

## The High Court of Tanzania at Dar Es Salaam

### Constitutional Petition No. 10/2014

#### The Tanzania Audio Visual Distributors Association & Others v Attorney General & 2 Others

<b>Court</b>	:	High Court
<b>Case</b>	:	Criminal
<b>Date of Judgement</b>	:	March 27, 2018
<b>Plaintiff</b>	:	Tanzania Audio Visual Distributors Association & Others
<b>Defendant</b>	:	Attorney General & 2 Others
<b>Concept</b>	:	Copyright Legitimate Interest
<b>Statue</b>	:	Sections 3(1), 23 (1) and 29(5) of the Constitution and Section 3(1) of the Copyright, and Neighbouring Rights Act, Chapter 218, R.E.2002, Films and Music Products (Tax Stamps) Regulations, GN Notice No. 244/2013.

#### Panel of Justices

L.KN Kaduri, S.B Bongole and L.J.S Mwandambo

#### Case Background

The petition seeks to challenge the constitutionality of the Films and Music (Tax stamps) Regulations, government Notice number 244 of 2013. The respondents represented by the Hon. Attorney General Denies the petitioners' have been infringed rights in the manner contended and pray that the Court dismisses the petition for being baseless. It is contended further that the requirement to register as members against their wishes violates article 20(4) of the constitution of the United Republic of Tanzania 1977 which bars amongst others, compulsory registration of any association, organisation or political party.

#### Procedural History

The High Court of Tanzania gave a Judgement on the case.

#### Issue

Is the constitutionality of Films and Music Products (Tax Stamps) regulations mandatory for registration by artists?

#### Rational

The constitutionality of the Films and Music Products (Tax Stamps) Regulations, GN Notice No. 244/2013 was challenged. The Court held that the Regulations were constitutional and dismissed the challenge.

#### Keywords

Infringement, broadcasting, distribution, reproduction, economic rights.