

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

COPYRIGHT AND NEIGHBOURING RIGHTS REGULATIONS, 2007  
(Published on 16th March, 2007)

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IN EXERCISE of the powers conferred on the Minister of Trade and Industry by section 37 of the Copyright and Neighbouring Rights Act, the following Regulations are hereby made—

1. These Regulations may be cited as the Copyright and Neighbouring Rights Regulations, 2007. Citation
2. (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. Application by Copyright Society No. 6 of 2006  
(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. 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. Identification of investigating officer
4. (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. Investigation procedure  
(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. 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. Prescription of hologram

Accreditation of producers	<p><b>6. (1)</b> 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.</p> <p>(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.</p>
Accreditation of importers	<p><b>7. (1)</b> 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.</p> <p>(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.</p>
Levy on technical devices	<p><b>8.</b> 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.</p>
Keeping of Books and returns	<p><b>9. (1)</b> Every accredited person shall —</p> <p>(a) keep an inventory of stock of security devices purchased from the Copyright Office for inspection by the Copyright Office; and</p> <p>(b) submit quarterly returns of security devices to the Copyright Office.</p> <p>(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.</p>
Fees	<p><b>10.</b> The fees to be paid in relation to any application form under these Regulations shall be P40.</p>

FIRST SCHEDULE

Form 1A

COPYRIGHT AND NEIGHBOURING RIGHTS ACT  
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APPLICATION FOR A LICENCE TO OPERATE A COPYRIGHT SOCIETY  
(regulation 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: .....

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**LICENCE ISSUED FOR THE OPERATION OF A COPYRIGHT SOCIETY**  
(regulation 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**

*Form 2A*

**COPYRIGHT AND NEIGHBOURING RIGHTS ACT**  
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**INVESTIGATING OFFICER'S IDENTITY CARD**  
(*regulation 3*)

**FRONT SIDE**

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

**BACKSIDE**

<b>Issued under section 29(6)(a) of the Copyright and Neighbouring Rights Act</b>	
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.	
<b>DATE OF ISSUE:</b>	<b>SIGNATURE OF COPYRIGHT ADMINISTRATOR:</b>
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.	

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ENTRY, SEARCH AND SEIZURE CONSENT FORM  
(regulation 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*

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CERTIFICATE OF SEIZURE  
(regulation 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**

Form 3A

**COPYRIGHT AND NEIGHBOURING RIGHTS ACT**  
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**APPLICATION FOR ACCREDITATION AS A PRODUCER**  
(regulation 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 ..... 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.*

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CERTIFICATE OF ACCREDITATION AS A PRODUCER  
(regulation 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.

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APPLICATION FOR ACCREDITATION AS AN IMPORTER  
(regulation 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 ..... 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.*

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CERTIFICATE OF ACCREDITATION AS AN IMPORTER  
(regulation 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  
(regulation 8)**

<i>Goods</i>	<i>% of the levy on cost price</i>
Audio Cassette	5%
Video cassette	5%
Compact Discs (CD) and Digital Video Decorders (DVD)	10%
Other equipment	15%

MADE this 6th day of March, 2007.

**D. N. MOROKA,**  
*Minister for Trade and Industry.*

*L2/7/330 I*