CHAPTER 68:02 - COPYRIGHT AND NEIGHBOURING RIGHTS: SUBSIDIARY LEGISLATION

INDEX TO SUBSIDIARY LEGISLATION

Copyright and Neighbouring Rights Regulations

COPYRIGHT AND NEIGHBOURING RIGHTS REGULATIONS

(section 37)

(16th March, 2007)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Application by Copyright Society
3. Identification of investigating officer
4. Investigation procedure
5. Prescription of hologram
6. Accreditation of producers
7. Accreditation of importers
8. Levy on technical devices
9. Keeping of books and returns
10. Fees

First Schedule
Second Schedule
Third Schedule
Fourth Schedule

S.I. 11, 2007,
S.I. 33, 2008,
S.I. 58, 2008.

1. Citation
These Regulations may be cited as the Copyright and Neighbouring Rights Regulations.

2. Application by Copyright Society
   (1) The application for a licence to be issued to a Copyright Society under section 22B(i) of the Act as amended by the Copyright and Neighbouring Rights (Amendment) Act 2005, shall be in Form 1A as set out in the First Schedule.
   (2) The licence to be issued to a Copyright Society under section 22B(i) of the Act shall be in Form 1B as set out in the First Schedule.

3. Identification of investigating officer
   The identification card to be presented by an investigating officer under section 29(6)(a) of the Act shall be in Form 2A as set out in Second Schedule.

4. Investigation procedure
   (1) The consent to enter premises, conduct a search or seize any item found within any premises for the purposes of section 29(2)(a) of the Act shall be in Form 2B as set out in the Second Schedule.
   (2) The owner of the premises or the person in charge of the premises shall, if any property is seized from the premises, be issued with a certificate of seizure in Form 2C as set out in the Second Schedule.

5. Prescription of hologram
   The security device to be affixed to every sound and audio-visual recording in accordance with section 35A and 35B of the Act shall be in the form of a hologram stamp.

Copyright Government of Botswana
6. **Accreditation of producers**

   (1) Any person who engages in the reproduction of sound and audio-visual recordings in accordance with the provisions of section 35D(1) of the Act shall, for the purpose of being accredited as a producer, apply to the Copyright Office, in Form 3A set out in the Third Schedule.

   (2) Upon the accreditation of a person who applied for accreditation in terms of subregulation (1), the Copyright Office shall issue to that person a certificate of accreditation in Form 3B as set out in the Third Schedule.

7. **Accreditation of importers**

   (1) Any person who imports into Botswana any sound and audio-visual recordings in accordance with section 35E (1) of the Act shall, for the purpose of being accredited as an importer, apply to the Copyright Office, in Form 3C as set out in Third Schedule.

   (2) Upon the accreditation of a person who applies for accreditation in terms of subregulation (1), the Copyright Office shall issue to that person a certificate of accreditation in Form 3D as set out in the Third Schedule.

8. **Levy on technical devices**

   The levy imposed on all imported and locally manufactured blank sound and audio visual carriers and equipment in accordance with section 35G of the Act shall be as set out in the Fourth Schedule.

9. **Keeping of books and returns**

   (1) Every accredited person shall-

      (a) keep an inventory of stock of security devices purchased from the Copyright Office for inspection by the Copyright Office; and

      (b) submit quarterly returns of security devices to the Copyright Office.

   (2) In complying with subsection (1), if the inventory and returns of security devices do not give a true and fair view of the matters to which they relate, the directors shall add such information and explanations as will give a true and fair view of those matters.

10. **Fees**

    The fees to be paid in relation to any application form under these Regulations shall be P40.

**FIRST SCHEDULE**

COPYRIGHT AND NEIGHBOURING RIGHTS ACT
(Cap. 68:02)
Form 1A

Application for a licence to operate a copyright society
(reg 2(1))
Name of Copyright Society: .................................................................

Company Registration Number: ....................................................

Physical Address: ...........................................................................

Postal Address: ............................................................................

Telephone Number: ......................................................................

Fax Number: ..............................................................................

E-mail Address: ............................................................................

Members of the Proposed Copyright Society

<table>
<thead>
<tr>
<th>Names of Members/Organisation</th>
<th>Category of Members/Organisation</th>
<th>Signature of Officer</th>
<th>Identity Card No.</th>
<th>Physical Address</th>
<th>Postal Address</th>
<th>Telephone Number</th>
<th>Fax No.</th>
<th>E-mail Address</th>
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</tbody>
</table>

Submitted by:

Print Name: .............................. Identity No: ..............................................

Position: .................................................................

Signature: .........................

COPYRIGHT AND NEIGHBOURING RIGHTS ACT
(Cap. 68:02)
Form 1B
Licence issued for the operation of a copyright society
(reg 2(2))
Copyright Office Address: .................................................................

LICENCE NO: ......................................................................................

I hereby certify that ..................................................................................

(Name of Society)

is granted a licence to operate as a Copyright Society in Botswana.

The licence is granted on condition that the Copyright Society perform the functions as stipulated under the provisions of section 36A and 36B of the Copyright and Neighbouring Rights Act (Cap. 68:02).

Given under my hand and seal this ......................... day of .................................

20 .............., at Gaborone.

........................................
Copyright Administrator
(Signature and Stamp/Seal)

SECOND SCHEDULE
COPYRIGHT AND NEIGHBOURING RIGHTS ACT
(Cap. 68:02)
Form 2A
Investigating officer’s identity card
(reg 3)
**COPYRIGHT AND NEIGHBOURING RIGHTS ACT**  
(Cap. 68:02)  
*Form 2B*  
*Entry, search and seizure consent form*  
*(reg 4(1))*

I, .....................................................................................................................  
(name of owner/person in charge*)  
(address of owner/person in charge*)

consent to the entry and search of premises situated at ....................................................  
and seizure of items.

Signature of owner/person in charge* .......... Date .......... Time ................................

Name of Investigating Officer: ..............................................................................................

Identification No: ................................................................................................................

Signature of Investigating Officer ......................... Date ............... Time .........................

*Delete if not applicable*
COPYRIGHT AND NEIGHBOURING RIGHTS ACT
(Cap. 68:02)
Form 2C
Certificate of seizure
(reg 4(2))

To: .................................................................................................................................
(name and address of owner/person in charge*)

I, ................................................................................................................................., investigating
officer, of identification No. .................. have entered the premises situated at.........................
on the ................................. 20 ....... and seized and retained for further examination the
following items:

1.
2.
3.
4.

Signature of investigating officer..................Date.................................Time.........................

*Delete if not applicable

THIRD SCHEDULE
COPYRIGHT AND NEIGHBOURING RIGHTS ACT
(Cap. 68:02)
Form 3A
Application for accreditation as a producer
(reg 6(1))
Name of Producer: .................................. Identification No.: ..............................................
(company/business name*)
Postal Address: ...........................................................................................................
Physical Address: ...........................................................................................................
Telephone: ........................................ Fax: ........................................ E-mail: ..............................

Title of work(s) for which security device is being procured ...........................................
Number of security devices required ...................................................................................
Name(s) of Author(s) of Work ............................................................................................
Has the producer obtained the consent of the author(s)/composer(s)* to produce and/or
reproduce the work? Yes** ................. No ..............................

I/We declare on my/our* honour that the information given above is true to the best of my/our*
knowledge and belief and that any misinformation given by me/us* renders my/our*
application null and void.

Declared at ........................................ on ..................................................20.............

........................................
Applicant’s signature

*Delete if not applicable
**Authorization from the author/composer owner of the work to produce the said work(s) for
which approval for application of security device is being sought must be attached.

COPYRIGHT AND NEIGHBOURING RIGHTS ACT
(Cap. 68:02)
Form 3B
Certificate of accreditation as a producer
(reg 6(2))
Our Ref. No: .................................

Your Ref. No: ................................. Date: .................

Accreditation is hereby given to ....................... Identification No: ....................... of ................................. to purchase ................................. security devices (company/business name*) numbered .............. to ............... in respect of the sound/audiovisual recording(s)* of ..........................................................

..............................................................................................................

from the Copyright Office.

For a period of one(1) year from ................................. to .................................

.................................
Copyright Administrator
(Signature and stamp)

*Delete if not applicable
Note: Security devices are not transferable from one work to another.
Name of Importer: .................................. Identification No........................................ of ........................................
(Company/business name)

Postal Address: ..........................................................................................................................

Physical Address: ......................................................................................................................

Telephone: .................................. Fax:.............................................. E-mail: ..................................

Title of work (s) for which security device is being procured: ...................................................

..................................................................................................................................................

Name of Author (s) of Work: ........................................................................................................

Name of Producer(s) of Work: .....................................................................................................

Number of security devices required: .........................................................................................

Has the importer obtained the authorisation of the producer or his or her authorised
representative to import the said work (s) ? Yes** ........................................ No..........................

I/We* declare on my/our* honour that the information given above is true to the best of my/
our* knowledge and belief and that any misinformation provided by me/us* renders my/our*
application null and void.

Declared at .............. on ......................... day of .................................................. 20.............

................................
Applicant’s signature

*Delete if not applicable
** Authorisation from the producer of the import the work (s) for which the approval is being
sought must be attached.

COPYRIGHT AND NEIGHBOURING RIGHTS ACT
(Cap. 68:02)
Form 3D
Certificate of accreditation as an importer
(reg 7(2))
Our Ref. No.: ........................................

Your Ref. No.: ........................................ Date:........................................

Accreditation is hereby given to .......................................................... Identification No.: ........................................

(name of applicant)

of .......................................................... to purchase ........................................ security (company/business name*)

devices numbered: .......................................................... to ........................................ in respect of imported

sound/audiovisual* recordings of .......................................................... entitled ..........................................................

and produced by ..........................................................

of ..........................................................

from the Copyright Office.

For a period of one (1) year from ........................................ to ........................................

..........................................................

Copyright Administrator (Signature and stamp/seal)

*Delete if not applicable

Note: Security devices are not transferable from one work to another.

FOURTH SCHEDULE
LEVIES
(reg 8)

<table>
<thead>
<tr>
<th>Goods</th>
<th>% of the levy on cost price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Audio Cassette</td>
<td>2%</td>
</tr>
<tr>
<td>Video Cassette</td>
<td>2%</td>
</tr>
<tr>
<td>Compact Disc (CD) and Digital Versatile Disc (DVD)</td>
<td>1%</td>
</tr>
<tr>
<td>Cellphone</td>
<td>2%</td>
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<tr>
<td>Computer</td>
<td>1%</td>
</tr>
<tr>
<td>CD Writer</td>
<td>1%</td>
</tr>
<tr>
<td>Photocopier</td>
<td>1%</td>
</tr>
<tr>
<td>Printer</td>
<td>2%</td>
</tr>
<tr>
<td>Scanner</td>
<td>2%</td>
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<tr>
<td>Modulator</td>
<td>1%</td>
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<tr>
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<td>MP3 Player</td>
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<td>Flash Disc</td>
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</tr>
<tr>
<td>Camcorder</td>
<td>2%</td>
</tr>
<tr>
<td>Digital Camera</td>
<td>2%</td>
</tr>
</tbody>
</table>

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