

The District Court of Ilala, Tanzania

17/2012

Hamisi Mwinjuma and Abwende Yessayah v MIC Tanzania Limited

Court	:	District Court
Case	:	Criminal
Date of Judgement	:	April 11, 2016
Plaintiff	:	Mwijuma & Yessayah
Defendant	:	MIC (T) Limited
Concept	:	Copyright Legitimate Interest
Statue	:	Section 36, Copyright, & Neighbouring Rights Act, 7 of 1999

Panel of Justices

S.R.M Hassani

Case Background

Plaintiffs have instituted a suit against MIC Tanzania Limited, the plaintiffs claimed against the defendant infringement the rights of the plaintiffs over their registered joint authorship musical work is illegal as it infringes the copyright and or neighbouring rights to which civil remedies are applicable. In addition to prevent the further infringements except upon permission obtained from the plaintiffs, payment to all the damages, interests and any other relief the court deem necessary.

Procedural History

The District Court of Ilala, Tanzania passed on the judgement

Issue

- Whether the defendant's infringed the plaintiffs' rights over their joint music work.
- To what relief the parties are entitled?

Rational

Court held that a joint-author of a literary and artistic works was entitled to a Declaration of Authorship of a musical work and to damages rather than an injunction against the co-author.

Keywords Breach of contract, literary & artistic works, joint-authors, preliminary injunction, damages