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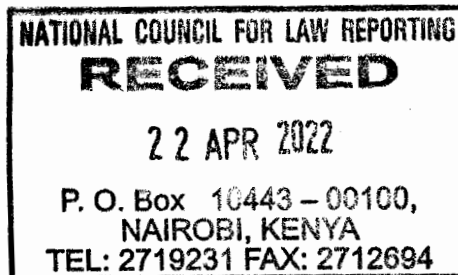
KENYA GAZETTE SUPPLEMENT

ACTS, 2022

NAIROBI, 8th April, 2022

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THE COPYRIGHT (AMENDMENT) ACT**No. 14 of 2022***Date of Assent: 4th April, 2022**Date of Commencement: 22nd April, 2022***AN ACT of Parliament to amend the Copyright Act, and for connected purposes****ENACTED** by the Parliament of Kenya, as follows—

1. The Act may be cited as the Copyright (Amendment) Act, 2022.

Short title.

2. The Copyright Act, 2001 (hereinafter referred to as the principal Act) is amended in section 2 by inserting the following definitions in the proper alphabetical sequence—

Amendment of section 2 of No. 12 of 2001.

“artiste” means a singer, declaimer, musician or other person whose work constitutes a ring back tune;

“premium rate service provider” means a person authorized by the Communications Authority of Kenya to provide content services which includes ring back tunes and is delivered over electronic communications networks and services;

“Registry” means the National Rights Registry established under section 22B;

“ring back tune” means subscription music or a tone which is played by a telecommunication operator to the originator of a call;

“telecommunication operator” has the meaning assigned to it under the Kenya Information and Communications Act, 1998;

3. The principal Act is amended by inserting the following new section immediately after section 30B—

Insertion of new section 30C in No. 12 of 2001.

Payment of ring back tune revenue

30 C. (1) Without prejudice to section 30B, in the case of ring back tunes, the parties shall share the revenue net of taxes from the sale of ring back tunes, as follows—

(a) the premium rate service provider at eight point five percent;

- (b) the telecommunication operator at thirty nine point five percent;
- (c) the artiste or owner of the copyright at not less than fifty two percent.

(2) Despite subsection (1), all contracts between premium rate service providers and artistes or owners of the copyright existing before the commencement of this Act shall apply until their expiry, and subsequent contracts shall conform to this provision.

(3) The telecommunication operator shall remit directly to the artiste or owner of the copyright the ring back tune net revenue share allocated to them as specified subsection (1).

4. The principal Act is amended by inserting the following new sections immediately after section 22A—

Insertion of new sections in No. 12 of 2001.

National rights registry.

22B. (1) There is established a National Rights Registry which shall be an office within the Board.

(2) The staff of the Registry shall be staff of the Board.

Functions of the Registry.

22C. The functions of the Registry shall be—

- (a) digital registration of right holders;
- (b) digital registration of copyright works;
- (c) authentication and authorization of consumers of copyright works;
- (d) media monitoring of registered copyright works;
- (e) tracking, monitoring and dissemination of data or logs related to access of registered copyright works; and

- (f) any other functions as may be assigned by the Board.

Voluntary registration
on the Registry.

22D. (1) Without prejudice to the generality of section 22C, the Board shall cause to be developed and maintained an online portal for registration of copyright works.

(2) The author of copyright works or an owner of copyright may register his or her works on the Registry.

(3) Subject to such conditions as may be prescribed by the Board and upon payment of the prescribed fees, any person may access the copyright works through the Registry.

5. The principal Act is amended in section 49(2) in paragraph (a) by inserting the following subparagraphs immediately after subparagraph (iv)—

Amendment of
section 49 of
No. 12 of 2001.

- “(iva) the fees for accessing the National Rights Registry;
- (ivb) the format for registrations of the respective copyright works;
- (ivc) the type of copyright works that are registrable with the National Rights Registry;
- (ivd) anything necessary for the performance of the functions of the National Rights Registry;”

