

THE COPYRIGHT REGULATIONS

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Citation
2. Forms
3. Fees

PART II – REGISTRATION OF COPYRIGHT WORKS

4. Copyright Register
5. Application for registration of copyright works from outside Kenya
6. Authentication of copyright works
7. Copyright Inspectors
8. Inventory of seized goods
9. Renunciation of copyright
10. Extension of Regulations

PART III – MISCELLANEOUS PROVISIONS

11. Application for copies of documents
12. Copies of lost or destroyed documents
13. Extension of time
14. Signing of forms
15. Statutory declarations
16. Documents to be in English language
17. Revocation
18. Transitional provisions

SCHEDULES

FIRST SCHEDULE —
FEES

FORMS

THE COPYRIGHT REGULATIONS

[Legal Notice 177 of 2020]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the Copyright Regulations.

2. Forms

The forms referred to in these Regulations shall be the forms set out in the First Schedule.

3. Fees

The fees set out in the Second Schedule shall be the prescribed fees for the purposes of these Regulations.

PART II – REGISTRATION OF COPYRIGHT WORKS**4. Copyright Register**

(1) The Executive Director shall keep and maintain a databank of authors and their works known as the Copyright Register, in accordance with section 5(f) of the Act, in which the following particulars shall be recorded with respect to any copyright work that the copyright owner elects to register—

- (a) the title of the copyright work;
- (b) the name of individual or organization, identity card number or certificate of incorporation for a company, of the author, owner, assignee or exclusive licensee of the copyright work;
- (c) a description of the work;
- (d) the physical, postal and email address of the copyright owner;
- (e) the date of affixation of the copyright work; and
- (f) any other information that the Executive Director may consider relevant.

(2) The Executive Director may maintain the Copyright Register in electronic or physical form.

(3) Where the owner of a work wishes to have it registered in accordance with paragraph (1), he or she may apply for its registration in Form C.R. 1 as set out in the First Schedule, accompanied with the prescribed fee, and submit a copy of the work to the Executive Director:

Provided that in the case of books and magazines, proof of deposit at the National Library shall suffice.

(4) Where an application is successful, the Executive Director shall issue the applicant with a certificate of registration in Form C.R. 2 as set out in the First Schedule.

(5) Where an application has been made in electronic form, the Executive Director may issue the applicant with an electronic certificate:

Provided that the electronic certificate shall have tamperproof security features.

(6) The Executive Director shall keep and maintain an index or indexes of the Copyright Register as may be necessary.

(7) The Executive Director may, for good cause or on application by an interested party and on such conditions as the Executive Director may deem fit, amend the Copyright Register to correct errors by—

- (a) entering relevant information in the Copyright Register that may have been wrongly omitted;

[Subsidiary]

- (b) removing any entry that may have been wrongly made or remaining in the Copyright Register; or
- (c) correcting an error or defect in the Copyright Register.

(8) Every entry made in the Copyright Register or particulars of any work entered therein shall be made accessible to the public in electronic form on the payment of a fee and in a manner as the Board may approve.

(9) An application for the change of name or address of a copyright holder shall be made on Form C.R. 3 as set out in the First Schedule

(10) Where there is a change of ownership in respect of any copyright work, the new or former owner of the copyright work shall apply for a change of ownership shall be made in Form No. C.R. 6 as set out in the First Schedule and accompanied by a certified copy of the relevant instrument of transfer.

5. Application for registration of copyright works from outside Kenya

(1) This regulation shall apply to section 33(3A) of the Act

(2) An application for the recordal of an assignment or a license of a copyright work from outside Kenya shall be made in Form C.R. 5 as set out in the First Schedule and accompanied by a certified copy of the deed of assignment or similar instrument.

(3) Where an application under paragraph (2) is successful, the Executive Director shall issue the applicant with a certificate of registration of assignment or license in Form C.R. 5 as set out in the First Schedule.

(4) Such approved registration shall be entered in the Copyright Register upon payment of a Registration fee as set out in the Second Schedule.

6. Authentication of copyright works

(1) This regulation shall apply to section 36 of the Act.

(2) A sound recording or audio-visual work imported into Kenya, intended for sale or offered for sale, hiring, lending or intended for distribution to the public for commercial purposes in Kenya, shall have affixed on the media an authentication device.

(3) The authentication device shall be issued by the Board and be tamper-proof and serially numbered.

(4) The authentication device shall be affixed by the copyright holder whose copyright work has been entered in the Copyright Register before it is released in the market.

(5) An application for the affixing of an authentication device of copyright work under section 36 (1) shall be made in Form C.R. 7 as set out in the First Schedule and accompanied by relevant documentary evidence that the author of the work or copyright holder of the works has authorized the manufacture, production or distribution of the work in Kenya.

7. Copyright Inspectors

(1) A Copyright Inspector appointed under section 39 (1) of the Act shall carry and produce on request by any person a Board Identification Card or Certificate of Authority bearing the Board's seal while executing his or her duties.

(2) The Board shall publish in the *Gazette* the name of a copyright inspector appointed under section 39(1) of the Act.

(3) The Certificate of Authority referred to in paragraph (1) shall be in Form C.R. 8 as set out in the First Schedule.

8. Inventory of seized goods

(1) A notification of seized goods under section 41(1) of the Act shall be in Form C.R. 9 as set out in the First Schedule.

(2) A notification of seized goods under section 41(3) shall specify the date, physical address of the place of seizure, number, type, brand and description of the seized items

and in the case of large quantities of seized items, single items need not be described and may be listed as a block.

(3) A notification of seized goods under section 41(3) shall be filled in triplicate and a copy shall be issued to the person from whom the goods have been seized and signed by the person who prepares it or seized the goods.

9. Renunciation of copyright

(1) An author or copyright holder who wishes to renounce a copyright work shall notify the Executive Director in writing of his or her intention to renounce the copyright work.

(2) The Board shall publish the notice of renunciation under paragraph (1) in the *Gazette*.

10. Extension of Regulations

In accordance with section 49(2)(b) of the Act, these Regulations shall also apply to—

- (a) in respect of literary works, musical works and artistic works, to individuals or bodies corporate who are citizens of, domiciled or resident in or incorporated under the laws of another country and which provide for the protection of copyright and related rights;
- (b) those works and audio-visual works first published in a country which is a party to treaty to which Kenya is also a party and which provides for the protection of copyright and related rights; and
- (c) individuals or bodies corporate who are citizens of, domiciled in those audio-visual works and photographs first made available to the public or first published in a country which is a party to a treaty to which Kenya is also a party and which provides for protection of copyright and related rights.

PART III – MISCELLANEOUS PROVISIONS

11. Application for copies of documents

A person who wishes to obtain a copy of a document kept by the Board shall apply to the Board in Form C.R. 11 as set out in the First Schedule for a certified copy or in Form C.R. 12 as set out in the First Schedule for an uncertified copy and on the payment of the prescribed fee.

12. Copies of lost or destroyed documents

(1) The Board may, on application by any person, issue a copy of a lost or destroyed certificate.

(2) An application for a copy of a lost or destroyed certificate shall be in Form C.R.13 as set out in the First Schedule.

(3) An application for a copy of a lost or destroyed certificate shall be accompanied by a declaration or affidavit under oath with respect to the loss or destruction of the certificate in Form C.R.14 as set out in the First Schedule.

13. Extension of time

The Board may extend the time for doing an act or taking proceedings, other than the time expressly provided for in the Act, on such conditions as it may specify or on request or application of the person who has been time-barred.

14. Signing of forms

(1) A form that is required to be signed on behalf of a corporation shall, unless an agent signs it, be signed by a director or the secretary of the corporation.

(2) The following provisions shall apply if a form is required to be signed on behalf of a partnership—

- (a) unless the form is signed by an agent, the form shall be signed by a partner or by a person who satisfies the Board that the person is authorized by the partnership to sign on its behalf; and

[Subsidiary]

- (b) the form shall set out the names and addresses of the partners.

15. Statutory declarations

The Oaths and Statutory Declarations Act (cap. 15) shall apply with respect to a statutory declaration or an affidavit under the Act or these Regulations in Form C.R. 15 as set out in the First Schedule.

16. Documents to be in English language

(1) A document submitted or provided to the Board under section 21(1) and (3) of the Act and shall be in the English language.

(2) If a copy of a document that is required to be submitted or provided under section 21(1) or (3) is not in the English language, the following shall apply —

- (a) an English translation of the document shall be provided along with the copy of the original document;
- (b) the translation shall be certified to be an accurate translation;
- (c) if more than one copy of the document is required, one copy of the translation shall be provided for every copy of the document required;
- (d) if the Board determines that the translation is not accurate, the Board may refuse to accept it and may require an accurate translation to be provided or submitted; and
- (e) the copy of the document shall be deemed not to have been provided or submitted until the required translation and copies thereof are provided or submitted.

17. Revocation

The Copyright Regulations (L.N. 128/2004) are revoked.

18. Transitional provisions

(1) A permit, license, certificate, authorization or any other document issued or granted under the repealed Regulations shall continue to be valid for the unexpired period thereof.

(2) A person who had applied for a new permit, license, certificate, authorization or any other document under the repealed Regulations, shall continue to operate under the terms of the permit, license, certificate, authorization or any other document held by that person as if the application had been made under these Regulations until the application is determined.

FIRST SCHEDULE

FORMS

FORM C.R. 1

(r. 4 (3))

THE COPYRIGHT ACT (Cap. 130)

THE KENYA COPYRIGHT BOARD

APPLICATION FOR REGISTRATION OF A COPYRIGHT WORK

Name and Address of the Applicant(s)

Physical address of the applicant(s)

Name and address of an agent (if any)

Category of copyright work

Date of fixation/ reduction into material form

Title of the copyright work

I/We, the applicant(s) identified above apply for registration of the above copyright work as

I/We attach hereto two copies of the copyright work (where applicable).

We hereby declare that the copyright work, the subject of this application, is an original work.

Dated at _____ this _____ day of _____
20 _____

Signature(s)

Applicant(s)

FORM C.R. 2

(r. 4(4))

THE COPYRIGHT ACT (Cap. 130)

THE KENYA COPYRIGHT BOARD

CERTIFICATE OF REGISTRATION OF A COPYRIGHT WORK

It is hereby certified that a copyright work in thecategory
entitled and numbered has been registered in the name
of

Issued by;

.....

EXECUTIVE DIRECTOR, KECOBO

FORM C.R. 3

(r. 4(9))

THE COPYRIGHT ACT (Cap. 130)

THE KENYA COPYRIGHT BOARD

APPLICATION TO AMEND NAME OR ADDRESS OF THE COPYRIGHT
HOLDER

Name and Address of the Copyright

Holder(s)

New name

Physical address of the applicant(s)

Previous Address

Name and address of an agent (if any)

Category of copyright work

Copyright registration number (attach
copyright certificate)

Dated at _____ this _____ day of _____ 20 ____

Signature(s)

Applicant(s)

FORM C.R. 4

(r. 4 (10))

THE COPYRIGHT ACT (Cap. 130)

THE KENYA COPYRIGHT BOARD

APPLICATION FOR RECORDAL OF A LICENSE IN THE COPYRIGHT
REGISTER

Name and Address of the Applicant(s)

Physical address of the applicant(s)

Name and address of an agent (if any)

Name and address of the parties to the
license/assignment/ contract

Title of copyright work

Type of License

Date of License/Assignment

Copyright Registration Number

[Subsidiary]

The list of documents required by regulation 6 is attached hereto in a separate sheet of paper.

Dated at _____ this _____ day of _____ 20 _____

Signature(s)
Applicant(s)

FORM C.R. 5

(r. 5)

THE COPYRIGHT ACT (Cap. 130)

THE KENYA COPYRIGHT BOARD

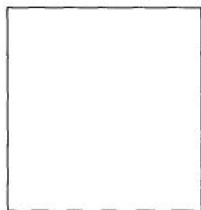
CERTIFICATE OF REGISTRATION OF A LICENCE/ASSIGNMENT IN THE
COPYRIGHT REGISTER

It is hereby certified that a copyright License/ Assignment entitled and numbered has been recorded in the name of

Of

In respect of an application for recordal of a license/ assignment in the copyright register.

Dated at _____ this _____ day of _____ 20 _____



Seal of the Board
.....

Executive Director
The Kenya
Copyright Board

FORM C.R. 6

(r. 4 (10))

THE COPYRIGHT ACT (Cap. 130)

THE KENYA COPYRIGHT BOARD

APPLICATION TO HAVE A CHANGE OF OWNERSHIP OF A COPYRIGHT
WORK RECORDED IN THE COPYRIGHT REGISTER

Name and Address of the Applicant(s)

Physical address of the applicant(s)

Name and address of an agent (if any)

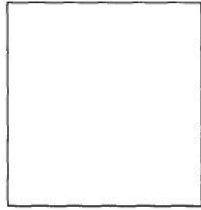
Title of copyright work

Name and address of registered
owner(s)

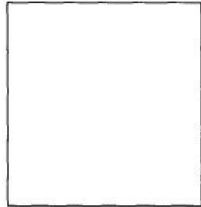
Name and address of new owner(s)

Copyright Registration Number (*Attach
certified copy of registration certificate*)

The change of ownership was effected by;



A deed of assignment



Any other instrument (specify)

Dated at _____ this _____ day of
_____ 20 _____

Signature(s)
Applicant(s)

FORM C.R. 7

(r. 6 (5))

THE COPYRIGHT ACT (Cap. 130)

THE KENYA COPYRIGHT BOARD

APPLICATION FOR AUTHENTICATION OF A COPYRIGHT WORK UNDER

SECTION 36(1) OF THE ACT

Name And Address of the Manufacturer/
producer or sound recording or audio-
visual work

Physical address

Name and address of an agent (if any)

Category of copyright work for which
authentication is being sought

Copyright application/registration
number (if any)

Number of copies to which this
application relates

I/We, the applicant(s) identified above, hereby apply for authentication of the
above copyright work under section 36(1) of the Act and I/We attach a certified
copy of the contract allowing me/us to sell or distribute the said works.

I/We declare that the information given above is true to the best of my/our
information, knowledge or belief.

NOTE: Authentication devices are not transferable.

Dated at _____ this _____ day of
_____ 20 _____

Signature(s)
Applicant(s)

FORM C.R. 8

(r. 7 (3))

THE COPYRIGHT ACT (Cap. 130)

[Subsidiary]

THE KENYA COPYRIGHT BOARD
 CERTIFICATE OF AUTHORITY TO ACT AS A COPYRIGHT INSPECTOR
 UNDER SECTION 39(1)

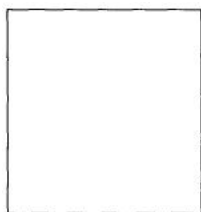
It is hereby confirmed that was appointed by the Board as a
 Copyright Inspector on the day of 20 and
 is authorized to discharge duties of a copyright inspector in Kenya assigned to
 him by the Board under the provisions of the Act and these Regulations.

Dated at this day of 20

 Executive Director

The Kenya Copyright Board

.....Signature and Personal Number of Copyright
 Inspector



Seal of the Board

FORM C.R. 9

(r. 8 (1))

THE COPYRIGHT ACT (Cap. 130)

THE KENYA COPYRIGHT BOARD

INVENTORY OF SEIZED GOODS

OB NO:..... DATE: TIME OF SEIZURE

PLACE OF SEIZURE:

S. NO	ITEM NAME	NUMBER	DESCRIPTION
NAME(S) AND SIGNATURES OF THE ARRESTING OFFICER(S)			
1.	_____	4.	_____
2.	_____	5.	_____
3.	_____	6.	_____
NAMES AND SIGNATURES OF THE PROPRIETOR/MANAGER/SHOP			
ATTENDANT/PERSON(S) PRESENT IN THE PREMISES			

NAME AND SIGNATURES OF THE COMPLAINANTS(S) AND WITNESSES			

PREPARED BY: _____		VERIFIED BY: _____	
Signature			
Signature			

FORM C.R. 10

(r. 15)

THE COPYRIGHT ACT (Cap. 130)

THE KENYA COPYRIGHT BOARD

APPLICATION TO USE FOLKLORE UNDER SECTION 49 (d) OF THE ACT

Name and Address of the Applicant(s)

Physical address of the applicant(s)
 Name and address of an agent (if any)
 Details/description of folklore to which
 this application relates
 The purpose for which folklore is to be
 used is:

I/We, the applicant(s) identified above, hereby apply to use the folklore specified above.

BEFORE ME

COMMISSIONER OF OATHS

Dated at _____ this _____ day of
 _____ 20 _____

Signature(s)
 Applicant(s)

FORM C.R. 11

(r. 11)

THE COPYRIGHT ACT (Cap. 130)
 THE KENYA COPYRIGHT BOARD
 REQUEST FOR A CERTIFIED COPY
 Name and Address of the person
 making request
 Physical address of the person making
 request
 Name and address of an agent (if any)
 Description of the document requested
 Reasons for the request

Dated at _____ this _____ day of
 _____ 20 _____

Signature(s)
 Applicant(s)

NOTE:

1. Please use a separate form for each document requested
2. This form may be used to obtain certified copies of documents or extracts.
3. Please describe any special requirements. If the space provided is not sufficient, please use a separate sheet of paper.

FORM C.R. 12

(r. 11)

THE COPYRIGHT ACT (Cap. 130)
 THE KENYA COPYRIGHT BOARD
 REQUEST FOR AN UNCERTIFIED COPY
 Name And Address of the person
 making request
 Physical address of the person making
 the request
 Name and address of an agent (if any)
 Description of the document requested
 Reasons for the request

Dated at _____ this _____ day of
 _____ 20 _____

[Subsidiary]

Signature(s)

Applicant(s)

NOTE:

1. Please use a separate form for each document requested
2. This form may be used to obtain certified copies of documents or extracts.
3. Please describe any special requirements. If the space provided is not sufficient, please use a separate sheet of paper.

FORM C.R. 13

(r. 12 (2))

THE COPYRIGHT ACT (Cap. 130)

THE KENYA COPYRIGHT BOARD

REQUEST FOR A COPY OF A LOST OR DESTROYED CERTIFICATE

Applicant's reference

Name and address of applicant

Physical address of applicant

Name and address of an agent (if any)

Registration number of the certificate

Title of the work /subject of the

certificate

I/We the above identified applicant(s), hereby apply for a copy of the above quoted certificate that has been lost or destroyed.

The Statutory declaration or affidavit required under Regulation is attached.

Also attached is a police abstract (for lost certificate)

Dated at _____ this _____ day of

_____ 20 _____

Signature(s)

Applicant(s)

FORM C.R. 14

(r. 12(3))

REPUBLIC OF KENYA

IN THE MATTER OF OATHS AND STATUTORY DECLARATIONS ACT

CHAPTER 15 LAWS OF KENYA

AND

IN THE MATTER OF THE COPYRIGHT ACT (CAP. 130)

AND

IN THE MATTER OF AN APPLICATION FOR REQUEST OF A COPY OF A

LOST OR DESTROYED CERTIFICATE

AFFIDAVIT

I _____ and of P.O. Box No. _____ do hereby make oath and state as follows;

1. THAT I am an adult of sound mind and _____ (Status/position in the Applicant) of _____ (Name of the Applicant) and hence competent to swear this affidavit.
2. THAT I am a citizen of the Republic of _____ and a holder of a National Identity Card No. _____ / Passport No. _____
3. THAT _____ (Name of the Applicant) is the duly registered owner of a copyrightable work titled _____ (Name of the Work) and holder of a copyright certificate No. _____.
4. THAT on or about _____ the copyright certificate was misplaced or defaced.

Copyright

[Subsidiary]

5. THAT I have exhausted all possible means of trying to trace the lost certificate and hereby swear this affidavit in support of an application for replacement.

6. THAT what is deponed to herein above is true and within my own knowledge.

SWORN at _____ by the _____)
said _____)

_____)
This _____ day of _____)
_____ in the year _____)

BEFORE ME. _____) (Deponent))
COMMISSIONER FOR OATHS/ _____)
MAGISTRATE

DRAWN BY:

_____ (law firm)

_____ (Physical Address)

P.O BOX _____ (Town) _____ (Postal
Code)

SECOND SCHEDULE

[r. 3]

FEES

PART A – FEES PAYABLE FOR THE KENYA COPYRIGHT BOARD SERVICES

S. No.	Services offered	Natural persons	Corporate entities (associations, state corporations, registered business names and limited liability companies)
1.	Copyright Registration per work	Sh. 100	Sh. 500
	Copyright Registration per Software registration	Sh. 500	Sh. 1,000
2.	Application to amend name or address of the Copyright Holder	Sh. 100	Sh. 300
3.	Application for recordal of a license or assignment in the copyright register	Sh. 5,000	Sh. 10,000
4.	Application to have a change	Sh. 100	Sh. 100

[Subsidiary]

	of ownership of a registered copyright work		
5.	Request for a certified copy of documents held by the Board	Sh. 500	Sh. 1000
6.	Request for uncertified copies of documents held by the Board	Sh. 300	Sh. 500
7.	Request for a copy of lost or destroyed Certificate of registration or a registered Copyright Work	Sh. 200	Sh. 500
8.	Expedited Copyright Registration within 12 working hours (in addition to relevant registration fees).	Sh. 300	Sh. 500
9.	Application for registration of a new Collective Management Organization	-	Sh. 250,000
10.	Application for renewal of registration of a Collective Management Organizations.	-	Sh.100 per member on the CMO register subject to a minimum fee of Sh. 200,000
11.	Application for authentication device subject to a minimum of 100 pieces	Sh. 4	Sh. 4

PART B – BLANK TAPE MEDIA TARIFF

S/No.	Item description	Levy
1	Audiocassette, audiocassette minidisc, audio-CD-R/RW	Sh. 5
2	Video cassettes (VHS, Hi8, Mini DV, Video8)	Sh. 5
3	DVD-R, DVD+ RW, DVD+ R, DVD + RAM, DVC, mini DVD, Blu-Ray disk, PC diskettes, DDS tapes, Travan disc; CD-R, CD-RW	Sh. 10

Copyright

[Subsidiary]

4	DVD writer external (PC), CD-ROM recorder external (PC); and any other recording device for audio-CD R/RW whether or not integrated with a hard disc	3% of cost price net of taxes
5	Television with HD recorder, DVD-HD recorder, Video-HD recorder (cameras), Digital recorders (MP3, I-pods, MP4, etc.)	Sh. 100
6	VHS recorders, digital receiver with HD (PVR), hard drive media players, Blu-Ray recorder external, digital camcorders, digital cameras with SD cards, digital recorders for IPTV and VOD services	5% of purchase price net of taxes
7	Game consoles, media box, minidisc, compact flash memories, memory stick, smart media memory cards, portable hard disc (external), ZIP drive, data, USB Flash disk	Sh. 200
8	Audio recorders and video recorders	4% of cost price net of taxes
9	Photocopy/printing paper per ream	Sh. 20
10	Personal Laptops/computers, mobile phones, smart watches	1.5% of purchase price net Taxes
11	Modulators, decoders/signal receivers, digital jukeboxes	3% of purchase price net of taxes
12	Photocopying machine, printing plates, printers/printing machines	2% of purchase price net of taxes
13	Computer external hard drives	Sh. 300