

CHAPTER 68:02 - COPYRIGHT AND NEIGHBOURING RIGHTS

SUBSIDIARY LEGISLATION

COPYRIGHT AND NEIGHBOURING RIGHTS REGULATIONS

(section 37)
(16th March, 2007)

ARRANGEMENT OF REGULATIONS

REGULATION

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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.

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

Names of Members/ Organisation	Category of Members/ Organisation	Signature of Officer	Identity Card No.	Physical Address	Postal Address	Telephone Number	Fax No.	E-mail Address

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)

FRONT SIDE

	<p>MINISTRY OF TRADE AND INDUSTRY</p> <p>COPYRIGHT OFFICE</p>	
	<p>IDENTIFICATION NO.</p>	
<p>PASSPORT PHOTO</p>	<p>NAME OF OFFICER:</p>	
	<p>SIGNATURE OF OFFICER:</p>	

BACKSIDE

<p>Issued under section 29(6)(a) of the Copyright and Neighbouring Rights Act</p> <p>This officer is engaged by the Government of Botswana under the powers granted by the Copyright and Neighbouring Rights Act and has been authorised to exercise the powers vested in him or her under this Act.</p>	
<p>DATE OF ISSUE:</p>	<p>SIGNATURE OF COPYRIGHT ADMINISTRATOR:</p>
<p>Property of the Government of Botswana. If found, hand it to an officer of the Copyright Office or to any Police officer or mail to Copyright Administrator, P. O. Box 102, Gaborone, Botswana.</p>	

COPYRIGHT AND NEIGHBOURING RIGHTS ACT

(Cap. 68:02)

Form 2B

Entry, search and seizure consent form

(reg 4(1))

I, of
(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.:.....of.....
(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 on20.....

.....
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

..... entitled

.....
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.

COPYRIGHT AND NEIGHBOURING RIGHTS ACT
(Cap. 68:02)
Form 3C
Application for accreditation as an importer
(reg 7(1))

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 onday 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 ofentitled

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)

Goods	%of the levy on cost price
Audio Cassette	2%
Video Cassette	2%
Compact Disc (CD) and Digital Versatile Disc (DVD)	1%
Cellphone	2%
Computer	1%
CD Writer	1%
Photocopier	1%
Printer	2%
Scanner	2%
Modulator	1%
IPOD	1%
MP3 Player	1%
Flash Disc	1%
Camcorder	2%
Digital Camera	2%