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**REGULATION ON LICENSING, MANUFACTURE,
IMPORT AND EXPORT OF OPTICAL DISKS
2012(1391)**

**Regulation on Licensing, Manufacture, Import and Export of Optical Disks
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In the Name of Allah, the Most Merciful and Compassionate

Regulation on Licensing, Manufacture, Import and Export of Optical Disks

**Chapter One
General Provisions**

Necessity Of Enactment

Article 1:

This Regulation is enacted in order to better regulate the licensing of manufacture, import and export of optical disks.

Objective

Article 2:

The objectives are as follows:

1. to set the mechanism for how to license the manufacture, import and export of optical disks in the Islamic Republic of Afghanistan;
2. to promote legitimate copyright industries that rely on optical disks for distribution, such as film, music or computer software;

Manufacturing Equipment: any item intended, designed or used for the manufacture of optical disks or of parts thereof, excluding optical disk writers and like items used in personal computers and not for commercial purposes.

Raw Material: optical-grade polycarbonate suitable for use in the manufacture of optical disks.

Place: any area on land or water, including any building, structure or enclosure, whether moveable or not.

Person

- 1) –National ID card (Tazkear) or Recognition Document, or equivalent identification of the applicant, or if the applicant is a legal entity, of the responsible officer or other representative of the entity.
 - 2) - Photo of the applicant, or if the applicant is a legal entity, of the responsible officer or other representative of the entity.
 - 3) - License of company, if applicable
 - 4) - License of Investment from AISA
 - 5) - Where the application concerns a license to manufacture, the address and a description of the proposed manufacturing facility or facilities, and an indication of the nature of the optical disks proposed for manufacture;
 - 6) - Where the application concerns a license to import or export, an indication of the nature of optical disks, manufacturing equipment, or raw materials that are the subject of the application.
 - 7) - An affidavit representing that the applicant, including the applicant’s responsible officers if the applicant is a legal entity, has not committed any action described in Article 19 of this Regulation.
4. An applicant may withdraw an application before it is approved or denied.
5. Where an applicant for a manufacture license proposes to manufacture optical disks at more than one place, he may submit a single application for a license in respect of all those places.

Consideration of Applications; Issuance of License

Article 8:

1. Based on the conditions fixed under this regulation and related procedures, the registrar is obliged to review the submitted application in order to determine whether to approve or reject the application, and to inform the applicant of the decision thereon, within 18 official working days of the submission of the application. If the registrar cannot approve or reject the application and provide notification thereof during the mentioned time, the registrar can extend the period for another extra 10 official working days upon prompt notification of the extension to the applicant.

2. The registrar is obliged to deny an application where:

- 1) The application does not meet the conditions under this regulation
- 2) The Application contains false or misleading information

3. Where the registrar denies an application, the registrar is obliged to notify the applicant in writing, and mention the reason(s) for the denial.

4. The registrar’s decision on an application may be appealed to the Professional Board of the Registrar withi6.5(a 7(t)8(ht)7.8(h)7.8(h)-5.7ubtt t)8.1(h)4(e)4.4((g)T0 -1.1469.6(at)8..(th)4.0ae)4.5(gi3(p).0a

- 1) Prevent the manufacture, export or import of items which infringe works protected under the Copyright Law; and
- 2) Protect the rights of holders of copyrights and related rights pursuant to the Copyright Law.

Special Provisions for Licenses to Manufacture, Import or Export

Article 9:

1. Where there are different places for the manufacturing of optical disks, the registrar shall issue a separate license for each manufacturing place.
2. A license belongs to the licensee and is non-transferable.
3. A manufacture licensee is obliged at all times to display his manufacture license in a conspicuous location at his licensed premise.
- 4- On granting a license for export or import, the registrar is obliged to provide a copy of that license, along with copies of the licensee's application submissions under Article 7(3) of this regulation, to the Customs Office, and to notify the Customs Office, in writing, of any subsequent renewal, expiration, alteration, suspension, revocation, or surrender of that license.
- 5- No Person may export or import optical disks that do not bear a legitimate manufacturer's code.
- 6- The fees for licenses are:
 - 1- Manufacture license: 10.000 Afghani
 - 2- Import license: 20.000 Afghani
 - 3- Export license: 5.000 Afghani

Period of License; Renewal

Article 10:

1. A license issued under the provisions of this regulation is valid for 3 years, unless sooner suspended, revoked, or surrendered.
2. For the renewal of a license, a licensee is obliged to apply to the registrar not less than 40 official working days before the date of the expiry of the license.

Alteration of License

Article 11:

1. The registrar may, with written notice at any time after a license is granted or renewed, add to, vary or revoke any terms or conditions on the license as necessary to:
 - 1) Prevent or stop breaches of the present regulation
 - 2) Reflect a material change that has occurred in any information related to the license.
2. The registrar is obliged, before taking any action under subsection (1) of this Article, to afford the licensee
 - 1) written notice of the registrar's intent; and

- 2) the opportunity to submit, within 10 working days of the service date of the notice, his/her written grounds for opposing the proposed action of the registrar.
3. Taking into consideration any representations submitted by the licensee, the registrar shall decide whether or not to take any action under subsection (1) of this Article; shall provide the licensee with prompt written notice of his decision; and shall, as needed, promptly re-issue an altered license with appropriate terms and conditions.
4. Where there has been a material change in any information specified in a license or in the underlying application, the licensee is obliged, in order to maintain the validity of the license, to re-apply for an appropriate license based on this regulation.
5. Material changes requiring reapplication under subsection (4) of this Article include, but are not limited to:
 1. Changes in the location of the manufacturing facilities;
 2. Changes in the ownership of the licensee, if the licensee is a legal entity; and
 3. A conviction of the licensee or any director, manager or similar officer of the licensee of an offense under the Copyright Law.

Suspension or Revocation of License

Article 12:

1. The registrar in the following situations can suspend or revoke a license on the following grounds:
 - 1) There exists a ground for denial of an application under Article 8(2) of this regulation;
 - 2) The licensee has violated any term or condition of the license, or any provision of this regulation; or
 - 3) The licensee has ceased to carry on the business of manufacturing, exporting or importing;
2. The registrar is obliged, before suspending or revoking a license under subsection (1), to afford the licensee
 - 1) a written notice of the registrar's intent; and
 - 2) an opportunity to submit written representations, within 10 working days from the date of service of that notice, of cause as to why the license should not be suspended or revoked.

1- A licensee may surrender his license by forwarding it to the registrar with a written notice of its surrender.

2- The surrender takes effect on the date the registrar receives the license and notice under subsection (1) or, where a later date is specified in the notice, on that later date.

Effect of Expiration, Suspension, Revocation or Surrender of License

Article 14:

Upon the expiration, suspension, revocation or surrender of a license, the licensee must immediately cease to carry on the activities permitted by the license.

Appeal

Article 15:

1. The licensee, in case of alteration, suspension or revocation of his/her license, may, within 10 working days of the date of receipt of the notification of the relevant decision, officially appeal to Professional Board of the Registrar.

2. The Professional Board of the Registrar shall, in accordance with the provisions of this regulation, affirm, amend or reverse the registrar's decision, or give such directions in the matter as appropriate.

Chapter Three Manufacturer's Code; Records

Assignment of Manufacturer's Code

Article 16:

In connection with granting a manufacture license, the registrar is obliged to assign to the licensee a manufacturer's code which consists of any combination of letters, numbers, marks, signs, symbols or devices, as may be prescribed by the registrar.

Marking with Manufacturer's Code

Article 17:

Every manufacture licensee is responsible for ensuring that each optical disk manufactured by him is marked with the manufacturer's code assigned to him under Article 16, in accordance with the standards set out under Article 18.

Marking Standards

Article 18:

The registrar is obliged to prescribe standards for the marking of manufacturer's codes on optical disks, including:

1. Different standards in relation to different classes or descriptions of optical disks;
2. Standards specifying how in detail to mark manufacturer's codes on optical disks; and
3. Previously published standards with or without modification.

Prohibited Actions

1- For better management of manufacture, import and export of optical disks and related affairs, the MoIC is obliged to establish the Professional Board of the Registrar in accordance with the related procedures.

2-

3. Any person who owns, directs, manages or otherwise has control of a business which undertakes manufacturing, import or export of optical disks for a commercial purpose will be deemed to engage in those activities and is subject to this Regulation.

Formulation of Procedures

Article 29:

The MoIC, for the better implementation of the