

**Decree No. 2001/956/PM of November 1, 2001 implementing Law No. 2000/11 of December 19, 2000 on Copyright and Neighboring Rights**

**The Prime Minister, Head of the Government,**

Having regard to the Constitution,

Having regard to Law No. 2000/11 of December 19, 2000 on Copyright and Neighboring Rights,

Having regard to Decree No. 92/089 of May 4, 1992 specifying the powers of the Prime Minister, as amended and supplemented by Decree No. 95/145 of August 4, 1995,

Having regard to Decree No. 97/205 of December 7, 1997 on the organization of the Government, as amended and supplemented by Decree No. 98/067 of April 28, 1998,

Having regard to Decree No. 97/206 of December 7, 1997 on the appointment of a prime minister,

**Hereby decrees:**

**Article 1:** The present Decree implements Law No. 2000/11 of December 19, 2000 on Copyright and Neighboring Rights.

**CHAPTER I  
FOLKLORE**

**Article 2:** The amount of the royalty owed in respect of the representation or fixation of folklore shall be determined by order of the Minister of Culture, in accordance with the conditions set out in Article 5 (3) of the aforementioned Law.

**CHAPTER II  
DROIT DE SUITE**

**Article 3:** The rate of the *droit de suite* shall be five per cent (5%) of the resale price of an original graphic or three-dimensional work or of a manuscript, without any tax allowance.

**Article 4:** The sum specified in Article 3 above shall be collected and paid to the author or to his or her successors in title, as appropriate, by the merchant or public or ministerial official who participated in the sale.

**Article 5:** If, thirty (30) days after the sale, the sum has not been claimed, the merchant or public or ministerial official shall be relieved of all responsibility in respect of the beneficiaries of the *droit de suite*; he shall pay the sum collected to the vendor.

**Article 6:** The beneficiary may require the merchant or public or ministerial official to inform him of the name and address of the vendor and of the sale price.

**Article 7:** A merchant or public or ministerial official who does not communicate the required information shall pay the beneficiary the sum owed to him.

### **CHAPTER III THE PUBLIC DOMAIN**

**Article 8:** Royalties owed in respect of the exploitation of works in the public domain shall be fifty per cent (50%) of those which were usually paid when the work was still protected.

### **CHAPTER IV ORGANIZATION OF PERFORMANCES**

**Article 9:** The organization of performances shall be subject to authorization by the Minister of Culture.

**Article 10:** Organizers of performances for which an admission fee is charged shall pay a sum of ten thousand (10,000) CFA francs to the fund for the support of cultural policy, in accordance with the procedure determined by order of the Minister of Culture.

### **CHAPTER V ARBITRATION COMMISSION**

**Article 11:**

1. The Arbitration Commission provided for in Article 62, paragraph 2, of Law No. 2000/11 of December 19, 2000 on Copyright and Neighboring Rights shall be chaired by a judge appointed by the President of the Supreme Court.
2. The Arbitration Commission shall also include:
  - a representative of the Minister of Culture;
  - a representative of each organization entitled to remuneration;
  - a representative of each category of persons that use phonograms under the conditions set out in Article 60 of the aforementioned Law.

**Article 12:**

1. The members of the Arbitration Commission shall be appointed by the Administration and the social and professional organizations to which they belong for a term of two (2) years, which may be renewed twice (2 times).
2. The membership of the Arbitration Commission shall be recorded by decision of the Minister of Culture.
3. If a member of the Arbitration Commission dies in office or is no longer able to fulfill his mandate for any other reason, he shall be replaced immediately by the Head of the Administration or of the organization that he or she represents for the remainder of his term.

4. The Arbitration Commission shall meet upon convocation by its Chairman to discuss a specific agenda. The Chairman shall convene the Commission at the request of the Minister of Culture or of two thirds of its members.

5. The Commission's deliberations shall be valid only if at least two thirds of the members are present or represented. If there is no quorum, the Commission shall be convened again within 10 days, at which time no quorum shall be required. In the event of a tied vote, the Chairman shall have the deciding vote.

6. The legal offices of the Ministry of Culture shall serve as the Commission's secretariat.

7. The Commission's operating costs shall be paid from the budget of the Ministry of Culture.

## **CHAPTER VI REMUNERATION FOR PRIVATE COPYING**

**Article 13:** Remuneration for private copying of phonograms and videograms shall be determined by order of the Minister of Culture.

**Article 14:** The length of a recording, in the absence of proof to the contrary, shall be that declared by the manufacturer or importer.

**Article 15:** Remuneration shall apply to the blank recording media referred to in Article 70 of the aforementioned Law.

**Article 16:** Remuneration for private copying of printed works shall be five per cent (5%) of the sale price of the reproduction equipment.

**Article 17:** Any equipment for the reproduction of printed works shall be subject to the remuneration referred to in Article 16 above.

## **CHAPTER VII COLLECTIVE MANAGEMENT**

**Article 18:** Only one collective management organization may be established in each of the categories of copyright or neighboring rights set out below:

- category A: literature and dramatic, dramatico-musical, choreographic and other similar arts;
- category B: musical art;
- category C: audiovisual and photographic arts;
- category D: graphic and three-dimensional arts.

**Article 19:** No organization may engage in collective management without the approval of the Minister of Culture.

**Article 20:** Approval shall be granted to an organization on application, where it meets the conditions set out below:

- it takes the form of a non-profit-making civil association or legal entity;
- it is constituted in accordance with the laws and regulations in force;

- its offices are in Cameroon;
- it can demonstrate the competence and integrity of its managers and founders;
- it pays the sum of five hundred thousand (500,000) CFA francs to the fund for the support of cultural policy;
- it is accessible to all owners of copyright and neighboring rights in the category applied for.

**Article 21:**

1. All applications, paid for at the current rate, shall be submitted in French or English.
2. Applications shall indicate the category in which the organization proposes to carry out collective management.
3. Applications shall be submitted to the Ministry of Culture in duplicate with a request for confirmation of receipt.
4. Each copy shall be accompanied by a file containing the following:
  - the statutes and any other basic texts of the organization;
  - one copy of the constituent instrument;
  - a list of managers or of all persons required to perform equivalent functions, with the surname, forename, domicile and nationality of each one;
  - criminal record details for each founder or director, dating from within the past three (3) months;
  - proof of payment of a sum of five hundred thousand (500,000) CFA francs to the fund for the support of cultural policy;
  - documents demonstrating the competence of the founders and directors;
  - details of the human and material resources which the organization intends to use.
5. The Minister of Culture shall rule on the application for approval within sixty (60) days.

**Article 22:**

1. Approval shall be granted for a period of five (5) years and may be renewed subject to the same conditions on which it was granted.
2. Approval shall be non-transferable.
3. Where an organization infringes its own basic texts or the laws or regulations in force, the Ministry of Culture shall order it to rectify the situation within one month.
4. The Minister of Culture may suspend approval where, at the end of the period referred to in paragraph 3 above, no action has been taken to comply with the order in question.
5. Suspension may not exceed thirty (30) days.
6. Approval may be withdrawn only in the event of a repeat offense.
7. Approval shall be refused, granted, suspended or withdrawn by a substantiated decision of the Minister of Culture. The interested party shall be notified of all decisions.

**CHAPTER VIII  
FINAL PROVISION**

**Article 23:** The Minister of Culture shall be responsible for the implementation of the present Decree, which shall be registered and published under emergency procedures and subsequently included in the Official Gazette in French and English.

Yaoundé, November 1, 2001

Peter MAFANY MUSONGE  
Prime Minister, Head of the Government