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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – SECOND SESSION

DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE

REPORT ON THE CONSIDERATION OF THE STATUTE LAW MISCELLANEOUS
AMENDMENT BILL, 2023(NATIONAL ASSEMBLY BILL NO. 67)

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 15 FEB 2024	DAY:
TABLED BY:	<i>Chairperson, Justice & Legal Affairs</i>
CLERK-AT THE-TABLE:	<i>Hon. George Mwangi, MP</i> <i>A. Shilonko</i>

Published by:-

The Directorate of Departmental Committees
Clerk's Chambers
Parliament Buildings
NAIROBI

December, 2023

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CHAIRPERSON'S FOREWORD

The Statute Law (Miscellaneous Amendment) Bill, 2023 (National Assembly Bill No. 67) was read a first time on 15th November, 2023 and was subsequently committed to respective Departmental Committees for consideration and facilitation of public participation pursuant to Standing Order 127. The Bill seeks to, among other Statutes; amend the Copyright Act, Cap. 130.

The Clerk of the National Assembly placed advertisements in the print media on 18th November, 2023 seeking for comments from the public on the Bill pursuant to Article 118 of the Constitution. The Committee received written memoranda from six (6) stakeholders.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during the consideration of the Bill. Finally, I wish to express my appreciation to the Honorable Members of the Committee, Committee Secretariat and all those who responded to the National Assembly's advert inviting the public to present their views on the Bill.

On behalf of the Committee and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the report of the Committee on its consideration of the Statute Law (Miscellaneous Amendment) Bill, 2023.

HON. DANIEL SITATI WANYAMA, M.P.

CHAIRPERSON, THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE

CHAPTER ONE

1 PREFACE

1.1 Mandate of the Committee

1. The Departmental Committee on Sports and Culture is one of the twenty (20) Departmental Committees of the National Assembly established under *Standing Order 216* whose mandates pursuant to the *Standing Order 216 (5)* are as follows:
 - i. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
 - ii. To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;
 - iii. On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;
 - iv. **To study and review all the legislation referred to it;**
 - v. To study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
 - vi. To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
 - vii. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No. 204 (Committee on appointments);
 - viii. To examine treaties, agreements and conventions;
 - ix. To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - x. To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
 - xi. To examine any questions raised by Members on a matter within its mandate.

1.2 Oversight

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider:-
 - a) Sports;
 - b) Culture;
 - c) Language;
 - d) Creative Economy including promotion of music, arts, film promotion and development;
 - e) National Heritage;
 - f) Betting and Lotteries.
3. In executing its mandate, the Committee oversees the following Ministries/Departments:
 - a) Ministry of Youth Affairs, Creative Economy and Sports; and
 - b) Ministry of Gender, Culture, the Arts & Heritage.

1.3 Committee Membership

4. The Departmental Committee on Sports and Culture was constituted by the House on 27th October 2022 and comprises of the following members:

Chairperson

Hon. Daniel Wanyama Sitati, MP
Webuye West Constituency

UDA Party

Vice-Chairperson

Hon. James Githua Wamacukuru, MP
Kabete Constituency

UDA Party

Members

Hon. Naomi Jillo Waqo, MP
Marsabit County

UDA Party

Hon. Mary Emaase Otucho, M.P
Teso South Constituency

UDA Party

Hon. Stephen Mutinda Mule, MP
Matungulu Constituency

WDM-K Party

Hon. Chege Njuguna, MP
Kandara Constituency

UDA Party

Hon. Catherine Nakhabi Omanyo MP
Busia County

ODM Party

Hon. Paul Ekwom Nabuin, MP
Turkana North Constituency

ODM Party

Hon. BSP. (EM) Dr. Jackson Kipkemoi Kosgei, MP
Nominated

UDA Party

Hon. Samuel Gonzi Rai, MP
Kinango Constituency

PAA Party

Hon. Charles Ngusya Nguna, MP
Mwingi West Constituency

WDM –K Party

Hon. Janet Jepkemboi Sitienei, MP
Turbo Constituency

UDA Party

Hon. Richard Kipkemoi Yegon, MP
Bomet East Constituency

UDA Party

Hon. Caroli Omondi
Suba South Constituency

ODM Party

Hon. Robert Ngui Basil, MP
Yatta Constituency

WDM-K Party

1.4 Committee Secretariat

5. The Committee has the following technical staff, representing the Office of the Clerk:

Mr. John Mugoma
Clerk Assistant I/Head of Secretariat

Ms. Mary Kinyunye
Clerk Assistant III

Mr. Vitus Owino
Research Officer II

Ms. Christine Odhiambo
Senior Legal Counsel

Mr. Wilson Mwangi
Fiscal Analyst III

Mr. Moses Eمويت
Audio Officer III

Mr. Luka Mutua
Serjeant-At-Arms I

Mr. Calvin Njoroge
Media Relations Officer III

CHAPTER TWO

2.0 CONSIDERATION OF THE STATUTE LAW (MISCELLANEOUS AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 67 OF 2023, 2023)

2.1 Background Information

6. The Statute Law (Miscellaneous Amendment) Bill (National Assembly Bill No. 67 of 2023) seeks to among other Statutes, amend the Copyright Act, Cap. 130.

2.2 Summary of the Bill

7. The Bill seeks to amend the Copyright Act, Cap. 130 to among others—
 - (a) provide for the process of registration, licensing and approval of a collective management organization;
 - (b) provide for the power of a licensed collective management organization to appoint an agency to collect and distribute royalties;
 - (c) provide for the power of a collective management organization to open bank accounts to be authorized and monitored by the Kenya Copyright Board;
 - (d) extend the validity period for a registration certificate issued to a collective management organization, from twelve months to thirty six months; and
 - (e) provide for the equitable remuneration of performers and copyright holders.

2.3 Public Participation in the Review of the Bill

8. Article 118 (1) (b) of the Constitution of Kenya provides as follows: -

“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees”

Standing Order 127(3) provides as follows-

“The Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the Committee makes its recommendations to the House”

9. In line with the Constitution and Standing Orders, the National Assembly in the local daily newspapers on 18th November, 2023 invited the public to make representations on the proposed amendments in the Bill as per annexure 2 of the report. Further, the Committee wrote to other key stakeholders on 1st December to submit their views on the Bill. The Committee received written submissions on the proposed amendments to the Copyright Act, Cap, 130
10. The following Stakeholders were requested to submit their views to the Committee:
 - a) Kenya Copyright Board
 - b) Performers Rights Society Of Kenya

- c) The Office of the Attorney General
- d) The Kenya Law Reform Commission
- e) The Music Copyright Society of Kenya
- f) The Kenya Association of Music Producers

11. The following stakeholders submitted their memoranda:-

- a. The Music Copyright Society of Kenya
- b. The Kenya Association of Music Producers
- c. Performers Rights Society Of Kenya
- d. Kenya Copyright Board

3.0 SUBMISSIONS FROM STAKEHOLDERS

3.1 The Copyright Act, Cap. 130

12. In their written submissions, the Music Copyright Society of Kenya (**MCSK**) supported the Proposed Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 67 of 2023) and submitted that there was a need for insertion of the following section in the proposed amendments for the following reasons—
 - a. **Section 26**, insert the following new subsection after subsection (2) subsection (3) and (4) The two insertions were to cure the oversight of not giving Owners of Copyright in a Literary, Musical, Artistic and Audio- visual works a claim to Private Copying Remuneration provided for in Section 30B of the Copyright Act. It forms the legal basis for making amendments to Section 30B of the Copyright Act to include Authors of Literary, Musical, Artistic and Audio-visual works in getting a share of the Private Copying Remuneration Levy.
 - b. **Section 30B(1)(2)(3)** to insert the word "Authors" immediately before the word "performers". The proposed amendment is meant to eliminate Black Tape Levy.
 - c. **Section 30B(1)** to insert the number 26 immediately after the word "Section". Directs to the relevant Section in the Act that forms the basis to justify the Copyright owners of Literary, Musical, Artistic and Audio-visual works in having a share of the Private Copying Remuneration.
13. In their written submissions, the Kenya Association of Music Producers (**KAMP**) submitted that there was a need for a deletion of the proposed amendments for the following reasons—
 - a. **Section 2** on the definition clauses, deletion of ‘collection’ as it would oblige KAMP to cede its responsibility to third parties. Therefore, KAMP rejects the proposal to have a single CMO to collect royalties for both copyright and related rights.
 - b. **Section 30A** proposes an amendment to reintroduce equitable remuneration for performers and producers of sound recording. They submitted that the amendment was not necessary and unwelcome because it would be prejudicial to the producers’ investment in recordings and exclusive rights currently held. Introducing the same would mean downgrading the rights already existing for owners of sound recordings which is not agreeable.
 - c. **Section 46(1) on certification of registration**, the proposed amendment reads, “Unless registered as such by the Board and granted operating License.”. This is unnecessary because a certificate of registration would no longer suffice as KAMP would be required to first register with KECOBO before being issued with an operating license. This would be a double registration.
 - d. **Section 46(3)** On the extension of the registration period to be amended from 1 year to 3 years was welcomed by KAMP. This would allow them to have uninterrupted operations from the regulator. However, they further submitted that the examples of Ghana and South Africa should be considered as they give 5-year licenses. The provision ought to be captured in a substantive Copyright Bill for Consideration.

- e. **Section 46(4)** seeks to have another registration certificate (KECOBO) and CMOs would no longer rely on the company's Act. This would bring unnecessary bureaucracy and is therefore rejected.
- f. **Section 46(13)** New Section- On registration of CMOs, only organizations meeting new registration criteria will be granted the license. This was rejected on the grounds that it ignored the earlier licensed CMOs and the associated history.
- g. **46 (14) and (15)** New section- On revocation of licenses, that KECOBO transfers the role of the CMO to an agent who will operate in conjunction with KECOBO during the period of license revocation. This was rejected because it would transfer of private rights of producers of sound recording granted to KAMP without reference to rights holders.
- h. **46(A)**- On Outsourcing of Collection Services: this amendment is rejected because it would The new provision is likely to place an additional heavy burden on KAMP operational cost. Further, the level and scope of data, its accuracy and currency held by CMOs and their international affiliates are not available to National Rights Registry.
- i. **46 (B) (1A)** new subsection- co-option of Board members: the new section makes it mandatory for CMOs Board to co-opt not less than 4 professionals into their Board. This proposal is not supported and a status quo is preferred because the rights holders ought to be consulted extensively KAMP is a member-based organization whose constitution of the board is based on the articles and memorandum of association.
- j. **46(B) (5) New subsection**- On Directors Remuneration: The proposed subsection provides that directors will be eligible to be paid such allowances, salaries, honorarium as members may decide at AGM and endorsed by the Board This is in order however, it should be limited to the directors being eligible to allowances in line with principles of corporate governance. The provision should be included in a substantive Copyright Bill for consideration by the National Assembly with the proposed amendments.
- k. **46(B) (6) (7)(8)** new subsections- On Criminal offenses: The new provisions bar Board and staff members against holding office when accused of criminal matters. The accused individuals are expected to step down and receive half salaries during this period. If convicted the officials should no longer hold a CMO office. The amendment is not in line with the labour laws. Further, it is unwelcome because KAMP is a private company thus in the event of any criminal matter, the company should be left to handle the criminal matters in line with the Employment Act and the Criminal Procedure Code.
- l. **Section 46(C)(1A)** New section- Single CMO to manage rights: Section (1) provides that Authors, producers, performers, visual artists and publishers may form a collective management organization to collect, manage and distribute royalties and other remuneration accruing to their members. The new section (1A) empowers KECOBO notwithstanding section (1) to issue licenses to one entity to represent the rights of all parties within a sector. KECOBO in its discretion may decide to issue a license at the peril of existing CMOs. There are no safeguards in place to ensure that such law is not

abused. The provision is therefore unwelcome as it is against KAMP and members' interests.

- m. **Sections 46(E) (h)** new subsection- Powers of KECOBO: The Board is now empowered to exercise power to inspect CMOs at any time it deems fit to do so. This amounts to micromanagement of KAMP operations. KAMP should be left to manage their operations within dictates of good corporate governance, AGM resolutions and approved policies. The provision is unwelcome and is inimical to KAMP's and members' interests. Further, the Copyright Act has already provided for annual audits, thus the introduction of inspections at any time by Kenya Copyright Board will cripple the proper functioning of the KAMP.
- n. **Sections 46(E) (8)** new subsection- Subsection 8-Bank Accounts CMOs are barred from operating bank accounts without the approval of KECOBO. Additionally, KECOBO should have power to monitor the Accounts. This amounts to micromanagement of KAMP's operations. KAMP should be left to manage their operations within the dictates of good corporate governance, AGM resolutions and approved policies. The provision is unwelcome and is inimical to CMOs and members' interests.

14. In their written submissions, the Kenya Copyright Board acknowledged that the proposed Amendment Bill, 2023, was based on their previous proposals, which were withdrawn and disassociated from the current bill. Further, KECOBO does not support amendment at this time as they were coming up with a Draft Bill which takes care of all provisions outlined in the Miscellaneous Amendments Bill, 2022 No. 67 of 2023.

15. In their written submissions, the Performers Rights Society of Kenya (PRISK) supported Section 30AA and Section 30B of Statute Law (Miscellaneous Amendments) Bill, National Assembly Bill No. 67 of 2023 and proposed amendments to Section 30AA to enhance the section's clarity and effectiveness. They further submitted that there was need to modify the proposed amendments as follows—

“(1) A performer shall have the un-waivable and untransferable rights to receive equitable remuneration or royalties in respect of any broadcast, communication to the public, rental or making available to the public of his performance fixed in an audio-visual fixation.

(2) The right to equitable remuneration under this section may not be assigned by the performer except to a collecting society for the purpose of enabling it to enforce the right on his behalf.

(3) The right is, however, transmissible by testamentary disposition or by operation of law as personal or moveable property; and it may be assigned or further transmitted by any person into whose hands it passes.

(4) The amount payable by way of equitable remuneration is as agreed by or on behalf of the persons by and to whom it is payable.

(5) In default of agreement as to the amount payable by way of equitable remuneration, the person by or to whom it is payable may apply to the Copyright Tribunal to determine the amount payable.

(6) A person to or by whom equitable remuneration is payable may also apply to the Tribunal—

(a) to vary any agreement as to the amount payable, or

(b) to vary any previous determination of the Tribunal as to that matter;

(7) Except with the special leave of the Tribunal no such application may be made within twelve months from the date of a previous determination.

(8) The right to an equitable remuneration under this Section shall subsist from the date of publication of the audiovisual performance until the end of the fiftieth calendar year following the year of publication, provided that the audiovisual work/performance is still protected under the Act.

(9) The remuneration shall be managed through the relevant collective management organization.”

4.0 COMMITTEE OBSERVATIONS

The Committee while considering the Bill made the following key observations;

- 1) The proposed amendments to the Copyright Act, Cap. 130 if passed would result in implementation challenges and ambiguity in regard to the aspect of remuneration of copyright;
- 2) There is need to engage all the relevant stakeholders in the process of amending the legislation that would have an impact on their operations;
- 3) The Kenya Copyright Board, proposed the amendments to the Copyright Act, Cap. 130 be withdrawn to allow for the process of a comprehensive overhaul of the Act, as the Board was in the process of finalizing a Bill for the comprehensive overhaul of the Copyright Act.

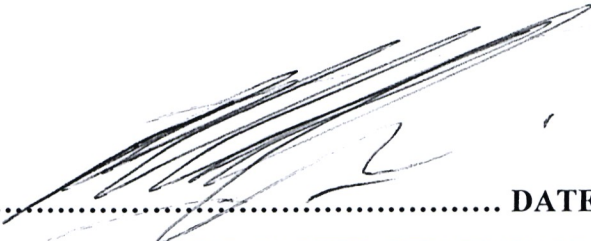
5.0 COMMITTEE RECOMMENDATIONS

Having considered the Bill and the views by the stakeholders, the Committee recommends—

THAT, the proposed amendments to the Copyright Act, Cap. 130 be deleted from the Statute Law (Miscellaneous Amendment) Bill, (National Assembly Bill No. 67 of 2023).

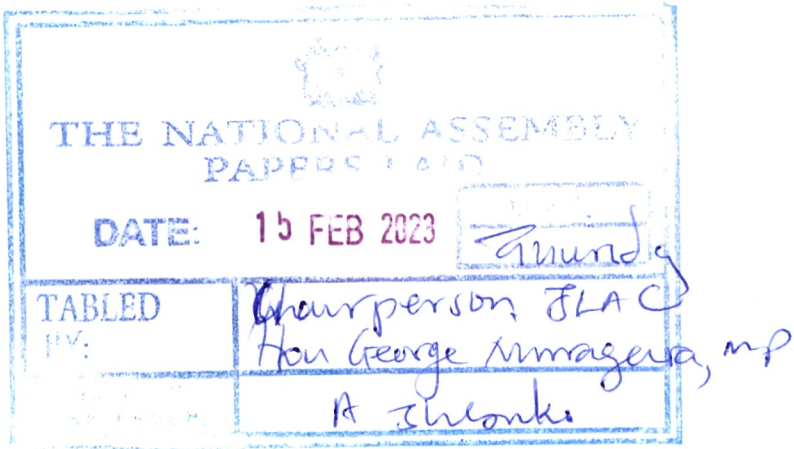
JUSTIFICATION

The deletion of the proposed amendments to the copyright Act, Cap. 130 is necessary to allow for a comprehensive overhaul of the Act after consulting all relevant stakeholders. The overhaul of the Act is necessary so as to include emerging issues like the importance of technology in copyright matters.

SIGNED.....  DATE..... 6/12/2023

HON. DANIEL SITATI WANYAMA, M.P.

CHAIRPERSON, THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE

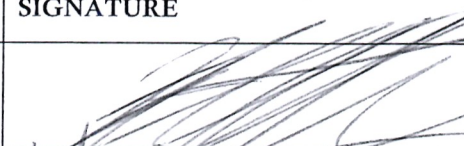
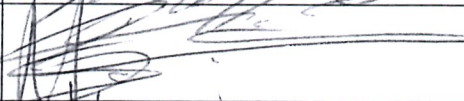

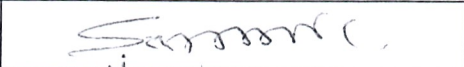
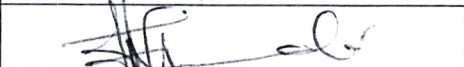

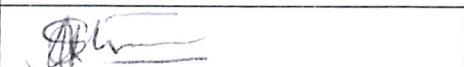




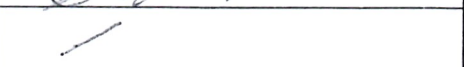
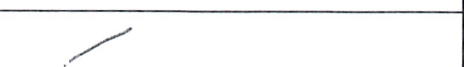
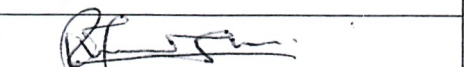





REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
13TH PARLIAMENT - FIRST SESSION - 2022
DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE
REPORT ADOPTION SCHEDULE

Date: 5th Dec 2023 Venue: Ammani - Boma Inn Hotel

STATUTE LAW MISCELLANEOUS AMENDMENT BILL NO. 67 OF 2023.

No.	NAME	SIGNATURE
1.	The Hon. Daniel Wanyama Sitati, M.P. – Chairperson	
2.	The Hon. James Githua Wamacukuru, M.P. – Vice Chairperson	
3.	The Hon. Naomi Jillo Waqo, M.P. CBS	
4.	The Hon. Samuel Gonzi Rai, M.P.	
5.	The Hon. Stephen Mutinda Mule, M.P.	
6.	The Hon. Mary Emaase Otucho, M.P.	
7.	The Hon. Janet Jepkemboi Sitienei, M.P.	
8.	The Hon. Charles Ngusya Nguna, M.P.	
9.	The Hon. Caroli Omondi, M.P.	
10.	The Hon. Catherine Nakhabi Omanyo, M.P.	
11.	The Hon. Chege Njuguna, M.P.	
12.	The Hon. Paul Ekwom Nabuin, M.P.	
13.	The Hon. Robert Ngui Basil, M.P.	
14.	The Hon. Richard Kipkemoi Yegon, M.P.	
15.	The Hon. BSP. (EM) Dr. Jackson Kipkemoi Kosgei, M.P.	

Defence to draw strategy



General Francis Ogolla (left) and National Assembly Speaker Mohammed Farah. [Kipsang Joseph, Standard]

The President described the inaugural graduation at NDU-K as a milestone for Kenya and other countries with which Kenya collaborates on security matters.

Defence CS Aden Duale hailed the NDU-K, saying that it provides a platform for international collaboration to develop solutions to global challenges.

"This key milestone is a multisectoral platform for dialogue and exchange to find solutions to contemporary and emerging challenges," said Duale.

Education CS Ezekiel Machogu said the multisectoral collaboration between various ministries and government agencies would go a long way in the realisation of national aspirations.

"It is also our call that universities be creative in coming up with revenue streams of their own to complement the little that the government has allocated to them," said Machogu.

The pioneer class of NDU-K consists of military, police, and civilians drawn from various government entities, as well as military officers from other countries including India, Nepal, South Africa, Malawi, Uganda, Egypt, and South Sudan among others.

kgachuhi@standardmedia.co.ke



REPUBLIC OF KENYA THE NATIONAL ASSEMBLY THIRTEENTH PARLIAMENT-SECOND SESSION (2023)

IN THE MATTER OF ARTICLE 118(1)(b) OF THE CONSTITUTION
AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILLS NO. 67 OF 2023)

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS, the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bills No. 67 of 2023) was read a First Time on Wednesday 15th November, 2023 and thereafter referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED that the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bills No. 67 of 2023) sponsored by the Leader of the Majority Party, the Hon. Kimani Ichung'uwa, MP seeks to make amendments to various statutes in keeping with the practice of making amendments that do not merit the publication of separate Bills into one Bill. The Bill contains proposed amendments to the following statutes—

- (1) **The Children Act, 2022 (No. 29 of 2022)**
The Bill proposes to amend the Children Act, 2022 to repeal section 186(4) in compliance with Court decision in Adoption Cause E004 of 2022 *Re Baby M* where the court held the section that prohibits adoption by a sole male to be unconstitutional.
- (2) **The Copyright Act, 2001 (No. 12 of 2001)**
The Bill proposes to amend the Copyright Act, 2001 to make provisions for the equitable remuneration of performers and producers of sound recordings and expand the responsibilities of collective management organizations towards the authors and performers. It also proposes to bring collective management organizations under regulation by the Board in order to enhance their efficiency.
- (3) **The Scrap Metal Act, 2015 (No. 1 of 2015)**
The Bill proposes to amend the Scrap Metal Act, 2015 to provide for a special license for dealing in copper, aluminum, and their alloys to protect critical infrastructure. Additionally, the Bill proposes to restrict the disposal of scrap metal from critical infrastructure to the Numerical Machining Complex and the Kenya Shipyard Limited; the regulation of imports and exports; and enhancement of penalties in the Act to deter vandalism and other prohibited acts.
- (4) **The National Employment Authority Act, 2016 (No. 3 of 2016)**
The Bill proposes to amend the National Employment Authority Act, 2016 to cure inconsistencies in the Act and align it with the National Employment Authority Human Resources policy and procedures Manual.
- (5) **The Fisheries Management and Development Act, 2016 (No. 35 of 2016)**
The Bill proposes to amend the Fisheries Management and Development Act, 2016 to provide that the Cabinet Secretary responsible for matters relating to fisheries shall be the chairperson of the Kenya Fisheries Advisory Council.
- (6) **The Energy Act, 2019 (No. 1 of 2019)**
The Bill proposes to amend the Energy Act, 2015 to give effect to recommendations of the Presidential Taskforce on the Review of Power Purchase Agreements to, among others, the overlap in functions between the Energy and Petroleum Regulatory Authority and the Ministry of Energy; add the Kenya Power and Lighting Company to the membership of the Rural Electrification and Renewable Energy Corporation; wind up the Nuclear Power and Energy Agency; and subject the making of regulations to the attainment by the grid of the quality and reliability of supply and service prescribed by the Energy and Petroleum Regulatory Authority.
- (7) **The Public Private Partnerships Act, 2021 (No. 14 of 2021)**
The Bill proposes to amend the Public Private Partnerships Act, 2021 to correct typographical and cross-referencing errors contained in the Act, and to align provisions with each other to ensure consistency.
- (8) **The Parliamentary Service Act, 2019 (No. 22 of 2019)**
The Bill proposes to amend the Parliamentary Service Act, 2019 to specify the nature of the further functions that may be performed by the Parliamentary Service Commission, as provided for in Article 127(6)(e) and Article 252(1)(d) of the Constitution.
- (9) **The Judicial Service Act, 2011 (No. 1 of 2011)**
The Bill proposes to amend the Judicial Service Act, 2011 to provide for the facilitative mandate of the Judicial Service Commission under Articles 172(1)(b) and 252(1)(d) of the Constitution.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bill for consideration by the respective Departmental Committees of the National Assembly set out in the schedule below—

ACT PROPOSED FOR AMENDMENT	COMMITTEE
The Children Act, 2022 (No. 29 of 2022)	Social Protection
The Copyright Act, 2001 (No. 12 of 2001)	Communication Information and Innovation
The Scrap Metal Act, 2015 (No. 1 of 2015)	Trade, Industries and Cooperatives
The National Employment Authority Act, 2016 (No. 3 of 2016)	Labour
The Fisheries Management and Development Act, 2016 (No. 35 of 2016)	Blue Economy, Water and Irrigation
The Energy Act, 2019 (No. 1 of 2019)	Energy
The Public Private Partnerships Act, 2021 (No. 14 of 2021)	Finance and National Planning
1. The Parliamentary Service Act, 2019 (No. 22 of 2019)	Justice and Legal Affairs
2. The Judicial Service Act, 2011 (No. 1 of 2011)	

Copies of the Bill are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to cna@parliament.go.ke to be received on or before Thursday 30th November, 2023 at 5.00 p.m.

S. NJOROGE
CLERK OF THE NATIONAL ASSEMBLY

17th November, 2023

"For the Welfare of Society and the Just Government of the People"



Music Copyright Society of Kenya Limited

NON-PROFIT MAKING NO SHARE CAPITAL-LIMITED BY GUARANTEE-AFFILIATED TO THE INTERNATIONAL CONFEDERATION COPYRIGHT SOCIETY - CISAC

Reg. C5/83

HEAD OFFICE

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The Dropping Zone, Box No. 155
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Tel: 020-221-8200

COASTAL KENYA
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100c Uhuru Gardens
MOMBASA
Tel: 0703-646-364

NYANZA REGION
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KISUMU
Tel: 0724-507-782

CENTRAL KENYA
Peak Business Centre
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Nyeri
Tel: 0722-976-788

RIFT VALLEY
Kerem Arcade
2nd Floor, Wing 15
Ronald Ngala Street
ELDORET
Tel: 0715-679-831

WESTERN KENYA
Co-op. Bank Bldg
2nd Floor Room 7
BUNGOMA
Tel: 020-261-1240

EASTERN KENYA
K.C.B. Building
1st Floor
MACHAKOS
Tel: 0722-430-921

Our Ref: MCSK/CEO/NA/3
Your Ref: TBA

CLERK OF THE NATIONAL ASSEMBLY,
PARLIAMENT BUILDINGS,
P.O. BOX 41842-00100,
NAIROBI.

Attn: DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE

Dear Sir,

RE: MEMORANDUM ON THE STATUTE LAW (MISCELLANEOUS AMENDMENT) BILL, 2023 - AMENDMENTS TO THE COPYRIGHT ACT, 2001.

DDC
29/11

Date: 28th November 2023

John Mgonia
to facilitate
20/11/23

1.0 Introduction

The Music Copyright Society of Kenya (MCSK) is a Collective Management Organization (CMO) as defined under the provisions of the Copyright Act No. 12 of 2002 Laws of Kenya. It is mandated by Right Holders to administer, exercise and enforce the exploitation of performances in public places, broadcasting and communication to the public and mechanical reproduction rights in copyrighted musical works. The rights and mandate of the MCSK are protected under Article 40(5) of the Constitution of Kenya and outlined and articulated in the Copyright Act No. 12 of 2001. The MCSK represents more than 15,000 Kenyan (local) rights holders and by extension over one (1) million foreign rights holders.

2.0 History, Registration & Functioning

MCSK was formed by the right holders of Copyrighted Musical Works and registered in 1983 (C. 5/83), as a company limited by guarantee (not for profit) under the Companies Act, Laws of Kenya, and by the provisions of the then Copyright Act CAP 130 Laws of Kenya, as the pioneer CMO with its main mandate as prescribed by law to collect royalties and distribute to its registered rights-holders.

With the advent repeal of the Act in 2001, the New Copyright Act No. 12 of 2001 classified the various rights holders into bundles of rights and established the other two copyright related CMOs in the music sector: The Kenya Association of Music Producers (KAMP) and the Performers' Rights Society of Kenya (PRISK) in the category of Producer rights and those of the Performers, respectively. This left MCSK to administer rights associated with the original copyright owners – Authors, Composers, Arrangers and Publishers. The three CMOs were initially collecting and distributing to their respective members separately, until 2019 when the Regulator, Kenya Copyright Board (KECOBO) directed through regulation, for joint collections matrix by the three CMOs.

Through Exclusive Deeds of Assignment, MCSK is mandated to administer and enforce compliance in Kenya, for Kenyan rights holders, for the exploitation of copyrighted musical works in performances in public places (PPP), communication to the public (CTP), broadcast, mechanical reproduction and adaptation.

Furthermore, MCSK is affiliated with affiliate Management Organisations from all over the world, and through a system of Reciprocal Agreements, it authorizes all those affiliate Management Organisations to administer these rights in the music of Kenyan Authors, Composers and Publishers in their countries. Conversely, MCSK acquired the rights of broadcasting and communication to the public/ public performance in the great store of music in the repertoires of all those other affiliate Management Organisations for its own operational territory which consists of

29 NOV 2023
CLERK'S OFFICE
P.O. Box 41842, NAIROBI

Page 1 of 3



DIRECTORS:

SIMON KARIUKI NDERITU-CENTRAL REGION | DESMOND KATANA HARRISON-COAST | LAZARUS MUOKI MULI-EASTERN REGION | JOHN MWANGI NJOROGE-NAIROBI REGION
JAPHETH KILONZO KASANGA, OGW-NAIROBI | PAUL MAINA MWANGI-RIFT VALLEY REGION | JOSEPH SHISIA WASIRA-WESTERN REGION | JAMES LIKEMBE MILULU-NYANZA REGION

the Republic of Kenya.

Regarding the call for proposals by the Clerk of the National Assembly, published in the national daily on 20th November 2023, MCSK submits that only the following minor amendments be implemented in The Statute Law (Miscellaneous Amendments) Bill, 2023, (National Assembly Bills No 67) relating to the Copyright Act.

PROPOSED AMENDMENT

1) Section 26

Insert the following new subsection after subsection (2).

- 3) The rights of an owner of a copyright in a Literary, Musical, Artistic and Audio-visual work are not infringed by the making of a single copy of the work for the personal and private use of the person making the copy, and in respect of such use the owner of copyright a literary, Musical, Artistic and audio-visual work shall have the right to receive fair compensation consisting of a royalty levied on audio recording equipment or audio blank tape suitable for recording and other media intended for recording, payable at the point of first manufacture or entry in Kenya by the manufacturer or importer for the commercial purposes of such equipment or media.
- 4) Any person who, for commercial purposes, make available any recording equipment and blank media for the purposes of enabling any other person to make single copies of any Literary, Musical, Artistic and Audio-visual work for his personal or private use, without payment of the royalty levied under sub section (3) shall be guilty of an offense and shall be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding four years or to both.

JUSTIFICATION FOR THE PROPOSED AMENDMENT

It remedies the oversight of not giving Owners of Copyright in a Literary, Musical, Artistic and Audio-visual works a claim to Private Copying Remuneration provided for in Section 30B of the Copyright Act. It forms the legal basis for making amendments to Section 30B of the Copyright Act to include Authors of Literary, Musical, Artistic and Audio-visual works in getting a share of the Private Copying Remuneration Levy.

2) Section 30B(1)(2)(3)

Insert the word "Authors" immediately before the word "performers".

JUSTIFICATION FOR THE PROPOSED AMENDMENT

The proposed amendment is meant to cure the oversight in the Copyright Act to provide Owners of copyright in a Literary, Musical, Artistic and Audio-visual works with a claim to receive a share of the royalties levied on audio recording equipment through Private Copying Remuneration (Blank Tape Levy).

3) Section 30B(1)

Insert the number 26 immediately after the word "Section".

JUSTIFICATION FOR THE PROPOSED AMENDMENT


Directs to the relevant Section in the Act that forms the basis to justify the Copyright owners of Literary, Musical, Artistic and Audio-visual works in having a share of the Private Copying Remuneration. The proposed amendment is to cure the oversight in the Act to provide Owners of copyright in a Literary, Musical, Artistic and audiovisual work with a claim to receive a share of the royalties levied on audio recording equipment (Blank Tape Levy).

CONCLUSION AND RECOMMENDATION

It should be noted that a Statute Law (Miscellaneous Amendments) Bill, by its very nature, should deal with minor changes to the law.

MCSK acknowledges that the other proposed amendments to The Copyright Act in The Statute Law (Miscellaneous Amendments) Bill, 2023, have major implications in the administration and operation of CMOs (MCSK, KAMP, PRISK) as they are currently constituted, and they risk infringing and alienating Rights and Fundamental Freedoms of Copyright Owners as provided and protected by the Constitution of Kenya, 2010.

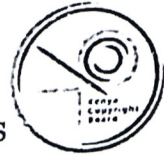
Yours

Sincerely


Dr. Ezekiel Mutua, MBS.
CHIEF EXECUTIVE OFFICER



KENYA COPYRIGHT BOARD
 MINISTRY OF YOUTH AFFAIRS, THE ARTS AND SPORTS
 STATE DEPARTMENT OF YOUTH AFFAIRS AND THE ARTS



REPUBLIC OF KENYA

KENYA COPYRIGHT BOARD

Mugona Seal *29/11/23*

Ref: KECOBO/PARLIAMENT/593/2023 VOL. 1

Date: November 27, 2023

The Clerk of the National Assembly,
 NAIROBI
cna@parliament.go.ke

NATIONAL ASSEMBLY
 RECEIVED
 28 NOV 2023
 DEPUTY CLERK
 J.W.F.N
 P. O. Box 41842 - 00100, NAIROBI

DDC
28/11

Dear Sir/Madam,

KECOBO COMMENTS ON THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILLS NO. 67 OF 2023) PROPOSING AMENDMENT TO THE COPYRIGHT ACT NO. 12 OF 2001

Please find annexed the memorandum from the Kenya Copyright Board (KECOBO) on the proposed amendments to the Copyright Act through the Statute Law (Miscellaneous Amendments) Bill of 2023.

I wish to reiterate that while the proposals are based on previous KECOBO proposals contained in the Statute Law (Miscellaneous Amendments) Bill of 2022 which was withdrawn, the current proposals do not originate from our agency as KECOBO is finalizing a Bill to overhaul the Copyright Act which should be ready by mid-December 2023.

In the circumstances, we propose partial adoption of urgent and necessary provisions of the Bill as set out in the Memorandum in respect of the nature of the Bill and considering that a Bill is now being finalized.

Yours faithfully,

Ed
 Edward Sigei,
 Executive Director
 KENYA COPYRIGHT BOARD

NATIONAL ASSEMBLY
 RECEIVED
 28 NOV 2023
 CLERK'S OFFICE
 P. O. Box 41842, NAIROBI

Protecting Copyright, Encouraging Creativity
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 Email: info@copyright.go.ke, Facebook: Kenya Copyright Board, Twitter: @KenyaCopyright, Website: www.copyright.go.ke

R
 29 NOV 2023
 Directorate of Departmental Secretaries



ANNEX: COMMENTS ON THE PROPOSED AMENDMENTS ON THE COPYRIGHT ACT, NO. 12 OF 2001

About the Kenya Copyright Board (KECOBO)

The Kenya Copyright Board (KECOBO) is a State Corporation incorporated under Section 3 of the Copyright Act No. 12 of 2001. KECOBO is established to among other things organize legislation on copyright and related rights and propose other arrangements that will ensure its constant improvement and continuing effectiveness.

General Comments

While the proposed amendments mirror our previous proposals, these proposed amendments do not emanate from KECOBO.

We take note that the provisions under section 46(1), 46A, 46B, 46C and 46E are SUBSTANTIA and therefore KECOBO wishes to support select changes to the Act.

Specific Comments

KECOBO has reviewed and interrogated the proposed amendments on the Copyright Act No. of 2001 and submits this memorandum in line with its mandate and in response to the invitation for public participation by the National Assembly dated 17th November 2023.

The following are the KECOBO comments;

1. Proposed amendment to Section 2 of the Copyright Act No. 12 of 2001: The effect of amendment seeks is that it redefines the term Collective Management Organizations.

KECOBO Position

KECOBO does not support amendment at this time.



2. Proposed insertion of a new Section 30AA of the Copyright Act No. 12 of 2001: The proposal seeks to reintroduce equitable remuneration provision which was deleted by Act No 11 of 2017 following a court judgement by Mr. Justice S.J Chitembwe on 3rd November 2016 in *Mercy Muneo Kingoo & Anor v. Safaricom Limited & Anor [unreported] Malindi High Court Constitutional Petition No. 5 of 2016*. While the provision itself was not found substantially unconstitutional it was declared procedurally unconstitutional for failure to observe the principles of public participation.

The effect of the reintroduction of equitable remuneration for performers is that it ensures fair and just compensation paid to performers, such as musicians, actors, and other artists for the public performance of their works, particularly in situations where it may be challenging for individual right holders to negotiate or receive fair compensation.

KECOBO Position

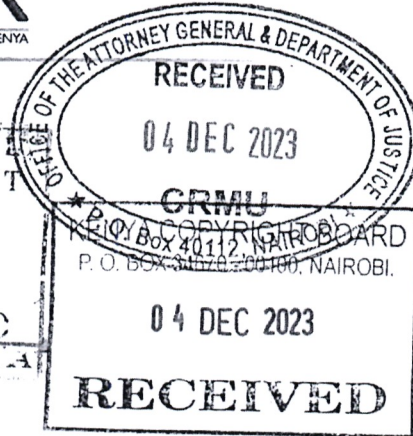
KECOBO supports the proposal subject to the whole text being replaced with the following wording:

- (1) *A performer shall have the un-waivable and untransferable rights to receive equitable remuneration or royalties in respect of any broadcast, communication to the public, rental or making available to the public of his performance fixed in an audio-visual fixation.*
- (2) *The right to equitable remuneration under this section may not be assigned by the performer except to a collecting society for the purpose of enabling it to enforce the right on his behalf.*
- (3) *The right is, however, transmissible by testamentary disposition or by operation of law as personal or moveable property; and it may be assigned or further transmitted by any person into whose hands it passes.*
- (4) *The amount payable by way of equitable remuneration is as agreed by or on behalf of the persons by and to whom it is payable, subject to the following provisions.*
- (5) *In default of agreement as to the amount payable by way of equitable remuneration, the person by or to whom it is payable may apply to the Copyright Tribunal to determine the amount payable.*

- (6) A person to or by whom equitable remuneration is payable may also apply to the Tribunal—
- (a) to vary any agreement as to the amount payable, or
 - (b) to vary any previous determination of the Tribunal as to that matter;
- (7) Except with the special leave of the Tribunal no such application may be made within twelve months from the date of a previous determination.
- (8) The right to an equitable remuneration under this Section shall subsist from the date of publication of the audiovisual performance until the end of the fiftieth calendar year following the year of publication, provided that the audiovisual work/performance is still protected under the Act.
- (9) The remuneration or royalty shall be managed through the relevant collective management organization.
3. Proposed amendment to Section 30B (1) Copyright Act No. 12 of 2001 (the Act): The effect of the proposals is that it allows authors of copyright works to also benefit from blank tape levy. KECOBO supports the proposal with the following further amendments aimed at ensuring that authors, producers, and performers in audiovisual works also benefit:
- a. In Subsection 1, 2 and 3 of Section 30B of the Act add the word “audiovisual” after the word “sound” wherever it appears.
 - b. In Subsection 3 of the Act add the words “and audiovisual” after the word “sound” and add the words “and audiovisual” after the words “audio” wherever it appears.
4. Proposed amendment to 46(1), 46A, 46B, 46C and 46E of Copyright Act No. 12 of 2001.

KECOBO Position

KECOBO does not support this change at this time. The Draft Bill takes care of these provision



Your Ref: NA/DDC/S&C/2023(083)

Date: 4th December, 2023

The National Assembly
Office of the Clerk
Main Parliament Building
P.O. Box 41842- 00100
Nairobi, Kenya

Kind attn: Jeremiah W. Ndombi, MBS

Dear Sir,

RE: INVITATION TO SUBMIT VIEWS ON THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL
(NATIONAL ASSEMBLY BILL NO. 67 OF 2023)

We refer to the above matter.

As Performers Rights Society of Kenya (PRISK), we hereby write to express our support for Section 30AA and Section 30B of Statute Law (Miscellaneous Amendments) Bill, National Assembly Bill No. 67 of 2023. However, we respectfully submit our opinion that certain modifications to the language used in Section 30AA be made to enhance the section's clarity and effectiveness. The following is our proposed modification:

- "1. (1) A performer shall have the un-waivable and untransferable rights to receive equitable remuneration or royalties in respect of any broadcast, communication to the public, rental or making available to the public of his performance fixed in an audio-visual fixation.
- (2) The right to equitable remuneration under this section may not be assigned by the performer except to a collecting society for the purpose of enabling it to enforce the right on his behalf.
- (3) The right is, however, transmissible by testamentary disposition or by operation of law as personal or moveable property; and it may be assigned or further transmitted by any person into whose hands it passes.
- (4) The amount payable by way of equitable remuneration is as agreed by or on behalf of the persons by and to whom it is payable.
- (5) In default of agreement as to the amount payable by way of equitable remuneration, the person by or to whom it is payable may apply to the Copyright Tribunal to determine the amount payable.

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Mobile: +254 710 309695, +254 738 645041 | Email: info@prisk.or.ke | Website: www.prisk.or.ke

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(6) A person to or by whom equitable remuneration is payable may also apply to the Tribunal—

(a) to vary any agreement as to the amount payable, or

(b) to vary any previous determination of the Tribunal as to that matter;

(7) Except with the special leave of the Tribunal no such application may be made within twelve months from the date of a previous determination.

(8) The right to an equitable remuneration under this Section shall subsist from the date of publication of the audiovisual performance until the end of the fiftieth calendar year following the year of publication, provided that the audiovisual work/performance is still protected under the Act.

(9) The remuneration shall be managed through the relevant collective management organization.

Additionally, PRISK suggests that the introduction of the remaining sections be deferred to a later stage, allowing for comprehensive consideration and coordination through the ongoing efforts led by the Kenya Copyright Board in the Draft Copyright and Related Rights Bill. This approach would facilitate a more cohesive and well-structured legal framework for the benefit of all stakeholders in the creative industry.

We appreciate the Committee's dedication to the review of legislation and its commitment to ensuring a robust legal framework for the protection of performers' rights. PRISK remains committed to collaborating with the Committee to achieve legislative amendments that align with international best practices and cater to the unique needs of Kenya's creative sector. Thank you for your attention to this matter, and we look forward to the continued success of the legislative process.

Yours,

For PERFORMERS RIGHTS SOCIETY OF KENYA



JOSEPH K. NJAGIH
CHIEF EXECUTIVE OFFICER

Cc:

Hon. Justin B.N. Muturi, EGH
Attorney General of the Republic of Kenya
Office of the Attorney General and Department of Justice
Sheria House, Harambee Avenue
NAIROBI

Edward Sigeti
Executive Director

Kenya Copyright Board
NHIF Building
Ragati Road
Nairobi



VIEWS ON

**STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY
BILL No. 67 OF 2023)**

PRESENTED TO

THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE

SUBMITTED TO

**ATT: JEREMIAH W. NDOMBI, MBS
CLERK OF THE NATIONAL ASSEMBLY P.O. BOX 41842-00100, NAIROBI**

4TH DECEMBER, 2023

**IN THE MATTER OF CONSIDERATION BY THE COMMUNICATION INFORMATION
AND INNOVATION; STATUTE LAW (THE COPYRIGHT ACT, 2001 [No. 12 OF 2001])**

SUBMITTED BY:

KENYA ASSOCIATION OF MUSIC PRODUCERS



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4.0 THE OBSERVATIONS, COMMENTS AND SUGGESTIONS 5
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1.0 INTRODUCTION

The Kenya Association of Music Producers (KAMP), is incorporated/registered under the Companies Act as Private Company Limited by Guarantee.

KAMP's main objectives are to administer, exercise and enforce the exploitation of economic rights in copyrighted works (Intellectual Property) of Right Holders who are Producers of Sound Recordings and Audio-visual Recordings.

Through Exclusive Licenses, Deeds of Assignment and Reciprocal Agreements, KAMP is mandated to issue prior authority for any exploitation of Performance in Public Places, Broadcasting, Communication to the Public (Making available), Reproduction, Adaptation Rights of any copyrighted works in its local and international catalogue.

The Fundamental Rights (Right to Property and Freedom of Association) of KAMP is provided for and protected by the Constitution of Kenya, Companies Act and Copyright Act, laws of Kenya.

KAMP ordinarily does not depend on funding/donations/grants or financial support from the Government of Kenya through Kenya Copyright Board (KECOBO) or local or international donors/sponsors. Therefore, KAMP is mostly reliant/dependent on funds/monies received from licenses issued for the exploitation of Rights in Copyrighted works in their joint extensive catalogue/repertoire.

2.0 BACKGROUND

On 20th May 2022, the Government through the office of the Attorney General published a *Statute Miscellaneous Bill, 2022* that seeks to amend several Acts of Parliament including the Copyright Act, 2001. Consequently, the National Assembly through a notice published on 17th November 2023 in the Daily Nation newspaper invited stakeholders to submit a Memoranda to give their views and comments on the proposed Statute Law (Miscellaneous Amendments) Bill, (National Assembly Bills NO. 67 of 2023). The Bill proposes to amend the Copyright Act, 2001 to make provisions for equitable remuneration of performers and producers of sound recordings and expand the responsibilities of Collective Management Organizations towards the authors and performers. It also proposes to bring Collective Management Organizations under regulation by the Board to enhance their efficiency.

These proposed changes come in the wake of assenting into law Copyright Amendments (Bill) 2021 by the President two months ago. The 2021 amendments raised *Shikiza* tunes revenue share from 16% to 52% in favour of musicians and artists. The industry is yet to implement these changes and therefore we feel it is premature to introduce new amendments in the Copyright Act.

It is our considered view that the provision on Copyright Act as provided under the Miscellaneous Amendments Bill, 2022 should be withdrawn in entirety and await the passing of the proposed Intellectual property Bill that was approved by the Cabinet in May 2022.

That notwithstanding the highlighted clauses below will undermine copyright administration in Kenya, and therefore KAMP requests that these amendments be expunged from any future legislative proposals.

3.0 VIEWS BY THE BOARD OF DIRECTORS

The Board of Directors of KAMP has reviewed and considered proposals contained in the amendment. The Board together with the Management are dedicated to enhancing efficiency, transparency and accountability in exercising their mandate of administration and enforcing issuance of authority to individuals, institutions and corporations prior to their exploitation of copyrighted works in their catalogue/repertoire to ensure that there is compliance to the Constitution of Kenya and all other enabling Laws of Kenya. This is geared towards the growth and development of the creative industry in Kenya for the economic and social welfare benefit to/wellbeing of the Right Holders. The Board takes this opportunity to thank the National Assembly for the opportunity to submit comments to the proposed Amendments to the Copyright Act, 2001, Laws of Kenya. With certain important adjustments, the proposed amendments by National Assembly could go a long way in ensuring that the creative sector in Kenya is vibrant and responsive to the needs and

expectations of Right Holders, users of copyrighted works. We have incorporated our suggested amendments in this memorandum.

4.0 THE OBSERVATIONS, COMMENTS AND SUGGESTIONS

Section	Provision	Legal Implication	Comment
Section 2	Definition Clause: The deletion of 'collection'	This means that KAMP will no longer collect royalties but will be obligated to cede this responsibility to third parties. By its very definition a CMO is a COLLECTIVE MANAGEMENT ORGANIZATION and amending this core function will render KAMP nugatory	KAMP rejects in toto the proposed changes given that it will render them into mere paper tigers. The proposed change would introduce a single CMO to collect royalties for both copyright and related rights. This a substantive change to the Copyright Act, 2001, that would require extensive stakeholder engagement and public participation of Right Holders from across Kenya and internationally. Further, KAMP through its affiliation with the International Federation of the Phonographic Industry (IFPI) has a role to provide a mechanism for obtaining permission to use copyright materials, as well as for paying the corresponding fees for certain uses of such materials, through an efficient system of collection and distribution of the license fees

Section 30A	<p>Equitable Remuneration- The amendment proposes to reintroduce equitable remuneration for performers and producers of sound recording.</p>	The provision is unwelcome	<p>Equitable remuneration should not be applicable to producers of sound recording as it will be prejudicial to the producers' investment in recordings and exclusive rights currently held. Introducing the same would mean downgrading the rights already existing for owners of sound recordings which is not agreeable.</p>
Section 46 (1)	<p>Certificate of Registration: The Amendments seeks to amend the current provision, which reads, "No person or association of persons shall commence or carry on the business of a copyright collective management organization except under or in accordance with a certificate of registration granted under this section." The highlighted part now reads, "Unless registered as such by the Board and granted operating License."</p>	<p>A certificate of registration will no longer suffice. KAMP will be required to first seek registration from KECOBO before being issued with and operation license which is in effect a double registration.</p>	<p>The proposed change is unnecessary and should be rejected in toto.</p>

Section 46 (3)	Duration of operating license extended from 1 to 3 years.	This will allow KAMP to have uninterrupted operations from the regulator.	This is a welcome move but three years is not sufficient. Kenya Should borrow a leaf from South Africa and Ghana where CMOs are granted a five (5) year license. The proviso should be included in a substantive Copyright Bill for consideration by the National Assembly.
Section 46 (4)	A CMO will no longer rely on Company's Act, which require it to be as a company limited by guarantee since section (a) will add KECOBO's registration as a mandatory requirement.	The implication of this provision is that the process of establishing a CMO will be tedious, bureaucratic and lacking efficiency and effectiveness.	The proposed change is unwelcome since it adds bureaucracy and does confirm with world best practices where CMOs are normally formed as private companies limited by guarantee. A license therefore will suffice but not another registration certificate.
	Section (d) seeks to delete the word 'COLLECTION'	The implication of this has been discussed above.	The proviso is unwelcome and should be rejected in toto.
46 (13) New section	Registration of CMOs: Only organization meeting new registration criteria will be granted the license.	This means that KAMP will be required to regularize their registration requirements.	The proviso is unwelcome and should be rejected in toto. Rationale – ignores the earlier licensed CMOs and associated history
46 (14) and (15) New section	Revocation of a License: Upon revocation of license KECOBO will transfer the role of CMOs to an agent who will operate in conjunction with KECOBO during the period of license revocation.	Transfer of private rights of producers of sound recording granted to KAMP without reference to rights holders.	The proviso is unwelcome and should be rejected in toto.

46 (A)	<p>Outsourcing of Collection Services: The Section has renumbered existing provision on approval for imposition and collection of levy (tariffs) as subsection 1 and added a new provision under section (2) which reads in part, “A licensed CMO SHALL appoint an agency approved by the Board to collect and distribute royalties on their behalf through the NATIONAL RIGHTS REGISTRY.”</p>	<p>The new provision usurps the role of KAMP and renders inoperable. What is import of having a CMO if it cannot collect and distribute royalty? What will happen to the current repertoire held by KAMP if right owners will be required to use national rights registry? The idea of having an agency to collect and distribute royalties on behalf of KAMP should not be made a mandatory requirement but should be left to KAMP and its members to decide whether they can use such agents or not.</p>	<p>The proviso is unwelcome and is inimical to KAMP’S and members’ interests. The new provision is likely to place additional heavy burden on KAMP operational cost. Further, it is worthy to note that the level & scope of data, its accuracy and currency held by CMOs and their international affiliates are not available to NRR.</p>
	<p>Section (3) The agency is expected to operate under supervision of both CMOs and KECOBO.</p>	<p>This arrangement will only add to existing confusion and unnecessary bureaucracy.</p>	
46 (B) (1A) new sub section	<p>Co-option of Board members: The new section makes it mandatory for CMOs Board to co-opt not less than 4 professionals into their Board.</p>	<p>Whereas this is a welcome move obligating Board to coopt is not fair. What if the Board membership have professionals elected in an AGM? Such provision should not be mandatory but should be left at the discretion of Board to decide.</p>	<p>Retain current provision. The rights holders ought to be consulted extensively KAMP is a member based organization whose constitution of the board is based on the articles and memorandum of association.</p>
46(B) (5) New subsection	<p>Directors Remuneration: The proposed subsection provides that directors will be eligible to be paid such allowances, salaries, honorarium as members may decide at AGM</p>	<p>This is in order however, it should be limited to the directors being eligible to allowances in line with principles of corporate governance.</p>	<p>The proviso should be included in a substantive Copyright Bill for consideration by the National Assembly with the proposed amendments.</p>

	and endorsed by the Board		
46(B) (6) (7) (8) new subsections	Criminal offenses: The new provisions bar Board and staff members against holding office when accused of criminal matters. The accused individuals are expected to step down and receive half salaries during this period. If convicted the officials should no longer hold a CMO office.	The amendment should be in line with employment and labour laws whilst also taking into account the penal code.	This proviso is unwelcome as KAMP is a private company thus in the event of any criminal matter, the company should be left to handle the criminal matters in line with the Employment Act and the Criminal Procedure Code.
Section 46 (C)(1A) New section	Single CMO to manage rights: Section (1) provides that Authors, producers, performers, visual artists and publishers may form a collective management organization to collect, manage and distribute royalties and other remuneration accruing to their members. The new section (1A) empowers KECOBO notwithstanding section (1) to issue license to one entity to represent the rights of all parties within a sector.	KECOBO in its discretion may decide to issue a license at peril of existing CMOs. What safeguards have been put in place to ensure that such law is not applied arbitrarily by the regulator.	The proviso is unwelcome and is inimical to KAMP and members' interests.
Sections 46 (E) (h) new subsection	Powers of KECOBO: The Board is now empowered to exercise power to inspect CMOs at any time it deems fit to do so.	This amounts to micromanagement of KAMP operations. KAMP should be left to manage their operations within dictates of good corporate governance,	The proviso is unwelcome and is inimical to KAMP's and members' interests. Further, the Copyright Act has already provided for annual audits, thus

	Approval of Monies Beyond KECOBO Approved limits: Subsection (7). It is an offense that attracts 3 months imprisonment and fine not exceeding five times in excess of the allowed amount or both.	AGM resolutions and approved policies.	introduction of inspections at any time by Kenya Copyright Board will cripple the proper functioning of the KAMP.
Sections 46 (E) (8) new subsection	Subsection 8-Bank Accounts CMOs are barred against operating bank accounts without the approval of KECOBO. Additionally, KECOBO should have powers to monitor the Accounts.	This amounts to micromanagement of KAMP's operations. KAMP should be left to manage their operations within dictates of good corporate governance, AGM resolutions and approved policies.	The proviso is unwelcome and is inimical to CMOs and members' interests.

5.0 CONCLUSION

Considering the above observations, we Kenya Association of Music Producers (KAMP) acknowledge that the Statute Law (Copyright Act, 2001) has presented important and substantive reform questions on issues of law that can be addressed at a more comprehensive copyright reform process as opposed to through Miscellaneous Amendments. Save for the sections that we have highlighted and given our justifications on, we opine that the changes if effected will be to the detriment of the interests of right holders.

Yours faithfully,

For and on Behalf of KAMP:

CS MAURICE OKOTH (CHIEF EXECUTIVE OFFICER)

MINUTES OF THE 89TH SITTING OF THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE HELD ON TUESDAY 5TH DECEMBER 2023 AT 12:19 PM IN AMANI CONFERENCE ROOM, BOMA INN HOTEL, NAIROBI

PRESENT

1. **The Hon. Daniel Wanyama Siatati, M.P -Chairperson**
2. **The Hon. Githua Wamacukuru, M.P. -Vice Chairperson**
3. The Hon. Naomi Jillo Waqo, M.P.
4. The Hon. Samuel Gonzi Rai, M.P.
5. The Hon. Stephen Mutinda Mule, M.P
6. The Hon. Janet Jepkemboi Sitienei, M.P.
7. The Hon. Caroli Omondi, M.P.
8. The Hon. Chege Njuguna, M.P.
9. The Hon. Richard Kipkemoi Yegon, M.P.
10. The Hon. BSP.(EM) Dr. Jackson Kipemoi Kosgei, M.P

APOLOGY

1. The Hon. Mary Emaase Otucho, M.P.
2. The Hon. Charles Ngusya Nguna, M.P.
3. The Hon. Catherine Nakhabi Omanyoo, M.P.
4. The Hon. Paul Ekwom Nabuin, M.P.
5. The Hon. Robert Nguu Basil, M.P.

IN-ATTENDANCE

Committee Secretariat

- | | | |
|---------------------------|---|----------------------------|
| 1. Ms. Mary Kinyunye | - | Clerk Assistant III |
| 2. Ms. Christine Odhiambo | - | Senior Legal Counsel |
| 3. Mr Vitus Owino | - | Research Officer II |
| 4. Mr. Calvin Karung'o | - | Media Relation Officer III |
| 5. Mr. Moses Esamai | - | Audio Officer |
| 6. Mr. Stephen Otieno | - | Assistant Serjeant-At-Arms |

AGENDA

1. Prayers;
2. Preliminaries;
 - i. Adoption of the Agenda;
 - ii. Communication from the Chairperson;
3. **Confirmation of Committee Minutes;**
4. **Consideration of Statute Law Miscellaneous Amendments Bill (National Assembly Bill No. 67 of 2023);**
5. **Consideration and Adoption of Committee Report on Visit to Ethiopia on Africa Celebrate 2023 Conference**
6. Any Other Business; and
7. Adjournment.

MIN.NO. DC/SC/2023/471: PRAYER AND PRELIMINARIES

The meeting commenced at 12.19 p.m. with the Prayer followed by remarks from the Chairperson.

MIN.NO. DC/SC/2023/472: ADOPTION OF THE AGENDA

The Agenda was adopted without amendments, having been proposed and seconded by the Hon. Naomi Jillo Waqo, M.P. and the Hon. Samuel Gonzi Rai, M.P. respectively.

MIN.NO. DC/SC/2023/473: CONFIRMATION MINUTES OF THE PREVIOUS OF SITTING

Minutes of the 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th and 87th Sittings were read and confirmed as a true record of the proceedings as follows –

- i. Minutes of the 75th Sitting held on 20th November, 2023 (Morning Session) were confirmed as a true record of deliberations having been proposed by Hon. Caroli Omondi, MP and seconded by Hon. Samuel Gonzi Rai, MP.
- ii. Minutes of the 76th Sitting held on 20th November, 2023 (Afternoon Session) were confirmed as a true record of deliberations having been proposed by Hon. Janet Jepkemboi Sitienei, M.P and seconded by Hon. BSP.(EM) Dr. Jackson Kipemoi Kosgei, MP.
- iii. Minutes of the 77th Sitting held on 21st November, 2023 (Morning Session) were confirmed as a true record of deliberations having been proposed by Hon. Caroli Omondi, M.P. and seconded by Hon. Janet Jepkemboi Sitienei, MP.
- iv. Minutes of the 78th Sitting held on 21st November, 2023 (Afternoon Session) were confirmed as a true record of deliberations having been proposed by Hon. Janet Jepkemboi Sitienei, MP and seconded by Hon. Caroli Omondi, MP.
- v. Minutes of the 79th Sitting held on 22nd November, 2023 (Morning Session) were confirmed as a true record of deliberations having been proposed by Hon. Caroli Omondi, M.P. and seconded by Hon. Janet Jepkemboi Sitienei, MP.
- vi. Minutes of the 80th Sitting held on 22nd November, 2023 (Afternoon Session) were confirmed as a true record of deliberations having been proposed by Hon. Samuel Gonzi Rai, M.P. and seconded by Hon. Caroli Omondi, MP.
- vii. Minutes of the 81st Sitting held on 24th November, 2023 (Morning Session) were confirmed as a true record of deliberations having been proposed by Hon. BSP.(EM) Dr. Jackson Kipemoi Kosgei, MP and seconded by Hon. Caroli Omondi, MP.
- viii. Minutes of the 82nd Sitting held on 24th November 2023 (Afternoon Session) were confirmed as a true record of deliberations having been proposed by Hon. Janet Jepkemboi Sitienei, MP and seconded by Hon. BSP.(EM) Dr. Jackson Kipemoi Kosgei, MP.
- ix. Minutes of the 83rd Sitting held on 25th November 2023 (Morning Session) were confirmed as a true record of deliberations having been proposed by Hon. BSP.(EM) Dr. Jackson Kipemoi Kosgei, MP and seconded by Hon. Samuel Gonzi Rai, MP.

- x. Minutes of the 84th Sitting held on 25th November 2023 (Afternoon Session) were confirmed as a true record of deliberations having been proposed by Hon. Samuel Gonzi Rai, MP and seconded by Hon. Caroli Omondi, MP.
- xi. Minutes of the 85th Sitting held on 27th November 2023 (Morning Session) were confirmed as a true record of deliberations having been proposed by Hon. Caroli Omondi, M.P. and seconded by Hon. Samuel Gonzi Rai, MP.
- xii. Minutes of the 86th Sitting held on 27th November 2023 (Afternoon Session) were confirmed as a true record of deliberations having been proposed by Hon. BSP.(EM) Dr. Jackson Kipemoi Kosgei, MP and seconded by Hon. Caroli Omondi, MP
- xiii. Minutes of the 87th Sitting held on 28th November 2023 were confirmed as a true record of deliberations having been proposed by Hon. Caroli Omondi, M.P. and seconded by Hon. Janet Jepkemboi Sitienei, MP.

8. MIN.NO. DC/SC/2023/474: CONSIDERATION AND ADOPTION ON VISIT TO ETHIOPIA ON AFRICA CELEBRATE 2023 CONFERENCE

The Committee Members were taken through the Report on the African Celebrate Conference that was held in Ethiopia from 25th to 30th October, 2023.

The Committee considered and adopted the Delegation's Report having been proposed by the Hon. Samuel Gonzi Rai, M.P and Seconded by the Hon. Chege Njuguna, M.P:-

COMMITTEE OBSERVATIONS

Having considered the Delegation's Report on the African Celebrate Conference held in Ethiopia from 25th to 30th October, 2023, the Committee observed that—

- i. Culture preservation should not be limited to the Dances, Music and Art but also be rooted in family as a basis of culture. More research should be done on family as a unit of influence in cultures.
- ii. Lalibela Town and Holy Trinity Church in Ethiopia as a UNESCO World Heritage Site offers valuable insights into site maintenance and how UNESCO funding is utilized. Learning from their experiences can enhance our ability to preserve our cultural treasures and leverage international support.

MIN.NO. DC/SC/2023/475: CONSIDERATION AND ADOPTION OF THE REPORT ON MEMORANDA BY HON. NJERI MAINA, M.P

The consideration and adoption of the report on the memoranda by Hon. Njeri was deferred to a later day to allow further consultations.

MIN.NO. DC/SC/2023/476: CONSIDERATION OF STATUTE LAW MISCELLANEOUS AMENDMENTS BILL (NATIONAL ASSEMBLY BILL NO. 67 OF 2023).

The Legal Counsel briefed the Committee on the Statute Law (Miscellaneous Amendments) Bill No. 67 of 2023 as follows:

- 1. The Bill seeks to amend the Copyright Act, Cap. 130 to among others—

- (a) provide for the process of registration, licensing and approval of a collective management organization;
- (b) provide for the power of a licensed collective management organization to appoint an agency to collect and distribute royalties;
- (c) provide for the power of a collective management organization to open bank accounts to be authorized and monitored by the Kenya Copyright Board;
- (d) extend the validity period for a registration certificate issued to a collective management organization, from twelve months to thirty six months; and
- (e) provide for the equitable remuneration of performers and copyright holders.

CONSIDERATION OF MEMORANDA FROM STAKEHOLDERS

The following stakeholders submitted memoranda to the Committee:-

1. Music Copyright Society of Kenya (MCSK)

In their written submissions, the Music Copyright Society of Kenya (**MCSK**) supported the Proposed Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 67 of 2023) and submitted that there was a need for insertion of the following section in the proposed amendments for the following reasons—

- a. **Section 26**, insert the following new subsection after subsection (2) subsection (3) and (4)
The two insertions were to cure the oversight of not giving Owners of Copyright in a Literary, Musical, Artistic and Audio- visual works a claim to Private Copying Remuneration provided for in Section 30B of the Copyright Act. It forms the legal basis for making amendments to Section 30B of the Copyright Act to include Authors of Literary, Musical, Artistic and Audio-visual works in getting a share of the Private Copying Remuneration Levy.
- b. **Section 30B(1)(2)(3)** to insert the word "Authors" immediately before the word "performers". The proposed amendment is meant to eliminate Black Tape Levy.
- c. **Section 30B(1)** to insert the number 26 immediately after the word "Section". Directs to the relevant Section in the Act that forms the basis to justify the Copyright owners of Literary, Musical, Artistic and Audio-visual works in having a share of the Private Copying Remuneration.

2. Kenya Association of Music Producers (KAMP)

In their written submissions, the Kenya Association of Music Producers (**KAMP**) submitted that there was a need for a deletion of the proposed amendments for the following reasons—

- a. **Section 2** on the definition clauses, deletion of 'collection' as it would oblige KAMP to cede its responsibility to third parties. Therefore, KAMP rejects the proposal to have a single CMO to collect royalties for both copyright and related rights.
- b. **Section 30A** proposes an amendment to reintroduce equitable remuneration for performers and producers of sound recording. They submitted that the amendment was not necessary and unwelcome because it would be prejudicial to the producers' investment in recordings and exclusive rights currently held. Introducing the same would mean downgrading the rights already existing for owners of sound recordings which is not agreeable.

- c. **Section 46(1) on certification of registration**, the proposed amendment reads, “Unless registered as such by the Board and granted operating License.”. This is unnecessary because a certificate of registration would no longer suffice as KAMP would be required to first register with KECOBO before being issued with an operating license. This would be a double registration.
- d. **Section 46(3)** On the extension of the registration period to be amended from 1 year to 3 years was welcomed by KAMP. This would allow them to have uninterrupted operations from the regulator. However, they further submitted that the examples of Ghana and South Africa should be considered as they give 5-year licenses. The provision ought to be captured in a substantive Copyright Bill for Consideration.
- e. **Section 46(4)** seeks to have another registration certificate (KECOBO) and CMOs would no longer rely on the company’s Act. This would bring unnecessary bureaucracy and is therefore rejected.
- f. **Section 46(13)** New Section- On registration of CMOs, only organizations meeting new registration criteria will be granted the license. This was rejected on the grounds that it ignored the earlier licensed CMOs and the associated history.
- g. **46 (14) and (15)** New section- On revocation of licenses, that KECOBO transfers the role of the CMO to an agent who will operate in conjunction with KECOBO during the period of license revocation. This was rejected because it would transfer of private rights of producers of sound recording granted to KAMP without reference to rights holders.
- h. **46(A)-** On Outsourcing of Collection Services: this amendment is rejected because it would The new provision is likely to place an additional heavy burden on KAMP operational cost. Further, the level and scope of data, its accuracy and currency held by CMOs and their international affiliates are not available to National Rights Registry.
- i. **46 (B) (1A)** new subsection- co-option of Board members: the new section makes it mandatory for CMOs Board to co-opt not less than 4 professionals into their Board. This proposal is not supported and a status quo is preferred because the rights holders ought to be consulted extensively KAMP is a member-based organization whose constitution of the board is based on the articles and memorandum of association.
- j. **46(B) (5) New subsection-** On Directors Remuneration: The proposed subsection provides that directors will be eligible to be paid such allowances, salaries, honorarium as members may decide at AGM and endorsed by the Board This is in order however, it should be limited to the directors being eligible to allowances in line with principles of corporate governance. The provision should be included in a substantive Copyright Bill for consideration by the National Assembly with the proposed amendments.
- k. **46(B) (6) (7)(8)** new subsections- On Criminal offenses: The new provisions bar Board and staff members against holding office when accused of criminal matters. The accused individuals are expected to step down and receive half salaries during this period. If convicted the officials should no longer hold a CMO office. The amendment is not in line with the labour laws. Further, it is unwelcome because KAMP is a private company thus in the event of any criminal matter, the company should be left to handle the criminal matters in line with the Employment Act and the Criminal Procedure Code.

- l. **Section 46(C)(1A)** New section- Single CMO to manage rights: Section (1) provides that Authors, producers, performers, visual artists and publishers may form a collective management organization to collect, manage and distribute royalties and other remuneration accruing to their members. The new section (1A) empowers KECOBO notwithstanding section (1) to issue licenses to one entity to represent the rights of all parties within a sector. KECOBO in its discretion may decide to issue a license at the peril of existing CMOs. There are no safeguards in place to ensure that such law is not abused. The provision is therefore unwelcome as it is against KAMP and members' interests.
- m. **Sections 46(E) (h)** new subsection- Powers of KECOBO: The Board is now empowered to exercise power to inspect CMOs at any time it deems fit to do so. This amounts to micromanagement of KAMP operations. KAMP should be left to manage their operations within dictates of good corporate governance, AGM resolutions and approved policies. The provision is unwelcome and is inimical to KAMP's and members' interests. Further, the Copyright Act has already provided for annual audits, thus the introduction of inspections at any time by Kenya Copyright Board will cripple the proper functioning of the KAMP.
- n. **Sections 46(E) (8)** new subsection- Subsection 8-Bank Accounts CMOs are barred from operating bank accounts without the approval of KECOBO. Additionally, KECOBO should have power to monitor the Accounts. This amounts to micromanagement of KAMP's operations. KAMP should be left to manage their operations within the dictates of good corporate governance, AGM resolutions and approved policies. The provision is unwelcome and is inimical to CMOs and members' interests.

3. Kenya Copyright Board (KECOBO)

In their written submissions, the Kenya Copyright Board acknowledged that the proposed Amendment Bill, 2023, was based on their previous proposals, which were withdrawn and disassociated from the current bill. Further, KECOBO does not support amendment at this time as they were coming up with a Draft Bill which takes care of all provisions outlined in the Miscellaneous Amendments Bill, 2022 No. 67 of 2023.

4. Performers Rights Society of Kenya (PRISK)

In their written submissions, the Performers Rights Society of Kenya (PRISK) supported Section 30AA and Section 30B of Statute Law (Miscellaneous Amendments) Bill, National Assembly Bill No. 67 of 2023 and proposed amendments to Section 30AA to enhance the section's clarity and effectiveness. They further submitted that there was need to modify the proposed amendments as follows—

“(1) A performer shall have the un-waivable and untransferable rights to receive equitable remuneration or royalties in respect of any broadcast, communication to the public, rental or making available to the public of his performance fixed in an audio-visual fixation.

(2) The right to equitable remuneration under this section may not be assigned by the performer except to a collecting society for the purpose of enabling it to enforce the right on his behalf.

(3) The right is, however, transmissible by testamentary disposition or by operation of law as personal or moveable property; and it may be assigned or further transmitted by any person into whose hands it passes.

(4) The amount payable by way of equitable remuneration is as agreed by or on behalf of the persons by and to whom it is payable.

(5) In default of agreement as to the amount payable by way of equitable remuneration, the person by or to whom it is payable may apply to the Copyright Tribunal to determine the amount payable.

(6) A person to or by whom equitable remuneration is payable may also apply to the Tribunal—

(a) to vary any agreement as to the amount payable, or

(b) to vary any previous determination of the Tribunal as to that matter;

(7) Except with the special leave of the Tribunal no such application may be made within twelve months from the date of a previous determination.

(8) The right to an equitable remuneration under this Section shall subsist from the date of publication of the audiovisual performance until the end of the fiftieth calendar year following the year of publication, provided that the audiovisual work/performance is still protected under the Act.

(9) The remuneration shall be managed through the relevant collective management organization.”

COMMITTEE OBSERVATIONS

The Committee made the following observations:-

- 1) The proposed amendments to the Copyright Act, Cap. 130 if passed would result in implementation challenges and ambiguity regarding the aspect of remuneration of copyright;
- 2) There is need to engage all the relevant stakeholders in the process of amending the legislation that would have an impact on their operations;
- 3) The Kenya Copyright Board, proposed the amendments to the Copyright Act, Cap. 130 be withdrawn to allow for the process of a comprehensive overhaul of the Act, as the Board was in the process of finalizing a Bill for the comprehensive overhaul of the Copyright Act.

COMMITTEE RECOMMENDATIONS

Having considered the Bill and the views by the stakeholders, the Committee recommends that the proposed amendments to the Copyright Act, Cap. 130 be deleted from the Statute Law (Miscellaneous Amendment) Bill, (National Assembly Bill No. 67 of 2023) to allow for a comprehensive overhaul of the Act after consulting all relevant stakeholders. The overhaul of the

Act is necessary to include emerging issues like the importance of technology in copyright matters.

MIN.NO. DC/SC/2023/477: ANY OTHER BUSINESS

No Any Other Business Arose

MIN.NO. DC/SC/2023/478: ADJOURNMENT/DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 2.00 p.m. The date of the next meeting to be communicated by notice.

SIGNED:


THE HON. DANIEL WANYAMA SIATATI, M.P.
(CHAIRPERSON)

DATE:

5/12/2023