

NATIONAL COUNCIL FOR
LAW REPORTING
LIBRARY

SPECIAL ISSUE

Kenya Gazette Supplement No. 192 (National Assembly Bills No. 44)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2021

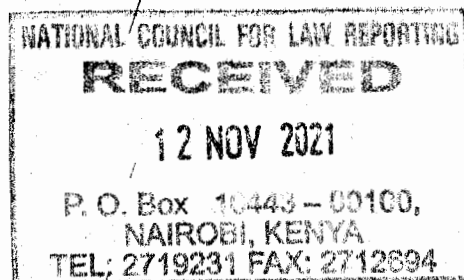
NAIROBI, 22nd October, 2021

CONTENT

Bill for Introduction into the National Assembly—

PAGE

The Copyright (Amendment) Bill, 2021 1261



PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI

THE COPYRIGHT (AMENDMENT) BILL, 2021**A Bill****for**

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) Bill, 2021. 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— Interpretation

“Registry” means the National Rights Registry established under section 34A;

“ring back tune” means subscription music or a tone which it 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 Cap. 12 of 2001

Payment of ring back tune revenue

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

- (a) the premium rate service provider at seven percent;
- (b) the telecommunication operator at sixteen percent;
- (c) the artist or copyright holder at fifty two percent.

4. The principal Act is amended by inserting the following new sections immediately after section 34— Insertion of new sections in Cap. 12 of 2001

National rights
registry.

34A. (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.

34B. 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;
- (f) any other functions as may be assigned by the Board.

Voluntary
registration on
the National
Rights Registry.

34C. (1) Without prejudice to the generality of section 34B, the Board shall cause to be developed and maintained an online portal for registration of copyright works to be known as the National Rights Registry.

(2) The author of copyright works or a holder of a copyright may register his or her works on the National Rights 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 National Rights Registry.

5. The principal Act is amended by repealing section 35B.

Repeal of
section 35B of
No. 12 of 2001

6. The principal Act is amended by repealing section 35C.

Repeal of
section 35C of
No. 12 of 2001

7. The principal Act is amended by repealing section 35D.

Repeal of
section 35D of
No. 12 of 2001

8. The principal Act is amended in section 49 by inserting the following subsection immediately after subsection 2—

Amendment of
section 49 of
No. 12 of 2001

2A. The Cabinet Secretary may prescribe—

- (a) the fees for accessing the National Rights Registry;
- (b) the format for registrations of the respective copyright works;
- (c) the type of copyright works that are registrable with the National Rights Registry;
- (d) anything necessary for the performance of the functions of the National Rights Registry.