

CHAPTER 130

THE COPYRIGHT ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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THE COPYRIGHT REGULATIONS, 2004

[Legal Notice 128 of 2004, Legal Notice 26 of 2015,
Legal Notice 191 of 2015, Legal Notice 26 of 2016]

Revoked by Legal Notice 177 of 2020 on 18th September, 2020

THE COLLECTING SOCIETY TARIFFS

[Legal Notice 57 of 2017]

IN EXERCISE of the powers conferred by section 46A(a) of the Copyright Act (Cap. 130), the Attorney-General approves the collecting society tariffs set out in the Schedule, with effect from the date of publication to the 31st December, 2018. The Copyright Act (Kenya Association of Music Producers and Performance Rights Society of Kenya) Tariffs, 2015* is revoked.

SCHEDULE**THE JOINT MUSIC ROYALTY TARIFFS**

Place of exploitation of music	Rate	Nature of rights exploited	
		Sound and musical rights	Visual, sound and music rights
Air craft	Per number of seats		
	For first 50 seats	@Kes. 1,039 per seat	@Kes. 1234 per seat
	Next 50-100	@Kes 693 per seat	@Kes. 823 per seat
	Over 100	@Kes. 428 per seat	Kes. 504 per seat
Small public service vehicles (tuk-tuks and motor cycles)	Per day	Kes. 300 per year for motor cycles	N/A
		Kes. 900 per year for Tuk tuks	N/A
	Annual, flat	N/A	Kes. 6,000
Video exhibitions or video halls			
Juke boxes	Per unit, flat rate per year	Kes. 9,000	Kes. 12,000
Non-resident deejays and veejays	Per unit, flat rate per person, per year	Kes.12,000	Kes. 15,000
Music on hold	Per land line, per year	Kes.150	N/A
Concerts	Per day, number attending Upto 3,000 attending or annual max	Kes. 25,000 or 250,000 per year	Kes. 30,000 or Kes. 300,000 per year
	Per day, number attending Over 3,000 attending or annual max	Kes. 35,000 or 350,000 per year	Kes. 40,000 or Kes. 400,000 Per year
	Flat rate per year or annual max		
Roadshows	Per truck day or per year for corporate, NGOs, Government and politicians or annual max	Kes. 30,000 per truck day or Kes. 620,000 per year	N/A
Place of exploitation of music	Rate	Nature of rights exploited	

[Subsidiary]

		Sound and musical rights	Visual, sound and music rights
	Per truck day or per year for small and medium enterprises or annual max	Kes 15,000 per truck day or kes. 285,000 per year	N/A
	Per truck day or per year for individuals or annual max	Kes 7,500 per truck day or Kes. 160,000 per year	N/A
Promotional activities	Per activation location per day for corporate, NGOS, government and politicians or annual max	Kes. 30,000 per truck day or Max of Kes. 600,000 per year	N/A
	Per activation location per day for small and medium enterprises or annual max	Kes. 15,000 per truck day or max of Kes. 300,000 per year	N/A
	Per activation location per day for individuals or annual max	Kes. 7,500 per truck day or max of Kes. 150,000 per year	N/A
live music performances	Per venue or per performance less than 100 persons/ seats or annual max	Kes. 25,000 or max of 500,000 per year	
	Per venue or per performance of 101- 400 pax/seats or annual max	Kes. 50,000 or max of Kes. 1,000,000 per year	
	Per venue or per performance of over 401 pax/seats or annual	Kes. 100,000 or max of 1,500,000 per year	
Cover bands	Annual, per group	Ken. 150,000	
Choirs	Annual, per group	Kes. 12,000	
Nightclubs and discotheques (city)	Annual tier 1: 1 to 250 capacity	Ken 78,000	Ken 78,000
(Nairobi, Mombasa, Kisumu, Eldoret Nakuru)	Annual tier 2: 251 to 500 capacity	Ken 150,000	Ken 150,000
	Annual tier 3: 501 to 750 capacity	Kes. 300,000	Kes. 300,000
	Annual tier 4: >750 capacity	Kes. 550,000	Kes. 550,000
Nightclubs & discotheques (urban centres)	Annual Tier 1: up to 250 pax	Ken. 58,500	Ken. 58,500
	Annual Tier 2: 250.500 pax	Kes. 112,500	Kes. 112,500

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	Annual Tier 3: over 500-750 pax	Kes. 225,000	Kes. 225,000
	Annual Tier 4: over 750 pax	Ken. 412,000	Ken. 412,000
elevators and lifts	Annual per carrying capacity subject to a minimum	Kes. 570 Ken. 7,000	Kes. 700 Ken. 8,750
Place of exploitation of music	Rate	Nature of rights exploited Sound and musical rights	Visual, sound and music rights
Cinemas	Annual, per square foot up to 1000 sq. ft	Kes. 13	Kes. 16
	Annual, per Square Foot 1001 -2000 sq. ft.	Kes. 12	Kes. 15
	Annual, per Square Foot 2,001-4,000 sq. ft	Kes. 10	Kes. 12
	Annual, per Square Foot, over 4,000 sq. ft.	Kes. 10	Kes. 11
	Annual minimum	Kes. 5,250	Kes. 6,250
Private members' clubs	Class A (>5,000 Members or 4-Star & above)		
	Annual, per Square Foot Tier 1: up to 1,000 Square Feet	Kes. 13.20	Kes 16.45
	Annual, per Square Foot Tier 2: 1,001 to 2,000 Square Feet	Kes 11.60	Kes 14.60
	Annual, per Square Foot Tier 3: 2,001 to 4,000 Square Feet	Kes 9.60	Kes 12.10

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	Annual, per Square Foot Tier 4: > 4,000 Square Feet	Kes 8.50		Kes 10.75
	Annual Minimum Fee Class B (<5,000 Members or 3-Star & below)	Kes 5,250		Kes 6,250
	Annual, per Square Foot Tier 1: up to 1,000 Square Feet	Kes 11.20		Kes 13.03
	Annual, per Square Foot Tier 2: 1,001 to 2,000 Square Feet	Kes 9.60		Kes 11.27
	Annual, per Square Foot Tier 3: 2,001 to 4,000 Square Feet	Kes 7.60		Kes 8.93
	Annual, per Square Foot Tier 4: > 4,000 Square Feet	Kes 6.50		Kes 7.67
	Annual, minimum	Kes 5,000.00		Kes 6,000
Halls, shops, stores, showrooms, banking and similar premises	Annual, per Square Foot up to 1000 sq. ft	Kes 13.20	Kes 16.45	
	Annual, 1001 to 2000 sq. ft	Kes 11.60	Kes 14.60	
	Annual, per Square Foot, 2001-4,000sq.ft	Kes 9.60	Kes 12.10	
	Annual, per Square Foot, over 4001 sq. ft.	Kes 8.50	Kes. 10.75	
	Annual, minimum	Kes 5,250	Kes. 6,000	

Gymnasiums, fitness centres, hair salons, barbers, beauticians, spas, etc	Annual per Square Foot Annual minimum	— Kes 5,250	— Kes 6,250
Place of exploitation of music	Rate	Nature of rights exploited	
		Sound and musical rights	Visual, sound and music rights
new media	Caller ring back tones percentage of net revenue (after VAT & Excise Duty)	50%	50%
	Ring tones percentage of net revenue (after VAT & Excise Duty)	50%	50%
	Sound recording downloads	12%	12%
	Video downloads percentage 12%	12%	12%
	12% of net revenue (after VAT & Excise Duty)		
	Sound recording streaming percentage of net revenue (after VAT & Excise Duty)	half of agreed tariff of radio	half of tariff of radio
	Video streaming percentage of net revenue (after VAT & Excise Duty)	half of agreed tariff of TV	half of tariff of TV
	Video webcasting percentage of net revenue (after VAT & Excise Duty)	half of agreed tariff of TV	half of tariff of TV
	Sound recording simulcasting percentage of net revenue (after VAT & Excise Duty)	half of agreed tariff of radio	
	Video simulcasting percentage of net revenue (after VAT & Excise Duty)	half of agreed tariff of TV	half of tariff of TV
	Sound recording webcasting percentage of net	half of agreed tariff of radio	half of tariff of radio

[Subsidiary]

	revenue (after VAT & Excise Duty)			
Hotels, restaurants and bars	4 and 5 star establishments, per square foot	Tier 1-Up to 1000 ft.: kes. 13.20	Kes. 16.45	
		Tier 2-1001 -2000 ft: kes. 11.60	Kes. 14.00	
		Tier 3-2001-4,000 ft: Kes. 9.50	Kes. 12.10	
		Tier 4-over 4000 ft: Kes. 8.50	Kes. 10.75	
	3 star establishments , per square foot	Tier 1- Up to 1000ft: Kes. 10.70		
		Kes. 11.20		
		Tier 2- 1001-2000 ft: Kes.9.60	Kes. 8.93	
		Tier 3- 2001-4000 sq. ft: kes.7.60	Kes. 8.93	
		Tier4- Over 4000 sq.ft: kes. 6.50	Kes. 7.67	
Place of exploitation of music	Rate	Nature of rights exploited		
		Sound and musical rights	Visual, sound and music rights	
	Others per square feet subject to a minimum of kes. 5,250	Tier 1- Up to 1000 sq.ft: kes.9.20	Kes. 10.70	
		Tier 2- 1001-2000 sq. ft: kes. 7.60	Kes. 8.93	
		Tier 3- 2001-4000 sq.ft: kes. 5.60	Kes. 6.60	
		Tier 4- Over 4000 sq. ft: kes. 4.50	Kes. 5.33	
Industrial premises, factories, staff, canteens, engineering workshops, greenhouses, packhouses, etc	Annual, per Square Foot	Kes 13.20		Kes 16.45
	Tier 1: up to 1,000 Square Feet			
	Annual, per Square Foot	Kes 11.60		Kes 14.60
	Tier 2: 1,001 to 2,000 Square Feet			
	Annual, per Square Foot	Kes 9.60		Kes 12.10
	Tier 3: 2,001 to 4,000 Square Feet			

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	Annual, per Square Foot Tier 4: >4,000 Square Feet	Kes 8.50	Kes. 10.75
	Annual, minimum	Kes. 5,250.00	Kes. 6,250.00
Public service vehicles	Annual per Vehicle, company vehicles	Kes. 2,000	Kes.2,500
	Annual per Vehicle, taxis	Kes. 2,000	n/a
	Annual per Vehicle, tour vans	Kes. 5,000	Kes. 6,500
	Annual per Vehicle, 14 seats	Kes. 7,000	Kes. 10,500
	Annual per Vehicle, 15-35 seat	Kes. 14,200	Kes. 17,200
	Annual per Vehicle, 36-55 seats	Kes. 24,550	Kes. 29,600
	Annual per Vehicle, over 55 seats	Kes. 30,700	Kes. 36,550
Broadcasting (Radio)	Amount per month per commercial station using not more than 30% of music content with national coverage Flat rate	Kes. 450,000	
	Amount per month per commercial station using up to 70% of music content with national coverage Flat rate	Kes. 600,000	
	Amount per month per commercial station using	Kes. 700,000	

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	more than 70% music content with national coverage Amount per month per commercial station using not more than 30% music content with regional coverage	Kes. 200,000		
Place of exploitation of music	Rate		Nature of rights exploited Sound and musical rights	Visual, sound and music rights
	Amount per month per commercial station using not more than 70% music content with regional coverage	Kes. 300,000		
	Rate per month per commercial station using more than 70% music content with regional coverage	Kes. 350,000		
	Non-commercial, national radio, per month	Kes. 150,000		
	Non-commercial, regional radio, per month	Kes. 120,000		
	Community and institutional radio, per month	Kes. 10,000		
Broadcasting (Television)	Commercial, per month	Kes. 150,000		
	Non-commercial, per month	Kes. 50,000		
	Community or institutional, per month	Kes. 5,000		
Professional training programmes, dance schools, deejay schools and music schools except primary, secondary and Tertiary institutions,	Annual, per Class, up to 25 students	Kes. 1,050		Kes. 1,325
	Annual, per Class between 26-50 students	Kes. 3,000		Kes. 3,750
	Annual, per Class over 51 students	Kes. 4,000		Kes. 7,000

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GENERAL CONDITIONS

1. The license shall be payable annually with the joint invoice being payable within two months of issue.
 2. The penalty for non-compliance shall be 5% of the tariff compounded for the period it remains unpaid.
 3. Businesses starting during the license term will pay due amounts on pro-rata basis.
 4. This tariff shall be subject to an annual increment pegged on the prevailing rate of inflation.
 5. The following events are exempted from royalty payments—
 - (a) small businesses that use transistor radios in their business premises;
 - (b) charity and fund raising events.
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THE COLLECTING SOCIETY TARIFFS

[Legal Notice 107 of 2019]

Revoked by Legal Notice 39 of 2020 on 30th April, 2020

JOINT COLLECTION TARIFFS

[Legal Notice 39 of 2020]

Revoked by Legal Notice 84 of 2023 on 29th June, 2023

THE COPYRIGHT ACT (COLLECTIVE MANAGEMENT) REGULATIONS

ARRANGEMENT OF REGULATIONS

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SCHEDULES

[Subsidiary]

SCHEDULE —

FORMS

THE COPYRIGHT (COLLECTIVE MANAGEMENT) REGULATIONS

[Legal Notice 178 of 2020]

1. Citation

These Regulations may be cited as the Copyright (Collective Management) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"Board" means the Kenya Copyright Board established under section 3 of the Act;

"general meeting" means the annual general meeting or the special general meeting through which members of a collective management organisation participate and exercise their membership rights;

"management fees" means the amounts charged, deducted or offset by a collective management organisation from revenue generated from rights or from any income from the investment of revenue generated from rights to cover the costs of the management of copyright or related rights;

"member" means a right holder or an entity representing right holders, including other collective management organisations and associations of right holders, who or which has fulfilled the membership requirements of a collective management organisation and admitted by it;

"non-distributable" in relation to amounts due to right holders,

shall be construed in accordance with regulation 13(9);

"proxy" has the meaning assigned to it under the Companies Act (Cap. 486).

"representation agreement" means an agreement between collective management organisations whereby one collective management organisation authorises another collective management organisation to manage the rights it represents;

"rights revenue" means income collected by a collective management organisation on behalf of right holders, whether deriving from an exclusive right, a right to remuneration or a right to compensation;

"royalty" means payment of an agreed rate to a right holder for the use of a copyright work; and

"user" means a person carrying out acts subject to the authorization of right holders, remuneration of right holders or payment of compensation to right holders.

3. Application for registration

(1) An application under section 46(2) for the registration of a collective management organisation shall be in Form CMO 01 as set out in the Schedule and accompanied by the following documents—

- (a) a certified copy of the certificate of registration as a company limited by guarantee and incorporated under the provisions of the Companies Act (Cap. 486);
- (b) a certified copy of the Memorandum and Articles of Association of the collective management organisation;
- (c) where applicable, a certified copy of the collective management organisation's annual returns submitted in accordance with the Companies Act (Cap. 486), showing the corporate structure of the organisation during the period ending on the 31st December of the year immediately preceding the date of the application;

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- (d) where applicable, audited accounts of the collective management organisation for the five years preceding the date of the application;
- (e) the names, addresses and copies of valid documents of identity of the members of the collective management organisation;
- (f) any other document or information that the Board may require;
- (g) a detailed report of its operations during the year preceding the date of the application;
- (h) certified copies of the licenses or deeds authorizing the management of the rights; and
- (i) a business plan showing the collective management organisation's financial infrastructure, personnel and capacity for collection and distribution of royalties.

(2) The certificate of registration of a collective management organisation shall be in Form CMO 02 as set out in the Schedule.

4. Action where there is no collective management organisation for a category of rights

(1) Where a collective management organisation has not been established in respect of any category of rights, or the license for a collective management organisation in a category has been revoked, the Board shall, by notice in a newspaper with the largest circulation, invite fresh applications for the registration of a collective management organisation with respect to that category.

(2) Where more than one organisation applies for the same class of rights, the Board shall evaluate each application separately and register the organisation that best represents the interests of the right holders with respect to that category of rights.

5. Requirements for application for renewal of registration

(1) At least three months before the lapse of its registration, a collective management organisation shall apply to the Board to renew its registration in Form CMO 03 as set out in the Schedule and the application shall be accompanied by—

- (a) a certified copy of the organisation's certificate of incorporation;
- (b) a certified copy of the organisation's Memorandum and Articles of Association;
- (c) a statement of changes made to the Memorandum and Articles of Association during the year preceding the application;
- (d) certified copies of the organisation's audited accounts for the year preceding application;
- (e) the organisational structure of the organisation and names and qualifications of its senior management;
- (f) a statement of changes in senior management and reasons thereof;
- (g) a statement of the monies collected and distributed as royalties in the year preceding the application;
- (h) a list of members of the organisation and copies of their documents of identity;
- (i) a detailed report of its operations during the year preceding the application; and
- (j) a representative sample of documents of authorisation by members of the organisation.

(2) Where there is a single applicant for a collective management organisation license and the application does not fulfil any of the requirements for registration under the Act, the Board may waive the requirement if it determines that the failure to fulfil the requirement shall not adversely impact the effectiveness of the organisation:

Provided that the collective management organisation shall be required to comply with all the requirements for registration during the period of its registration by the Board.

(3) The Board, in determining whether or not a collective management organisation has the capacity to collect and distribute royalties, shall consider the following factors—

- (a) whether or not there is demonstrated integrity, transparency and accountability in the collection and distribution of royalties by the organisation;
- (b) whether or not the organisation adheres to the national values and principles of governance prescribed by Article 10 of the Constitution;
- (c) the particulars of the directors and their antecedents;
- (d) whether or not the organisation's membership is representative of the holders of the category of rights that it claims to represent;
- (e) whether or not the administrative costs exceed thirty percent of the royalties collected by the organisation;
- (f) whether or not royalties are regularly and properly distributed using approved distribution rules;
- (g) the particulars of the senior management and their academic and professional qualifications;
- (h) the strategies and systems of the organisation for ensuring that royalties are collected and distributed efficiently;
- (i) the audited accounts of the organisation;
- (j) whether or not the organisation has submitted quarterly reports before the tenth day of next quarter; and
- (k) any further information or clarification that may be useful in determining the application for renewal.

(4) Where the information required under paragraph (3) is not available, the Board shall appoint an auditor to conduct a systems', forensic or financial audit of the organisation as may be necessary.

(5) The certificate of renewal of registration shall be in Form CMO 04 as set out in the Schedule.

6. Collective management organisations to report

(1) Each collective management organisation shall submit at least once in every three months a report on any matter regarding its members' interests during the period the organisation is registered including accounts, and minutes of ordinary, special or general meetings of the organisation.

(2) The collective management organisation shall submit to the Board the notices of its Board meetings at least seven days before the meeting and the Board may send a representative to attend the meetings of the organisation.

(3) A person who attends a meeting of a collective management organisation as a representative of the Board under paragraph (2) shall not be eligible or entitled to be paid an allowance by the organisation for attending the meeting.

7. Qualification of an inspector

(1) For the purposes of section 46D(i) of the Act, the Board shall appoint a person experienced and qualified as an accountant to undertake the inspection as may be required under the Act.

(2) An inspector appointed under paragraph (1) shall not be an employee of the Board or the collective management organisation being inspected.

(3) The costs and fees of an inspection shall be met by the Board on delivery of the inspection report.

[Subsidiary]**8. Validity of appointment of an inspector**

(1) For the purposes of section 46E (1)(e), an inspector appointed by the Board may conduct the inspection of the collective management organisation for a period not exceeding three months.

(2) For the purposes of section 46E(f), the Executive Director shall appoint a statutory manager by letter and such appointment shall be published in the *Gazette* and two newspapers with the largest circulation.

9. Format of reporting financial statements

For the purposes of section 46F(a) and in addition to the annual financial statement of the collective management organisation, the organisation shall submit a detailed summary of total revenue collected from each source of income, royalties paid, any income retained for administrative costs, taxes retained or paid on the income, and incomes not distributed.

10. Board's participation in meetings

(1) Each collective management organisation shall submit to the Board a copy of the notice of each annual general meeting or extraordinary general meeting.

(2) A member of a collective management organisation who intends to insert an item in the agenda of a meeting of the organisation shall submit his or her notice of intention to amend the agenda to the Company Secretary and the Board.

11. Public participation in the registration of collective management organisations

(1) The Board shall ensure effective public participation in the registration of collective management organisations by according an equal and fair chance to any interested party to apply and be considered for registration or licensing as a collective management organisation under the Act.

(2) The following procedure shall be applicable in the registration or licensing of collective management organisations—

- (a) the Board shall, at least sixty days before the expiry of a license or validity of registration, by notice in the *Gazette*, invite any interested person to apply for grant of collective management organisation license under the Act;
- (b) an application for a collective management organisation license shall be submitted to the Board in the prescribed format not later than fourteen days after the notice under subparagraph (a);
- (c) the Board shall, within fourteen days after the expiry of the period specified under paragraph (b), publish in the *Gazette* the list applicants and invite written representations from any interested person on the suitability of applicant to be licensed or registered;
- (d) the Board shall, within seven days after the expiry of the period specified in subparagraph (c), convene at least one public hearing to receive oral views from the general public on the suitability of each applicant to be licensed or registered; and
- (e) the Board shall, within seven days after the holding of the public hearing specified in paragraph (d)—
 - (i) notify in writing each applicant of the Board's decision setting out its reasons thereof; and
 - (ii) publish in the *Gazette* a summary of its decisions regarding the applications for licensing or registration.

(3) Any notice required to be published under this regulation shall be published in one newspaper of national circulation.

12. General obligations of collective management organisations

Each collective management organisation shall—

- (a) act in the best interests of its members;
- (b) not impose on its members any obligations which are not objectively necessary for the protection of the members' rights and interests or for the effective management of the members' rights; and
- (c) shall act for the collective benefit of its members as its sole or main purpose and which fulfils one or both of the following criteria—
 - (i) be owned or controlled by its members; and
 - (ii) be organised on a not-for-profit basis.

13. Particular obligations of collective management organisations in relation to right holders

A collective management organisation shall ensure that—

- (a) its members have the right to authorise to the collective management of—
 - (i) members' rights;
 - (ii) categories of rights; and
 - (iii) types of works;
- (b) it manages the matters specified in paragraph (a):

Provided that the management of the matters specified in paragraph (a) falls within the scope of the organisation's activities or unless the organisation has objectively justified reasons to refuse management;
- (c) its members have the right to grant licenses for non-commercial uses of any of the matters specified in paragraph (a);
- (d) its members have the right—
 - (i) to terminate the authorization to manage the matters specified in paragraph (a); or
 - (ii) to withdraw the authorisation from a collective management organisation the matters specified in paragraph (a) upon serving the organisations with a fourteen days' notice;
- (e) if there are amounts due to a member for acts of exploitation which occurred under a license granted before the time termination or withdrawal under paragraph (d) took effect, the member shall retain the rights under regulations 12, 13, 19, 20 or 29;
- (f) it does not restrict the exercise of rights referred to in paragraphs (d) and (e) by requiring, as a condition for the exercise of those rights, that the management of the matters referred to in paragraph (a) which are subject to the termination or the withdrawal are entrusted to another collective management organisation;
- (g) where a member authorises a collective management organisation to manage that member's rights—
 - (i) the member gives consent specifically for each of the matters referred to in paragraph (a), which the member authorises the collective management organisation to manage; and
 - (ii) that consent shall be in writing or in any other documentary form;
- (h) it informs a member of member's rights under paragraphs (a) to (g) and any conditions attached to the right in paragraph (c) before obtaining the member's consent to the collective management organisation managing the matters set out in paragraph (a);

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- (i) the rights under paragraphs (a) to (i) are set out in the memorandum and articles of association of the collective management organisation; and
- (j) in the organisation's memorandum and articles of association, there is an express provision that the organisation's primary objective is the collection and distribution royalties on behalf of its members.

14. Membership rules of collective management organisations

(1) A collective management organisation shall—

- (a) accept as members, where they fulfil the membership requirements specified in the articles and memorandum of association—
 - (i) rights holders; and
 - (ii) entities representing rights holders including other collective management organisations or associations of right holders; and
- (b) in a case where the organisation refuses to accept an application for membership, provide in writing to the rights holder the reasons for its refusal.

(2) A collective management organisation shall ensure that its membership requirements—

- (a) are based on objective, transparent and non-discriminatory criteria;
- (b) are included in its memorandum and articles of association; and
- (c) are made publicly available.

(3) A collective management organisation may impose a subscription fee on its members:

Provided that the subscription fee shall be agreed upon at a general meeting of the members and approved by the Board.

15. Members of collective management organisations

A collective management organisation shall—

- (a) ensure that its memorandum and articles of association provides for appropriate and effective mechanisms for the participation of its members in decision-making;
- (b) ensure that the representation of the different categories of members in decision-making process is fair and balanced;
- (c) allow its members, and rights holders who are not members but who have a direct legal relationship with it by law, license or other contractual arrangement, to communicate with it by electronic means for the purposes of exercising members' rights; and
- (d) keep and maintain records of its members and regularly update those records.

16. General meeting of collective management organisations

A collective management organisation shall ensure that—

- (a) a general meeting of its members is convened at least once a year;
- (b) the general meeting shall decide on any amendments to the memorandum and articles of association of the organisation, and the membership terms of the collective management organisation;
- (c) the general meeting shall decide the appointment and dismissal of the organisation's officials, review the officials' performance and approve their remuneration and other benefits;
- (d) in accordance with regulations 11, 12 and 13, the general meeting shall decide—
 - (i) the policy on the distribution of amounts due to members and right holders;

- (ii) the policy on the use of non-distributable amounts;
- (iii) the investment policy on rights revenue and any income arising from the investment of rights revenue;
- (iv) the policy on deductions from rights revenue and any income arising from the investment of rights revenue;
- (v) the risk management policy;
- (vi) the approval of any acquisition of, sale of or charge on immovable property;
- (vii) the approval of mergers and alliances with other organisations; and
- (viii) retained amounts and the purpose of the retention of the amounts;
- (e) the general meeting shall control the activities of the collective management organisation by appointing an independent external auditor to regularly audit its accounts;
- (f) all members participate in, and vote at, the general meeting;
- (g) every member has a right to a proxy to participate in, and vote at, the general meeting on the member's behalf:

Provided that the appointment shall be in writing and shall not result in a conflict of interest; and
- (h) subject to subparagraph (g)—
 - (i) a proxy shall be valid for the general meeting at which it is used;
 - (ii) the proxy shall enjoy the same rights in the general meeting as those to which the appointing member would be entitled; and
 - (iii) the proxy shall cast his or her vote in accordance with the instructions issued by the appointing member.

17. Supervisory function

- (1) A collective management organisation shall monitor the activities of, and performance of duties by, persons managing the business of the organisation.
- (2) The purpose of supervision shall be to ensure that—
 - (a) there is a fair and balanced representation of the different categories of members in the body exercising the supervisory function; and
 - (b) the body exercising the supervisory function reports on the exercise of its powers to the general meeting at least once in each year.

18. Management, etc.

- (1) A collective management organisation shall ensure that any person who manages its business does so in a prudent manner, using prudent administrative procedures, accounting procedures and internal control mechanisms.
- (2) A collective management organisation shall establish procedures—
 - (a) for avoiding conflicts of interest; and
 - (b) where conflicts of interest cannot be avoided, to identify, manage, monitor and disclose actual or potential conflicts of interest in such a way as to prevent them from adversely affecting the collecting interests of rights holders represented by the organisation.
- (3) The procedures referred to in paragraph (2) shall include an annual statement by the person referred to in paragraph (1) to the general meeting, stating—
 - (a) any interests in the collective management organisation;
 - (b) any remuneration received in the preceding financial year from the collective management organisation including benefits in kind and other types of benefits;

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- (c) any amount received in the preceding financial year as a rights holder from the collective management organisation; and
- (d) a declaration concerning any actual or potential conflict between—
 - (i) any personal interests and those of the collective management organisation; and
 - (ii) any obligations owed to the collective management organisation and any duty owed to any other person.

(4) A collective management organisation shall ensure that its training procedures for employees, agents and representatives include appropriate training on conduct that complies with its obligations under these Regulations.

19. Lifestyle audits

(1) There shall be conducted, at least once in each year, a lifestyle audit of each member of staff of a collective management organisation.

(2) The lifestyle audit shall be conducted by an auditor appointed at the general meeting.

(3) The board of a collective management organisation shall ensure that members of its staff are not related to any member of the board.

20. Collection and use of rights revenue

(1) A collective management organisation shall ensure—

- (a) that it is diligent in the collection and management of rights revenue;
- (b) that it keeps separate in its accounts—
 - (i) rights revenue and any income arising from the investment of rights revenue;
 - (ii) any own assets it may have and income arising from such assets, from management fees, subscription fees or from other activities; and
 - (iii) administration and distribution amounts;
- (c) that it does not use rights revenue or any income arising from the investment of rights revenue for purposes other than distribution to rights holders, except where it is allowed—
 - (i) to deduct or offset management fees in accordance with the Act or these regulations; or
 - (ii) to use rights revenue or income arising from the investment of rights revenue in accordance with the Act or these regulations; and
- (d) that where it invests rights revenue, or income arising from the investment of rights revenue, it does so—
 - (i) in the best interests of the rights holders whose rights it represents; and
 - (ii) in accordance with the general investment and risk management policy of the organisation.

(2) The board of a collective management organisation shall seek the approval of distribution rules from the general meeting of its members.

(3) Any income sought to be retained by the collective management organisation shall be with the approval of the members in a general meeting and be expended for the purpose members have resolved.

21. Deductions

(1) A collective management organisation shall ensure that where a rights holder authorises it to manage the rights holder's rights, the organisation shall provide the right holder with information on—

- (a) management fees; and

- (b) any other deductions from the rights revenue and any income arising from the investment of the rights revenue before obtaining the right holder's consent to manage the right holder's rights.

(2) A collective management organisation shall ensure that deductions—

- (a) are reasonable in relation to the services provided by the collective management organisation to right holders; and

(3) A collective management organisation shall ensure that management fees do not exceed justified and documented costs incurred by the organisation.

(4) A collective management organisation shall ensure that where it provides social, cultural or educational services out of deductions from rights revenue or income arising from the investment of rights revenue, such services shall be provided fairly.

22. Distributions of amounts to rights holders

(1) A collective management organisation shall regularly, diligently and accurately distribute and pay amounts due to rights holders in accordance with the organisation's general policy on distribution.

(2) A collective management organisation shall distribute and pay the amounts due to right holders promptly, but in any event not later than the beginning of the period which starts nine months from the end of the financial year in which the rights revenue was collected.

(3) Notwithstanding paragraph (2), a collective management organisation may distribute or pay the amounts due to rights holders out of time if there are objective reasons for not distributing or paying the amounts including reasons relating to—

- (a) reporting by users;
- (b) identification of rights or right holders; or
- (c) matching of information on works and other matters with rights holders.

(4) A collective management organisation shall ensure that amounts due to right holders are kept separate in the accounts of the organisation where—

- (a) those amounts cannot be distributed within the specified time; and
- (b) paragraph (3) does not apply.

(5) A collective management organisation shall take all necessary measures to identify and locate rights holders for the purposes of distribution and payments of amounts due to the rights holders including—

- (a) making available, not later than three months after the beginning of the period specified in paragraph (2), information on works and other matters for which a right holder has not been identified or located to—
 - (i) the rights holders represented by the collective management organisation or entities which are its members and which represent rights holders; and
 - (ii) the collective management organisations with which it has concluded representation agreements;
- (b) verifying the relevant records relating to a rights holder for the purposes of distribution or payment of due amounts; and
- (c) where rights holders remain unidentified or not located, making the information referred to in subparagraph (b) available to the public not later than one year after the period referred to in subparagraph (a).

(6) The information referred to in paragraph (5) shall include, where available—

- (a) the title of the work or other matter;
- (b) the name of the rights holder;
- (c) the name of the publisher or producer of the work or other matter; and
- (d) any other relevant information which could assist in the identification of the rights holder.

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(7) Amounts due to right holders shall be non-distributable for the purposes of these regulations where—

- (a) they cannot be distributed before the end of the period of three years from the end of the financial year in which the collection of the rights revenue occurred; and
- (b) the collective management organisation has taken all necessary measures to identify and locate the right holders.

(8) A collective management organisation shall provide its members with statements of the royalties paid within a given period.

23. Rights managed under representation agreements

(1) A collective management organisation shall not discriminate against any rights holder whose rights it manages under a representation agreement.

(2) Despite the generality of paragraph (1), a collective management organisation shall not discriminate against a rights holder whose rights it manages under a representation agreement with respect to—

- (a) applicable tariffs;
- (b) management fees; and
- (c) the conditions for—
 - (i) the collection of rights revenues; and
 - (ii) the distribution of amounts due to right holders.

24. Deductions and payments in representation agreements

(1) A collective management organisation shall not make deductions, other deductions of management fees—

- (a) from the rights revenue derived from the rights it manages on the basis of a representation agreement; or
- (b) from income arising from the investment of rights revenue, unless the other collective management organisation that is party to the representation agreement expressly consents to the deductions.

(2) A collective management organisation shall regularly, diligently and accurately distribute and pay amounts due to other collective management organisations.

(3) A collective management organisation shall distribute or pay put amounts due under paragraph (2) promptly but in any event no later than the beginning of the period which starts nine months from the end of the financial year in which the rights revenue was collected.

(4) Despite the generality of paragraph (3), a collective management organisation may not distribute or pay out amounts due under paragraph (2) if there are objective reasons for not distributing or paying including reasons relating to—

- (a) reporting by users;
- (b) identification of rights or right holders; or
- (c) matching of information on works and other subject matter with right holders.

(5) The other collective management organisation referred to in paragraph (1) or, where it has a member which is an entity representing rights holders, that member shall ensure that it distributes and pays the amounts due to rights holders promptly but in any event not later than the beginning of the period which starts six months from the receipt of amounts, save where paragraph (4) applies with the necessary modifications.

25. Licensing

(1) A collective management organisation—

- (a) and a user shall negotiate the licensing of rights in good faith; and
- (b) and a user shall negotiate in good faith the tariffs for exclusive rights and rights to remuneration in relation to—

- (i) the economic value of the use of the rights in trade taking into account the nature and scope of the use of the work and any other relevant matter;
 - (ii) the economic value of the service provided by the collective management organisation; and
 - (iii) the value added by any service providers and individuals; and
 - (c) shall notify the user in writing of the criteria used for the setting of the tariffs specified in subparagraph (b).
- (2) A collective management organisation shall—
- (a) respond promptly to requests from users indicating, among other things, the information needed in order for the collective management organisation to offer a license;
 - (b) upon receipt of all relevant information, promptly either—
 - (i) offer a license; or
 - (ii) deny the user a license and notify the user in writing of the reason for the refusal;
 - (c) allow users to communicate with it by electronic means, including the purpose of reporting on the use of the license; and
 - (d) after giving a user a license, treat that user in good faith.
- (3) Where more than one collective management organisation operates in one sector, the collective management organisations shall enter into a recognition agreement for joint negotiations of licensing and the joint collection of royalties.

26. Public participation in the development of copyright tariffs

Three months before tariffs approved under section 46A of the Act are due to expire, the Board shall—

- (a) notify the relevant collective management organisations to propose new tariffs for the next licensing period;
- (b) require the collective management organisations to compile a comprehensive list of users of their works by business association;
- (c) require the collective management organisations, within fourteen days after the expiry of the period specified in paragraph (a), to notify and share the proposals with users;
- (d) require the collective management organisations, within fourteen days after sharing the proposals with users, to hold a users' forum to discuss and negotiate the proposed tariffs for the purposes of approving the publication of the new tariffs in the *Gazette*;
- (e) require the collective management organisations, within seven days from the date of the meeting under paragraph (d), submit the discussed tariffs to the Board together with a copy of the resolution by the users agreeing to the new tariffs;
- (f) within seven days after receiving the approved tariffs under paragraph (e), invite, by notice in a newspaper with a nationwide circulation, the public, collective management organisations and any other interested party to a public forum to discuss the draft proposal and collect views on the proposal;
- (g) hold the public forum contemplated in paragraph (f) within fourteen days of the date of the notice specified in paragraph (f);
- (h) convene a group comprising of a member of the Board and a representative of the collective management organisations shall incorporate the views and comments from the public forum into the draft tariff proposal and submit it to the Board;

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- (i) convene a validation workshop of the public, collective management organisations and any other interested party within seven days of the forum convened under paragraph (g) to approve the revised tariffs; and
- (j) submit the revised tariffs to the Cabinet Secretary within seven days of being approved under paragraph (i).

27. Users' obligations

(1) A user and a collective management organisation shall enter into a written agreement on the information that the user shall provide to the collective management organisation where such information is necessary for—

- (a) the collection of rights revenues; and
- (b) the distribution and payment of amounts due to rights holders.

(2) The collective management organisation and user shall ensure that they take into account, as far as possible, voluntary industry standards on the format for the information referred to in paragraph (1).

28. Information provided to other collective management

(1) A collective management organisation shall make available by electronic means the information specified in paragraph (2) at least once in each year to the other collective management organisations on whose behalf it manages rights under a representation agreement for the period to which the information relates.

(2) The information required to be made available under paragraph (1) shall include—

- (a) the rights revenue attributed for the rights managed under a representation agreement;
- (b) the amounts paid by the collective management organisation—
 - (i) for each category of rights managed under the representation agreement; and
 - (ii) for each type of use for the rights managed under the representation agreement;
- (c) rights revenue attributed which is outstanding for any period;
- (d) deductions made in respect of management fees;
- (e) deductions made for a purpose other than in respect of management fees;
- (f) any licenses granted or denied with regards to works and other matters covered by the representation agreement; and
- (g) resolutions adopted by the general meeting insofar as the resolutions are relevant to the management of the rights under the representation agreement.

29. Information provided to right holders, other collective management organisations and users

(1) Subject to regulation 28, a collective management organisation shall make the information specified paragraphs (2) or (4), where applicable, available by electronic means and without undue delay, in response to a duly justified request, to—

- (a) a collective management organisation on whose behalf it manages rights under a representation agreement;
- (b) a right holder; or
- (c) a user.

(2) The information under paragraph (1) shall include—

- (a) the works or other subject matter the collective management organisation represents;
- (b) the rights the collective management organisation manages directly or the collective management organisation manages under representation agreements; and

- (c) the countries covered.

(3) Paragraph (4) shall apply where, due to the scope of the activity of the collective management organisation, the work or other subject matter which it represents cannot be determined.

(4) The information specified in this paragraph is—

- (a) the types of works of other subject matter the collective management organisation represents;
- (b) the rights the collective management organisation manages; and
- (c) the countries covered.

30. Disclosure of information to the public

(1) A collective management organisation shall—

- (a) publish the information specified in paragraph (2); and
- (b) publish and keep up to date on its public website the information specified in paragraph (2).

(2) The information specified in this paragraph is—

- (a) the collective management organisation's memorandum and articles of association;
- (b) the list of officials of the collective management organisation;
- (c) the collective management organisation's policy on the distribution of amounts due to right holders;
- (d) the collective management organisation's policy on management fees;
- (e) the collective management organisation's policy on deductions, other than in respect of management fees, from—
 - (i) rights revenue;
 - (ii) income arising from the investment of rights revenue including deductions for the purposes of social, cultural and educational services; and
 - (iii) the complaint handling and dispute resolution procedures available or the collective management organisation; and
- (f) the collective management organisation's annual reports and audited accounts.

31. Form and contents of annual report

(1) This regulation shall apply to the filing of annual reports and audited accounts under section 47 of the Act.

(2) Every registered collective management organisation shall, within three months after the end of the financial year, submit to the Board, in Form CMO 05 as set out in the Schedule, an annual report for that year accompanied by a copy of the organisation's audited accounts in respect of that year.

(3) The annual report referred to in paragraph (2) shall contain—

- (a) a comprehensive report of the organisation's activities during the year;
- (b) a list of the organisation's members at the end of the financial year;
- (c) the total amount of royalties collected by the organisation;
- (d) the amount of royalties paid to each member by the organisation;
- (e) the amount of money spent by the organisation on administration and operations;
- (f) the name, postal and physical address of the auditors of the organisation;
- (g) the amount of money used for the social fund;
- (h) non-distributed royalties and reasons for the non-distribution;

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- (i) the names, addresses and occupations of current officials of the organisation; and
- (j) any other relevant information as the Board may require.

32. Procedure of alternative dispute resolution

(1) A collective management organisation shall make available to—

- (a) its members;
- (b) rights holders who are not its members but who have a legal relationship with it by law, assignment, license or other contractual arrangement;
- (c) collective management organisations on whose behalf it manages rights under representation agreement; and
- (d) users;

effective and timely procedures for dealing with complaints.

(2) The matters covered by the procedures for dealing with complaints referred to in paragraph (1) shall relate in particular to—

- (a) the authorisation to manage rights;
- (b) the termination or withdrawal of rights;
- (c) membership terms;
- (d) the collection of amounts due to right holders;
- (e) deductions and distributions;
- (f) the service provided; and
- (g) the conduct of members of staff during licensing.

(3) A collective management organisation shall—

- (a) respond in writing to complaints; and
- (b) give reasons where it rejects a complaint.

33. Alternative dispute resolution

(1) A collective management organisation shall ensure that the disputes to which paragraph (2) applies can be submitted to an independent and impartial alternative dispute resolution procedure:

Provided that the parties shall consent to the alternative dispute resolution procedure.

(2) This paragraph shall apply to disputes between a collective management organisation and one of its members, a right holder, a user or another collective management organisation concerning compliance with these Regulations.

34. Notice for supply of information

(1) The Board may give notice to—

- (a) a collective management organisation;
- (b) a member
- (c) a right holder or a body representing the interests of right holders;
- (d) a user or body representing the interests of users,

requiring the person to whom the notice is given to supply the information or document required in the notice at a time and a place and in a form and manner specified in the notice.

(2) The person to whom the notice is given shall supply to the Board the information or document which is specified or described in the notice.

(3) Nothing in this regulation gives the Board any power to require a person to supply any information or document which the person would be entitled to refuse to supply on the grounds of advocate-client privilege, on the grounds of confidentiality of communications, confidential business information or any information the disclosure of which is protected or otherwise restricted by any other law.

(4) Nothing in this regulation shall be construed as requiring a person to provide information if to do so might incriminate that person.

35. Notice of non-compliance

(1) Where the Board finds that a collective management organisation has failed to comply with its obligations under these Regulations, the Board may give a compliance notice to that person, body or organisation.

(2) A compliance notice shall be in writing and shall—

- (a) state the collective management organisation has not complied with a provision of these Regulations;
- (b) specify the provision in question and state the acts or omissions which contravene that provision;
- (c) request the collective management organisation, where non-compliance with the provision is continuing—
 - (i) to end the non-compliance within such time as the notice may specify; and
 - (ii) provide evidence that the non-compliance has ended;
- (d) if the Board thinks fit, request the collective management organisation to provide a written undertaking that non-compliance with the provision shall not be repeated; and
- (e) caution the collective management organisation that if—
 - (i) the organisation does not comply with the compliance notice, or
 - (ii) the organisation fails to comply with a written undertaking provided in respect of the compliance notice,

further action may be taken in accordance with the Act or these Regulations.

(3) The Board may withdraw a compliance notice and in doing so shall give the collective management organisation notice of the withdrawal.

(4) Where a compliance notice has been given, no action to impose a penalty under these Regulations may be taken in relation to that failure unless the collective management organisation to whom it has been given has failed—

- (a) to comply with the compliance notice; or
- (b) to comply with a written undertaking provided in respect of a compliance notice.

36. Penalty for non-compliance

(1) The Board may impose a financial penalty on a collective management organisation if the Board is satisfied upon hearing the collective management organisation that the collective management organisation has failed to comply with its obligations under these Regulations.

(2) Where the Board imposes a financial penalty on a collective management organisation under paragraph (1), the Board may also impose a financial penalty on a director, manager or similar officer of that collective management organisation.

(3) The amount of the financial penalty shall be such amount as the Board considers appropriate.

(4) In deciding what amount is appropriate the Board shall have regard to the nature of the failure of compliance.

(5) A financial penalty may comprise of either—

- (a) a sum not exceeding one hundred thousand shillings; or
- (b) a sum not exceeding one hundred thousand shillings together with a sum not exceeding ten thousand shillings for each day that the person referred to

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in paragraph (2) continues to fail to comply with its obligations under these Regulations:

Provided that the aggregate sum payable by the director, manager or similar officer shall not exceed one hundred thousand shillings

(6) A financial penalty shall be payable to the Board.

37. Demand for financial penalty

(1) As soon as practicable after imposing a financial penalty,

the Board shall give notice of the financial penalty to the collective management organisation on whom it is imposed.

(2) The notice shall state—

- (a) that the Board has imposed a financial penalty;
- (b) the amount of the financial penalty;
- (c) the acts or omissions which the Board considers contravene these Regulations;
- (d) the provisions of these Regulation which the Board considers are contravened
- (e) any other facts which the Board considers justify the imposition of a financial penalty; and
- (f) the period, which shall be not less than twenty-eight days from the date the notice is received by the person, within which the financial penalty is to be paid.

(3) The Board may rescind a penalty which has been imposed on a collective management organisation and give the collective management organisation written notice of the rescission.

38. Appeals

If a collective management organisation on whom a financial penalty has been imposed is aggrieved by the imposition or the amount of the financial penalty, the organisation may appeal to the Copyright Tribunal.

39. Recovery of unpaid penalties

Where a financial penalty, or any portion of it, has not been paid by the time which it required to be paid, the Board may recover from the collective management organisation on whom the penalty is imposed any of the penalty which has not been paid as a debt due to the Board.

40. Penalty not to be paid during pendency of appeal

Where an appeal or a court action is made against the decision of the Board to impose a financial penalty, the party filing the appeal is not under an obligation to pay the penalty pending the hearing and determination of the appeal and such non-payment shall not be deemed to be a continued violation of the penalty notice or the obligation giving rise to the penalty.

SCHEDULE
FORMS

FORM CMO 01

(r. 3(1))

THE COPYRIGHT ACT (CAP. 130)
THE KENYA COPYRIGHT BOARD
APPLICATION FOR REGISTRATION AS A COLLECTIVE MANAGEMENT
ORGANISATION UNDER SECTION 46 (2) OF THE ACT

Name, email and postal address of the collective management Organization	
Physical address	
Name and address of agent (if any)	
Date and registration number of the Organization under the Companies Act, 2015	
Number of members of the Organization	
Class of copyright owners Represented	
<p>We attach herewith all the documents referred to in REGULATION 3 (1) in support of our application. Dated at..... this..... day of....., 20.....</p> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border: 1px solid black; width: 150px; height: 50px; margin-bottom: 5px;"></div> <div style="text-align: right;">Signature(s).....</div> </div> <p>Seal of the Collective Management Organisation</p>	

FORM CMO 02

(r. 3(2))

THE COPYRIGHT ACT (CAP. 130)
THE KENYA COPYRIGHT BOARD
CERTIFICATE OF REGISTRATION OF A COLLECTIVE MANAGEMENT
ORGANISATION UNDER SECTION 46 (2) OF THE ACT

It is hereby certified that.....
.....

has been registered as a collective management organisation under section 46 (2) of the Act under registration numberfor the category of owners of copyright or related rights.

Dated at Nairobi thisday of....., 20.....



Seal of the Board

Signature
Executive Director,
The Kenya Copyright Board

[Subsidiary]

FORM CMO 03

(r. 3(3))

THE COPYRIGHT ACT (CAP. 130)
THE KENYA COPYRIGHT BOARD
APPLICATION FOR REGISTRATION AS A COLLECTIVE
MANAGEMENT ORGANISATION

Name, email and postal address of the collective management Organization	
Physical address	
Name and address of agent (if any)	
Date of registration	
Class of copyright owners	
Application number	
Registration number	
Any change which occurred during the past year (use a separate sheet, if necessary)	

We hereby apply for renewal of the registration of the Organization as a collective management organisation for the period.....

Dated at..... this..... day of....., 20.....



Seal of the Collective Management Organisation

Signature(s).....

FORM CMO 04

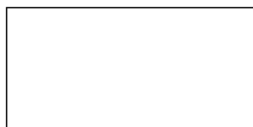
(r. 3(3))

THE COPYRIGHT ACT (CAP. 130)
THE KENYA COPYRIGHT BOARD
CERTIFICATE OF REGISTRATION OF A COLLECTIVE
MANAGEMENT ORGANISATION

This is to certify that the registration of.....
for theclass of owners of copyright and related rights
(delete as appropriate) owners ofwith
registration number..... has been renewed.

The renewed registration will commence onday of..... expire on the
.....day of20.....

Dated at Nairobi thisday of....., 20.....



Signature(s).....
Executive Director,
The Kenya Copyright Board

Dated the20.....

Copyright

[Subsidiary]

FORM CMO 05

(r. 3(3))

THE COPYRIGHT ACT (CAP. 130)

THE KENYA COPYRIGHT BOARD

ANNUAL REPORT AND AUDITED ACCOUNTS FILED UNDER SECTION 47 OF
THE ACT

Name and address of the collective management Organization	
Physical address	
Date of registration	
Class of copyright and related rights owners	

Dated at Nairobi thisday of....., 20.....



Authorised Signature.....

Official Stamp of the Collective Management Organisation

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
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PART III – MISCELLANEOUS PROVISIONS

11. Application for copies of documents
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13. Extension of time
14. Signing of forms
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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;

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- (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

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- (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

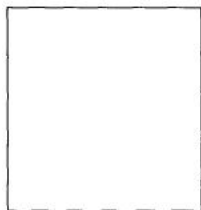
CERTIFICATE OF REGISTRATION OF A LICENCE/ASSIGNMENT IN THE
COPYRIGHT REGISTER

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)

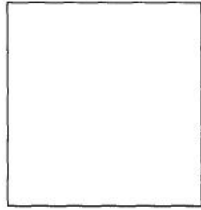
Title of copyright work

Name and address of registered
owner(s)

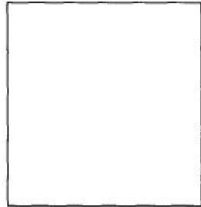
Name and address of new owner(s)

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)

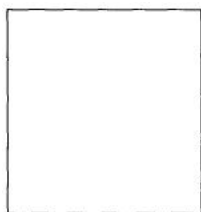
It is hereby confirmed that was appointed by the Board as a
 Copyright Inspector on the day of 20 and
 is authorized to discharge duties of a copyright inspector in Kenya assigned to
 him by the Board under the provisions of the Act and these Regulations.

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

**CONSOLIDATED MUSIC TARRIFS FOR THE PERIOD
1ST JANUARY 2023 TO 31ST DECEMBER, 2024**

[Legal Notice 84 of 2023]

IN EXERCISE of the powers conferred by section 46(A) of the Copyright Act, the Cabinet Secretary for Youth Affairs, Sports and the Arts, approves the consolidated music tariffs set out in the Schedule and revokes the joint collection tariffs issued under Legal Notice No. 39 of 2020.

SCHEDULE

<i>Tariff No.</i>	<i>Tariff Category</i>	<i>Tariff Parameter</i>	<i>Consolidated sound and audiovisual tariff 2023-2024 (all amount in Kenya Shillings) unless indicated</i>
CMT.1	Aircraft	Rate per passenger seat	750 subject to a minimum of 20,000
CMT. 2	Amusement Parks, arcades and fairgrounds	Flat rate depending on size of town	Nairobi ,Kisumu, Nakuru and Mombasa 30,000
			County Headquarters -20,000
			Others -15,000
CMT. 3	Music schools, professional training programs, dance schools, disk jockey academies and similar establishments.	Flat rate, per number of learners	1-500 learners- 3,000/= 501-1000- 6,000/= 1001-2000- 9,000/= 2001 and above – 12,000/=
CMT. 4	Cinemas	Flat rate	Annual -100,000/=
CMT. 5	Private Member Clubs	Flat rate depending on the location	Nairobi, Kisumu , Nakuru and Mombasa – 60,000/-
			County HQ- 45,000/- Others- 30,000/-
CMT. 6	Discotheques, night clubs and dance halls	Flat rate depending on the size of town	Nairobi, Kisumu,Nakuru, Mombasa – 150,000/= County HQ- 80,000/= Others - 50,000/=
CMT.7	Video exhibition halls	Flat rate ,annual	5,000/-

[Subsidiary]

CMT.8	Hotels and other accommodation establishments	Percentage of single Business Permit and Liquor license	70% of SBP and Liquor License Or 100% of SBP Subject to a minimum of 9,000/=
CMT.9	Restaurants ,bars, cafes and similar establishments	Percentage of single Business Permit and Liquor license	80% of SBP and liquor License Or 100% of SBP Subject to a minimum of 9,000/=
CMT.10	Medical facilities	By levels of hospitals, flat rate	Level 1 &2- 50,000/= Level 3- 80,000/= Level 4- 200,000/= Level 5- 500,000/= Level 6- 1,000,000/= Clinics - 25,000/=
CMT. 11	Mobile Disc Jockeys	Flat rate Per event per annum	Per event - 30,000/= Per annum - 20,000/=
CMT. 12	Concerts and live events	Percentage of income or flat rate	5% of income in paid concerts subject to a minimum of 40,000/=
CMT. 13	Road Shows	Per Event /per annum	<u>Per Event</u> Per event trucks – 50,000/= Other Vehicles - 20,000/= <u>Per Annum</u> Corporates - 990,000/= SMEs - 300,000/=
CMT. 14	Other promotional activities	Per Event/ Per annum	<u>Per Event</u> Corporates- 50,000/= SMEs- 20,000/= <u>Per Annum</u> Corporate 990,000/= SMEs 300,000/=
CMT. 15	Banking Halls, Gyms, Show Rooms, and Similar Establishments	Flat rate depending on location	a. Nairobi Kisumu ,Nakuru and Mombasa – 25,000/= b. County HQ- 15,000/= c. Other Urban Areas- 10,000/=
CMT. 16	Shop Stores, Hairdressers, salons, barbershops and similar establishments	Flat rate depending on location	a. Nairobi, Kisumu, Nakuru, and Mombasa- 7,500/= b. County HQ -5,000/= c. Other urban areas 4,000/=

