• The Act should state that all establishments using artistic works should pay royalties otherwise it will be an offence if one does not pay royalties (compulsory licenses)
• Contracts of the artists to be in writing and to adhere to the normal contract law and the copyright Act
• To have a clear provision on registration of works
• To have sample contracts on copyright in the Act
• Customize the Act to fit Tanzanian situation taking into consideration the stakeholders of copyright many are unaware of contract and what elements should be included.
• To have a general provision pertaining to the collective management organizations
• To have a provision that the distributors should not force the right holders to sell exclusive rights to them
• To have a provision on contracts specifically distribution contracts and that they should be signed at COSOTA
Compensation
• To have a provision on compensation to the victim of the offence and forfeiture
• The amount of compensation should be clearly stipulated or provide a method of assessing the amount of compensation

Appeals Process
• To have a provision for the establishment of Copyright Tribunal, proceedings of the tribunal, rules of procedure in the Act

Other issues arising would seem to be based on the inclusion of fixed rates and tariffs within the act itself. Given the rapid pace of technological change, AND the difficulties with regular return to parliament to amend the act, rates could also be set by COSOTA in consultation with the industry.

6.ii CRITICAL UNDER-RESOURCING OF COSOTA
Aside from the process of modernisation of existing legislation, the Tanzanian Government has made the right noises and signed all the appropriate treaties regarding copyright management and enforcement. However there has been what can only be kindly termed “half-hearted” application of the various laws and policies to actually manage and enforce at a national level. In particular, there has been a serious under-resourcing of COSOTA, which has left it and the services it provides in critical condition.

COSOTA's mandate that is exceptionally broad and the organization is attempting to deliver it in the face of almost impossible odds; attempting to handle registrations, licensing, monitoring, collections, disbursements, enforcement and arbitrations across an entire country of 48 million people in arts disciplines including literature, text books, music, film and art with a staff of seventeen and a budget of TZS 3 million (approximately $1870) a month using only labour intensive manual processes.

Understaffing is one of the largest challenges: registration of all works in the country is handled by just one person, and the licensing department dealing with the collection of royalties across all genres has five Copyright Licensing Officers. There is just one Copyright Inspector. The working tools of these officials are also antiquated, increasing the bureaucratic burden and stymieing efficiencies where it is needed most. However, the organization is also in need of office basics, such as computers, filing cabinets and photocopying machines. Processes are manual and labour intensive. And none of the workload can be efficiently delivered when the (already insufficient) allocated operating budget is not forthcoming from the exchequer. Finally, the tariff structure set out in the Act means that copyright licenses are extremely cheap – which means that less money is getting back to the artists.
No one in Tanzania benefits from this current scenario – musicians rights are being neither successfully managed nor protected, COSOTA staff are undermined and hamstrung from offering effective performance (and are increasingly disheartened by the workload, the expectations and the criticisms levelled at their “non-delivery”) and ultimately too, the government is missing out on the tax revenues that could be generated by a thriving, dynamic, copyright-enabled music sector.

6.iii BUREAUCRACY & RED TAPE
A significant problem with the current management of copyright in Tanzania is the sheer bureaucratic process demanded by the existing system that COSOTA is forced to work with. The registration system as an artist, and the registration system for songs, requires the completion of paper, hard-copy forms that often need to be re-typed, as well as hard copies of the songs themselves. This situation is obviously made more complex nationally through challenges with literacy etc. Beyond this, the management and enforcement of copyright is also achieved through boots-on-the-ground and a lengthy paper trail. These various processes are time consuming and seriously inefficient.

However, the red tape is systemic throughout the music management process. In fact, before an artist can even begin to exploit the copyrights generated from a single song via a live performance, the musician must register with at least six different, unconnected government processes – BASATA, COSOTA as an artist, COSOTA for the song, TRA, BREA, and COSOTA again, the Municipality and the Police for permission for a live performance. This is clearly a disincentive for anyone but the most hardy and dedicated to pursue a career in the music business, and it is also a disincentive for the effective management of rights and the distribution exploitation of royalties.

6.iv LACK OF TRANSPARENCY
In spite of the unfair criticisms levelled at COSOTA regarding levels of delivery (which are out of its immediate control), there is nevertheless a need to overhaul internal systems and introduce the kinds of cooperative and transparent management processes that will satisfy customers and allow the organization to function as a proper Collective Management Organization (CMO) and to distribute royalties more effectively.

Transparency Challenges include the issuance of untrackable, non-specific payments from blanket licenses, lack of clarity on what information the society has on file for each musician as well as the accuracy of that information.

Key issues include:

• The system offers no regular access for members to their “accounts” so that they can clarify information and ownership.

BEST-AC
TANZANIA MUSICIANS NETWORK
• The Music registry does not include information on every song produced, nor on the collaborative talents often working on the songs. The process for artists to check whether their copyright has been correctly represented is limited.
• The dispute settlement mechanism to settle unclear claims is overworked.
• There are few options for swift auditable and proper accounting practices. When payments are received, the musician has no way of knowing where the royalties come from.

As importantly, there is also widespread distrust around the government appointed COSOTA board that does not currently include any musicians or industry representatives to address industry concerns. This does not comply with most copyright management principles where rights holders are typically involved in determining how royalties are best distributed – nor does it comply with the Copyright Act (Section 51.1.2 of Constitution, Proceedings and Other Matters of The Society) nor the provisions of the Societies Act (2002) and the Cooperative Societies Act (2003).

6.v PIRACY
Piracy is an issue everywhere, and Tanzania is no exception. As COSOTA restructures, it monitors usage in the public realm, which means when Music is presented to a public audience. Public audiences mean the music played in hotels, bars, restaurants and shops, as well as on radio or television. Businesses wishing to play recorded music in the public realm are expected to obtain a blank licence to this effect. The problem is that this system is a pull system, whereby COSOTA is forced to seek information from copyright users. This is inefficient and effectively creates an environment where broadcasters and others can choose how and when to interact with COSOTA. As a result of the pull requirements, the supervision of the public realm usage is currently manual and labour intensive, requiring the contracting of numerous additional “freelance” agents to check with businesses across the country. The absence of an integrated system means that copyright infringers will continue to slip through the net.

Further, the focus on public usage means that the private black market in pirated CDs cannot be accurately tracked or measured. This kind of piracy is nevertheless widely assumed to represent a significant loss both to Musicians and to the Revenue Authority annually. Efforts to tackle piracy have increased of late with a new joint initiative from COSOTA, BRELA, the Film Censorship Board and Tanzania Revenue Authority, which will issue Tax Stamps for registered and legitimate dvds. The intention is that law enforcement would confiscate any dvds being sold in the marketplace that do not have the tax stamps. This however relies on the willingness of the police to actively pursue and hold accountable copyright infringement and the sale of illegally copied products.

In piracy issues, the process for filling and concluding cases after raid takes an inordinate amount of time.
6.vi  POWERS OF ENFORCEMENT
A significant challenge is the grey area in existing law that delineates the powers of enforcement for COSOTA. Without the resources or authority to track and prosecute copyright infringements, COSOTA is essentially prevented from delivering on its mandate.

6.vii  LACK OF GOVERNMENT COORDINATION
Although cooperation between COSOTA, BASATA and TRA (and the Film) Censorship Board on tax stamps is a positive step, there is still only very limited cooperation between agencies around copyright. At the very basis of this is that COSOTA falls under the Ministry of Industry and Trade whereas Artists are under the Ministry of Culture. This is particularly problematic since the successful administration of the entire copyright process requires the seamless integration of a whole range of government services. For instance, COSOTA is not able to access information from BRELA regarding the numbers of business licenses granted to businesses likely to be using copyrighted music (hotels, salons etc.) And COSOTA cannot access information from TRA regarding business activities, nor TCRA regarding the licensing and structure of broadcasters.

6.viii  LACK OF A BUSINESS-ORIENTED MUSIC SECTOR POLICY
Although the Music Industry is guided by culture policy, there is no clear guidance of how the business aspects of the Music sector can be developed. Beyond the existing cultural fund, there is no guidance on how the Tanzanian music set could be guided and nurtured by strategic government interventions, nor is the potential scope of development funding, skills training and education, business training and market access development that could be undertaken to improve a sector’s performance. In this environment, the sector is effectively functioning without guidance.

6.ix  LACK OF AWARENESS & INFORMATION OF COPYRIGHTS
Underlying all of these challenges is a basic lack of awareness and understanding in Tanzania of copyrights through all stakeholder groups. This includes the musicians, who do not typically understand their rights, even in relation to each other within the same band / group, nor to other artists whose copyright they are inadvertently using. This causes particular challenges in the digital environment where the studio producers who lay down beats and melodies are frequently completely ignored in the copyright process. Following on from lack of awareness of Copyright is the low level of business skills in the sector. This is particularly problematic because the skills gaps mean Tanzanian musicians are making unprofessional decisions when it comes to the disposal of their copyrights – which in turn is the cause of much of the anger and frustration in the market place.

There is also a lack of understanding about copyright within the general public, who continue to purchase illegally copied dvds and cds. Unfortunately there is clearly also a serious lack of understanding about copyright within government, both from the
economic opportunities that are being missed and the responsibilities for enforcement that are not being fulfilled.

6.x  **HIGH TARIFFS ON MUSICAL INSTRUMENTS**  
Musical instruments currently are classified as luxury items for import and are subject to a 25% “luxury” tax. This has a direct link to copyright management; musicians are either forced to hire their instruments at great expense, which limits productivity and creativity. Occasionally too, musicians have been forced to waive copyright to the owner of the musical instruments, meaning that the music creators loose out on the potential long term benefits of copyright exploitation.

6.xi  **LACK OF INDUSTRY STATISTICS & INFORMATION**  
The Music Business proceeds within an information vacuum. The uncertainty surrounding issues such as industry size, number of performers, number of copyrighted works, audiences demands, their willingness to pay.

6.xii  **THE “TYRANNY OF LOCATION”**  
A further related challenge for copyright exploitation is determined by what Chris Anderson identifies in Wired Magazine as “the tyranny of location.”

> “An average record store needs to sell at least two copies of a CD per year to make it worth carrying; that’s the rent for a half-inch of shelf space. And so on for DVD rental shops, videogame stores, booksellers, and newsstands. In each case, retailers will carry only content that can generate sufficient demand to earn its keep. But each can pull only from a limited local population - perhaps a 10-mile radius for a typical movie theater, less than that for music and bookstores, and even less (just a mile or two) for video rental shops.”

This essentially means that music is not judged on its appeal to a wide audience, but to those who can physically access them. Anderson suggests that an audience too thinly spread is the same as no audience at all. The problem with the tyranny of location is that it leads to hit-driven economics that equates audience numbers with quality and demand, when in fact it often just represents familiarity, clever advertising, and broad if somewhat shallow appeal.

In comparison, online business models simply don’t function in this way. For example:

- 99% of the top 10,000 titles in any online media store (Netflix, iTunes, Amazon, or any other) will rent or sell at least once a month.
- Every single one of the top 400,000 tracks offered by Rhapsody - a subscription-based streaming music service - that currently offers more than 735,000 tracks, is downloaded at least once a month.
- Rhapsody also streams more songs each month from outside its top 10,000 than it does its top 10,000.
• The average Blockbuster carries fewer than 3,000 DVDs. Yet a fifth of Netflix rentals are outside its top 3,000 titles
• The average Barnes & Noble carries 130,000 titles. Yet more than half of Amazon's book sales come from outside its top 130,000 titles.

If the Amazon statistics are any comparison, the market for Tanzanian music that are not even sold in the average music store is larger than the market for those that are. In order to exploit copyright opportunities further, the back catalogue of all Tanzanian music registered via COSOTA needs to be made available via digital marketplaces.

7. RECOMMENDED APPROACHES
As a result of the review project, the following items are recommended as possible approaches to tackling the Copyright challenges in Tanzania.

7.i  Legal Reform
The reform of the Copyright Act is now urgent and requires immediate attention.

7.ii  COSOTA Resourcing & Enablement
COSOTA must be enabled and resourced to do its job. This includes reviewing its legal mandate to drive enforcement efforts, to spearhead intergovernmental cooperation and to drive registration of musicians at the association.

7.vii Technology
COSOTA reform – and management of the entire copyright process - must look beyond the current, “analogue”, bureaucracy-heavy regulatory environment to one where technology is used to support and facilitate sector development and to increase transparency. Given the unprecedented advances of mobile and online technology, there is no reason whatsoever that the entire copyright management process, from customer registration, through to licensing to royalties invoicing, collection and disbursement direct into an artist’s bank account that could not be undertaken using mobile digital services – a single integrated system that does not require a single piece of paper to be used or any technology greater than a smartphone to be applied. Please see Section 9 (below) for more detailed examples of Technology that could be used to assist COSOTA to deliver its mandate.

7.iv Outsourced Royalties Collection Agency
The lack of transparency with existing processes have lead artists to demand the right to administer their own rights through the establishment of independent Royalties Collections and management agencies.
Internationally, this is generally structured as a Collections Agency for
Performers / Neighbouring Rights. Since COSOTA is not being funded sufficiently to manage the collections process, then an outsourcing of this function to one or several co-operating agencies may indeed offer a solution. A feasibility of the financial viability of an independent agency is required.

7.v Music as Business
Tanzania’s predominately socio-cultural focus on the Music industry does not comfortably acknowledge nor enable the industry’s potential economic impacts – either as it stands currently, not considering the future opportunities arising from technological change and regional market integration. While addressing how the Music industry integrates with Cultural Policy, the government should explicitly differentiate the business aspects of the sector by focusing on the economic elements of the Music industry. This should embrace sector development and coordination, quality management, training and skills, trade in and export of music product, and economic research.

7.vi Developmental Approach
The government should consciously move from being regulatory to enabling and developmental in approach. This would reflect both the government’s and the private sector’s interests in delivering on Vision 2025. This means creating a sustainable Tanzanian Music sector (through audience development, Music education and skills training, lifelong learning etc. nationally). An enabling environment for the sector is taken to mean a situation where Musicians of all kinds and levels are actively encouraged to make Music content of all sorts and standards, and to distribute them through platforms (cd, online, live performance, ringtones etc.) at price points set by the market.

7.vii Improved Sector Coordination
Currently the Tanzanian government addresses Music industry needs in silos. The industry requires significantly closer cooperation between government departments in order to create the enabling environment envisioned above. This requires a strong leadership role from government and willingness from BRELA, BASATA, TRA, TCRA, COSOTA and others to work together for the common good. In particular, there is potential for certain elements of the process to be automatically linked – including the copyright payment in the business license issued by BRELA, for instance, or in the broadcast license issued by TCRA.

7.viii Industry organisation / coordination
The Music industry itself appears haphazard and uncoordinated. The industry needs to work more closely together to ensure that opportunities are exploited and gaps in knowledge and experience are filled. Also absent is the standardisation of skills, qualifications and expected learning levels in the
industry as well as clearly defined career pathways for industry entrants and career mobility.

7.viii Waiver of Import Duties on Musical Instruments
Import duties on musical instruments should be waived in order to encourage creativity and the retention of copyright by content creators.

7.ix Business Skills
One of the biggest challenges in Tanzania is the general lack of business skills in the industry. Financial, legal, business, rights management and sales and marketing – skills that are rarely taught in Music courses.

7.x Copyright Training & Awareness Promotion
There is need for specific training in Copyright – for song-writers, musicians, businesses (exhibitors) and the public, but importantly for those members of the government and civil service whose work intersects with the industry. The Police in particular need to be sensitised to their responsibilities around copyright enforcement. There is also need for continual awareness building nationally on the importance of copyright and its enforcement.

7.xi Enforcement / Anti-Piracy
The widespread mindset in many countries is that piracy is not a crime, or at the very least is victimless. Most consumers who commit piracy do so because easy and cheap opportunities arise, or because they cannot get the content any other way. However piracy denies producers and distributors a return on their investment in Music production. The government should expand existing efforts to tackle this problem including the ongoing reform of COSOTA so that it can respond to the function effectively. Enforcement includes proper resources for the organization, as well as a complete overhaul of COSOTA’s authority to act against copyright infringers. Reliable data about scale and trends concerning copyright infringements is also required.

7.xii Research & Development
There is a pressing need for greater information Music businesses can use digital technologies to improve audience engagement and create new revenue models. The uncertainty surrounding issues such as audiences’ preferences, their willingness to pay, and intellectual property rights are inhibiting the development of new business models. Research and Development (R&D) initiatives – by generating hard data and evidence – can significantly help to reduce these uncertainties.

7.xiii Home Copy Levy
An income stream for authors, performers, publishers and phonogram producers that exists in many countries is that from home copying levies, which are sometimes referred to as private copying levies or blank media
levies. These are levies that are applied to blank recordable media such as blank cassettes, CDRs, audiovisual tapes, recordable DVDs and hard-drives of computers, which are intended to compensate the right holders for consumers copying copy-protected material in their own homes. Some countries also apply a home copying levy on recording hardware such as cassette recorders, video recorders, computers and DVD recorders etc. The levies collected flow to a collection society which could be a stand-alone home copying levy collection society, or one of the existing authors or related rights collection societies, after which the income is distributed to the various right holders.

7.xiv  Distribution and Consumer Development
The success of the Tanzanian Music industry and the exploitation of copyright depends on the connection to the potential audience for Tanzanian content. This direct connection will allow musicians to exploit their own products. To build distribution, there must be a policy for consumer development, to help to put Music and Music culture at the heart of the Tanzania cultural life.

7.xv  Digitisation of Back Catalogue
In order to exploit the copyright locked up due to the “tyranny of location” the back catalogue of music registered with COSOTA needs to be digitized and made available online so that musicians can exploit all of their copyrights.

8.  TECHNOLOGY SOLUTIONS

COSOTA’s management of Copyright is manual, labour intensive and paper heavy. However, Technology offers a range of solutions to tackle this. This section begins to identify the kinds of technological solutions that can assist in copyright administration. These are included for information purposes and are not implied as recommendation or promotion of the specific services. (A full technology audit of the Copyright process is recommended both to address the specific needs and to make formal recommendation of the best solutions.)

8.i  Technology Interventions for COSOTA Operations
Given the unprecedented advances of mobile and online technology, there is no reason whatsoever that the entire copyright management process, from customer registration, through to licensing to royalties invoicing, collection and disbursement direct into an artist’s bank account that could not be undertaken using mobile digital services – a single integrated system that does not require a single piece of paper to be used or any technology greater than a smartphone to be applied. Examples of where key technology intersects with existing systems include:
Registration

• Single online entry point for registration for COSOTA, TRA, BRELA, BASATA, Municipalities etc.
• Online registration for Authors, Performers and their works. Links via Facebook accounts reduce errors of spelling / inputting.
• Allow client access to their accounts in real time, using Online Banking Principles (eg password protected)
• Facial recognition software to ensure all performers in a recording session are included in registration of works.
• Scan hard copy documents (at the front end of the process when the registration is received and/or prior to review (so they are utilized onscreen

Royalties/Payments

• Pay accounts payables via electronic means such as credit card, online bank draft, or online service
• Send digital royalties/information to clients via encrypted email or with password protected file attachments in email
• Portal or FTP site to deliver digital payments/information to your clients?
• Due date status of payments updated electronically by personnel in real time format (including managing the digital workflow of tax documents in practice or another digital workflow tool)
• Invoices prepared onscreen rather than using manual billing sheets
• Link registrations with licenses and bank accounts to digitally transfer payments

Audit / Reporting

• Produce financial statements utilizing electronic links between the copyright and the reports, rather than re-keying data
• Deliver financial reports electronically via email, secure portal, or posted to owner section of the intranet
• Deliver client invoices by email or digital fax.
• Simplified reporting at the touch of a button.

Copyright Usage Tracking

• Use “Shazam”-style technology to track exact usage and eliminate need for blanket licenses (see 8.ii)
• Connect copyright users payments directly to copyright owners in seamless process.

Administration

• Utilize an intranet to store firm wide information (i.e. personnel manual and internal firm procedures)
• Deliver financial and management reports electronically via email, secure portal, or posted to owner section of the intranet
• Electronic document destruction procedure to ensure deletion of outdated electronic files on the network
• Organization-wide document management program for archival of all payment information, financial reports, and firm correspondence
• Remote personnel management by offering access to applications and information via a remote connection
• Customers/managers receive management reports electronically
• Backup all firm data to the Cloud (web-based storage) on at least a monthly basis

Communications
• Deliver digital payment stubs via secure email or portal
• Utilize email for communicating with clients for additional information requests.
• Information dashboards within Management applications to update internal reporting information
• Digital fax system allowing personnel to receive faxes via email and save them digitally to the network
• Client portal/FTP site to transfer and store other non-tax client documents

8.ii Shazam
Shazam allows any user to find the song name, artist and author information of any song being played in a public space. The technology therefore already exists to identify songs being played in public spaces with usage tracking and even payment information.

Shazam works by analysing the captured sound and seeking a match based on an acoustic fingerprint in a database of more than 11 million songs. Shazam stores a catalogue of audio fingerprints in a database. The user tags a song for 10 seconds and the application creates an audio fingerprint based on some of the anchors of the simplified spectrogram and the target area between them. Once the fingerprint of the audio is created, Shazam starts the search for matches in the database. If there is a match, the information is returned to the user.

Shazam can identify prerecorded music being broadcast from any source, such as a radio, television, cinema or club, provided that the background noise level is not high enough to prevent an acoustic fingerprint being taken, and that the song is present in the software's database.
Shazam raises the potential for every single public use of music to be tracked, eliminating the need for blanket licenses, or at the very least offering automatic transparency on usage that can better inform disbursements to members.

8.iii Other Applications
There are many examples of applications that can assist businesses and organizations reach improved operational efficiency. Ten examples are included here as illustration of the kinds of problems that are already solvable by the adoption of technology.

8.iii.i Hello Sign
Contracts, tax forms, special deliveries – all require signatures, resulting in a massive paper trail. Hello Sign lets the user sign documents through his/her web browser or mobile device without printing, scanning, or faxing anything. Everything is totally secure, and the electronic signature is even legally binding in the USA.

8.iii.ii Eventbrite
Eventbrite lets the user take ticketing to the next (green) level. It offers paperless mobile payment options, electronic tickets, and completely digital attendee check-in lists. It even allows paperless payments at the door before sending customers eReceipts.

8.iii.iii Lemon Wallet
Lemon Wallet lets users store digital versions of important cards on their phones. Merchants and retailers can access user accounts by swiping their smartphones, which updates every card’s balance dynamically.

8.iii.iv Fujitsu ScanSnap
The Fujitsu ScanSnap receipt scanner digitizes paper receipts. In addition to sending scans directly to an account, it can create reports, edit data, label receipts, and scan multiple pages at a time.

8.iii.v Xero
Xero helps users go paperless with cloud-based accounting software. It encourages the synchronisation of business bank accounts, the share information with accounts departments, the creation and distribution of invoices, acceptance of payments from clients and customers, and offers a comprehensive snapshot of the financial health of a business.

8.iii.vi HelloFax
HelloFax sends and receives faxes without paper, and without a fax machine. Customers can still send faxes the old way but HelloFax converts the paper to an electronic document.

8.iii.vi Adobe EchoSign
Adobe EchoSign allows the user to eSign any document without having to print a page. Users can also send other people documents to be signed, and create specifications for documents that need to be signed in person or by multiple parties.

8.iii.viii Shoeboxed
Shoeboxed allows users to submit documents via email, then documents are consolidated into one searchable, online database. Users can also export data from Shoeboxed to a number of other tools and programmes such as QuickBooks Online.

8.iii.ix Nitro
Nitro lets users edit PDF files as if they were Word documents. Users can easily convert pdfs into the file format of choice, add new content, make revisions, and even create spreadsheets.

8.iii.x. Evernote
Evernote is a fan favorite for storing documents, notes, recipes, photos

Of course Internet / Digital technology requires adoption of clear processes; internet banking has lead the way with much of this. Please see Annexure C for information.

9. SUMMARY OF RECOMMENDATIONS

- FAST TRACK OVERHAUL COPYRIGHT ACT
- ENABLE & PROPERLY RESOURCE COSOTA
- CONDUCT A TECHNOLOGY AUDIT AND USE TECHNOLOGY TO RADICALLY OVERHAUL MANAGEMENT OF COPYRIGHT AND PROCESS OF ROYALTY PAYMENT
- PROVIDE MANDATE TO COSOTA TO PURSUE PIRACY CASES
- RATIONALISE EXISTING POLICIES TO ENABLE MUSIC PRODUCTION TO CONTRIBUTE TO ECONOMIC DEVELOPMENT AND VISION 2025 OBJECTIVES
• DEVELOP A POLICY POSITION FOCUSED ON BUILDING THE MUSIC BUSINESS

• FORMALISE, HARMONISE AND COORDINATE GOVERNMENT’S INTERESTS IN THE MUSIC SECTOR

• OUTSOURCE COLLECTION TO PRIVATE CMOS IF NECESSARY (CONDUCT FEASIBILITY)

• DEVELOP A COMPREHENSIVE AGENDA FOR IMPROVING COPYRIGHT KNOWLEDGE WITHIN THE INDUSTRY AND BEYOND

• REMOVE TARIFFS ON MUSICAL INSTRUMENT IMPORTS

• DEVELOP MARKETS & MARKET ACCESS OPPORTUNITIES FOR TANZANIAN MUSICIANS

• DIGITIZE THE ARCHIVE / BACK CATALOGUE

10. STRATEGIES

The policy recommendations for Music fall into the following broad strategy areas:

A: FORMALISED & COORDINATED GOVERNMENT

• RECOGNITION OF MUSIC AS BUSINESS
• FOCUS ON SECTOR DEVELOPMENT
• ESTABLISH MARKET DEFINITIONS
• REGULAR STATISTICS & ECONOMIC INFORMATION
• COMMERCIALISATION OF DEMAND-DRIVEN MUSIC INDUSTRY
• CROSS SECTORAL REVIEW OF MANAGEMENT OPPORTUNITIES
• TECHNOLOGY AUDIT OF COPYRIGHT PROCESSES
• ACTIVATION ACROSS SERVICES AND VALUE CHAIN
• CREATE “MUSIC COUNCIL” TO COORDINATE GOVERNMENT INTERESTS

B: FORMALISED & SKILLED INDUSTRY

• STANDARD CONTRACTS
• SKILLS TRAINING
• STANDARDS HARMONISATION AND INTEGRATION WITH EXISTING MUSIC ASSOCIATIONS & ORGANISATIONS
• CONTRIBUTE TO STATISTICS & ECONOMIC INFORMATION
• IMPROVED SECTOR COMMUNICATION
• TAX STAMP, ANNUAL STATISTICS, FEEDBACK TO CREATE BUSINESS CASE
• COPYRIGHT AND RIGHTS TRAINING
• ENTREPRENEURSHIP AND BUSINESS TRAINING
• ON-GOING SKILLS TRAINING FOR PEOPLE IN THE INDUSTRY
• AUDIENCE DEVELOPMENT

C. PROCESS MANAGEMENT

• TECHNOLOGY REVIEW OF COSOTA
• FEASIBILITY OF INDEPENDENT CMO
• LOBBY FOR IMPLEMENTATION OF COPYRIGHT ACT OVERHAUL
• UNDERSTAND MARKET SEGMENTATION
• CLARIFICATION OF EXPORT OPPORTUNITIES & PROCESSES
• REMOVE IMPORT TARIFFS ON EQUIPMENT
• ADDRESS MARKET ACCESS BARRIERS
• IMPROVE MARKET KNOWLEDGE
• UNDERTAKE CUSTOMER RESEARCH
• DIGITIZED BACK CATALOGUE

11. CONCLUSION – NEXT STEPS

The research programme has thrown up several vital interventions that are required to keep the developmental momentum for the Music Sector moving forward. These include:

• Detailed economic impact assessment of the Tanzanian Music industry, clarifying both the current and future economic impact of the sector. This should address the numbers of Music production companies and their employment and supplier lists, and it should look at how the monies from production flow through the supply base. This would facilitate acceptance of Music-as-business as per the policy recommendations.

• Technology Audit of COSOTA and the entire copyright process, from registration through to licensing, collection and monitoring activities of COSOTA to make recommendation of how technology can improve services and increase revenues. Technology Overhaul of Copyright – use technology processes highlighted in the Audit to introduce a world class-technical solution.
• Feasibility Study for an outsourced (independent) Copyright Management & Collection agency run by musicians for musicians.

• Detailed Market Assessment – in particular to uncover the current and potential size of the regional market for Tanzanian / Swahili Music. This should address the market/consumer demands, demographics, physical locations, consumption (platform) preferences. This would further contribute to acceptance of Music-as-business as per the policy recommendations.

• Development of a National Music BUSINESS Policy with a focus on sector development.

• Detailed Research on Centralised Government Music Offerings (Music Offices / Councils / Commissions) including Investigation into the Feasibility of Establishing a National Music Office for Tanzania.

• Skills and Education – focusing on building skills and awareness around copyright in a range of stakeholder groups. Also, a Music Business Skills programme, focusing on improving the business aptitudes of Tanzanian producers and mobile Music Resources.

• A lobbying programme to encourage national government to take their copyright responsibilities seriously and support COSOTA effectively.