

The Registry

Newsletter



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FOREWORD

Moving in the right direction.

Bemanya Twebaze- Registrar General



 The Golden Award for Quality & Business Prestige was in recognition of URSB's commitment to excellent service delivery, innovation and leadership.



As the year 2015 comes to an end, it is refreshing that we are ending it in a celebratory mood having done our work successfully, and achieved much.

We were recognized at home and beyond and we gave back to society during our December 14-18, Corporate Social Responsibility week.

As always we appreciate and pay tribute to our Board of Directors for the great support and guidance they offer us at all times. We also are honored to have the Hon. Minister of Justice and Constitutional Affairs Maj Gen (rtd) Kahinda Otafiire whose great support towards making URSB a better institution is immeasurable.

Our committed staff is recognized for making URSB shine to the extent that in November we received "The Golden Award for Quality & Business Prestige" from Other Ways International in Geneva.

This was in recognition of our commitment to excellent service delivery, innovation and leadership.

We were also recognised in the World Bank Doing Business Report because we spearhead the business registration and licensing reforms.

Their most recent report has rated Uganda among the best top ten countries that have undertaken reforms that facilitate the private sector growth. Uganda's ranking improved from 135 to 122 partly because of the reforms at URSB. This is expected to improve even further to a double digit in the 2017 ranking as we continue to implement the reforms.

Our performance was also recognized by the government of Uganda in the Annual Performance Report 2015: The report released by the Office of the Prime Minister in November 2015, as an assessment of the Justice Law and Order Sector performance in the FY 2014/15 puts URSB as the second best performing JLOS Institution by moving to 80% performance from 60% in FY 2013/14.

The report recognizes that there is a great improvement in business formalization processes, civil events registration, Insolvency matters and administration of Intellectual Property Rights.

The Global Innovation Index Report 2015 by the World Intellectual Property Organization (WIPO) on innovation also rated Uganda among the best 10 innovators in the policies for development.

This was partly because of improvements made to institutional framework especially in Intellectual Property registration, a skilled labor force, and better innovation infrastructure through establishing links between performance and good business practices, innovation policies and realizing technology adoption.

These among others are the reason URSB will continue to celebrate as we work harder to achieve our ultimate objectives.

Bemanya Twebaze

URSB Receives Prestigious International Award for Quality & Business Excellence

By Sheila Naturinda, Communications Specialist URSB(CEDP)

This award means a lot for public institutions because it encourages continuous improvement of systems and services to enable resources be used more efficiently and effectively in delivery of services,” Mr. Bemanya



The Register General with the golden award for quality and business prestige in Geneva.

November 2015 saw the URSB Register General receive on behalf of URSB a “Golden Award for Quality & Business Prestige” in form of a plaque and certificate from Other Ways Management and Consulting, a Paris based Firm, thanks to the business excellence and customer satisfaction the Bureau has registered over the times.

At the colorful ceremony held at the Intercontinental Hotel in Geneva Switzerland on November 23, URSB was the only Ugandan organization that was recognized for the outstanding performance, corporate achievement, prestige, innovation, quality and technology.

Other Ways is an internationally recognized management and research firm from France that uses research based on information, polls and voting to come up with an organization credible enough to receive the award.

Other Ways has previously awarded other agencies like National Water and Sewerage Corporation, Kampala City Authority, Uganda Electricity

Regulation Authority, Prism Construction Limited.

The event was used by URSB to establish commercial and professional contacts and a chance to present our services and mandate at an international forum, counting on businessmen coming from at least five continents.

The award was thus a communication tool serving the interests of the companies on display and a testimony of their efforts to achieve constant improvements in technological development and quality and their continuous struggle to improve their brand name.

“This award means a lot for public institutions because it encourages continuous improvement of systems and services to enable resources be used more efficiently and effectively in delivery of services,” Mr Bemanya said.

He added; “It also encourages a reflection of performance levels attained and motivates individuals and teams to look at the way they work.”

URSB has previously had a host of other recognitions within the country and in government for example;

1. Government Annual Performance Report 2015: In this report released by the Office of the Prime Minister in November 2015, an assessment of the Justice Law and Order Sector performance in the FY 2014/15 puts URSB as the second best performing JLOS Institution by moving to 80% from 60% in FY 2013/14. This was because of the committed team and the reforms that have been implemented at URSB. The report recognizes that there is a great improvement in business formalization processes, civil events registration, insolvency matters and administration of intellectual property rights.
2. World Bank Doing Business Report: URSB plays a key role in the doing business environment in Uganda and is spearheading the business registration and licensing reforms. In the recent 2016 World Bank Doing Business report, Uganda is rated among the best top ten countries that have undertaken doing business reforms that facilitate private sector growth. Uganda’s ranking in the report launched on 28th October 2015 improved to 122 from 135 in 2015 partly because of reforms at URSB. This is expected to improve even further to a double digit in the 2017 ranking after full implementation of the reforms.
3. Global Innovation Index Report 2015: The World Intellectual Property Organization (WIPO) report on innovation has rated Uganda among the best 10 innovators in the policies for development. This was partly because of improvements made to institutional framework especially in intellectual property registration, a skilled labor force,

and better innovation infrastructure through establishing links between performance and good business practices, innovation policies and realizing technology adoption.

4. Non-Tax Revenue (NTR) collections: URSB has continued to increase NTR

collections per year from shs5 billion in 2010/2011 to over shs23 billion in 2014/2015. This is due to the dedicated team, streamlining of business processes, and zero tolerance to corruption, frugal resource utilization and strategic partnerships. On 26th

September 2014, URA recognized URSB as a strategic partner of the year during the 10th Annual Taxpayers Appreciation Day-2014 in increasing the tax base through process re-engineering that has increased formalization of businesses.

Easing access to Finance for everyone

By Nabatanzi Miriam, Senior Registrar

In order to strengthen access to finance, government enacted a new law, The Chattels Securities Act, 2014 that will replace a 1978 Chattels Transfer Act.

This means that movable property like computers, motor vehicles, trading stock, household appliances like televisions and furniture, crops, jewellery, livestock, and farm machinery like tractors will be used as collateral to secure a loan from any financial institution.

This law is aimed at reducing the difficulties previously faced by Small and Medium sized Enterprises (SMEs) that lack immovable security like land and buildings to pledge against probable loans; and women who may not own immovable property as a result of unlawful yet prevailing customary practices that exclude women from inheriting or owning land in their individual capacity.

Additionally the proportion of females in paid employment is 39.1% compared to 54.4 % for their male counterparts according to UBOS' 2014 Statistical

Abstract thereby depicting their credit constraints.

Since a higher proportion of Uganda's SMEs and women can now be able to access affordable credit using moveable property to grow their businesses and increase productivity, Uganda Registration Services Bureau (URSB) aims at establishing a modern public moveable collateral registry to record all information pertaining to particulars of the creditor and borrower as well as specific details to describe the asset that was pledged as security for a loan.

Establishment of a secured and centralized moveable collateral registry will remove existing obstacles that credit institutions face in determining whether an asset from a potential borrower has an existing claim against it.

Creditors can now take advantage of the public database to search for any encumbrance or competing interests in a collateral security and make informed decisions before lending money based on that asset.

Similarly, buyers of second hand goods like motor vehicles and equipment will be authorized to search for any existing claims on an asset before a decision to purchase it is made.

URSB has now embarked on reforming the central moveable registry from manual to electronic processes.

Stakeholder engagement workshops with the Central Bank and commercial financial institutions were held on 30th November and 1st December 2015 to try and bridge the gap involving the mismatch between the types of assets that a large percentage of Ugandans possess and what financial institutions previously accepted as collateral such as land and buildings for loans.

URSB is spearheading and formulating the enabling regulations for implementing the Chattels Securities Act because these regulations will be fundamental for enhancing stakeholder confidence while facilitating customers to secure credit using moveable property which they possess.



Mr Bemanya shares a light moment with World Bank'sCarolynn Ndawula, Elaine MacEachern, and Swati Swahney at the stakeholders meeting on secured transactions reform in December 2015.

URSB at UIA One Stop Centre; the **Investors' Registration Hub**

By Doreen Esaete
Registration officer UIA.



One investor satisfied with the service offered at the URSB office.

July 2015 is the month when Uganda Registration Services Bureau opened a branch at the Uganda Investment Authority, making it the sixth of its branch offices.

The concept was to kick start the Government's objective of establishing a One Stop Center for investors so that they easily access registration services of their businesses.

Apart from registration, this office also offers free advisory services on business registration, transfer of shares, increase in share capital, filing of annual returns as well as compliance by the existing companies.

The office has a great impact at UIA – One Stop Centre because it issues the primary license to individuals who wish to invest in Uganda.

Economic prosperity is closely linked to the development of a pro-business environment therefore making life easier for individuals and firms/ companies and facilitating the entry of new ones into the market place and this promotes competitiveness and growth.

While regulations governing business creation are necessary, their implementation can sometimes turn into a difficult and costly process, thereby discouraging business activity.

Therefore the provision of business registration services within UIA was necessary to curb the back and forth processes required for an investor to go through before being issued with an investment license.

Before the opening of the URSB office at UIA, individuals who visited UIA and wanted to start a business had to deal with complex procedures that often resulted in delays and additional costs for example looking for lawyers and other professional consultants to help them provide information on what it takes to get their companies registered.

This made the process both time consuming and costly. Not only did most of these individuals pay high fees, they also carried an opportunity cost related to the time spent looking out for these professional bodies, carrying out due diligence on them, making final decisions among others.

Such complications and delays, made some of the potential investors to simply give up and abandon their business projects. Others decided to proceed without going through all the required paperwork, (carrying out their businesses in the informal sector) just because they lacked the right information.

The establishment of the URSB office

at UIA has been a decisive step in the strategy to simplify administrative procedures and facilitate better interaction with individuals who wish to register their businesses in Uganda. This has subsequently minimized costs of starting a business.

It is also evident that some individuals/ companies which have registered their businesses through this office have made split second decisions to invest. i. e. they have ended up completing the process and formally establishing their companies as required by the Laws of Uganda, through the One Stop Shop at UIA.

It is worth noting that the existence of this office has led to the creation of such business entities that are essential for the dynamic and competitive business sector that can create new jobs within the economy. Therefore, facilitating such startups not only boosts the competitiveness of firms and enhances economic growth, but also helps create employment in Uganda. Our office establishment has also reduced the risk of individuals carrying out informal businesses, (which creates insecurity for business and employees). This also means that Individuals (and Companies that have been registered through this office) can have access to further Government support.

Our role as Registrars in **detection of crime**

By Draku William, Senior Compliance & Enforcement Officer.



A police woman stresses a point on crime in company matters after the registrar's presentation.

At the Police training school Kabalye, in Masindi district in October 2015, 200 uniformed police men and women during their basic CID induction course attended a course unit; “the Role of the Registrar of Companies in detection of crime.”

Kabalye police training school is no ordinary establishment- it is an awesome environment with great ambience and a cool and serene green.

Meeting and lecturing to trained police officers was no mean feat as they were armed with all sorts of questions for the Uganda Registration services Bureau- some real and

others misconceptions .

Section 4 of the URSB Act, provides that the Registrar has a role to play in crime detection and investigations right from reservation of a name.

The Registrar must pay particular attention to suspicious and undesirable names, scrutinize the objects of the company to make sure these do not harbour any criminal intentions, and pay keen attention to the requirement to obtain clearance from the office of the Inspector General of Police before any Security company can be registered.

As Registrars, we also have a role

to Court as witnesses to provide expert opinion. Sections 172- 181 of the Companies Act provide for investigation by the Registrar and other related matters, the role of the Registrar in provision of information to Police, IGG, Parliament and other investigative government Agencies upon request.

We have a role in establishing the authenticity of documents; and the working relationship between URSB and the Financial Intelligence Authority for purposes of sharing information on suspicious transactions likely to lead to terrorist financing and money laundering among others.

The police officers' questions at the meeting;

- Is non-registration of a business/company an offence and if so, what is the offence?

- After registration, how does the Registrar of companies monitor the activities of security companies?

- What is the procedure for registering a one man company with the object of establishing a mobile money business?

- What is the procedure for change of company name especially that which could have been erroneously registered using an undesirable name?

- Is it possible to get information on banks from the Registrar of companies?

- Money lenders charge different interest rates, some do not have physical addresses, and how does the Registrar of companies regulate money lenders?

- Some employers subject their employees to unfair treatment including refusal to pay their salary and emoluments and yet these employers are registered with the registrar of companies, how can URSB intervene?

- Why don't you open up an office in Masaka?

All the questions were attended to and URSB received a thumbs up on the work done such as making the system much easier and accessible, speedy and professional work processes and zero tolerance to corruption.

How registration of **Births and Deaths** has transited to **NIRA**

By Nabatanzi Miriam, Senior Registration Officer



The Board of Directors of the National Identification and Registration Authority (NIRA)

On 26th March 2015 the Registration of Persons Act, No 4 of 2015 was enacted into law in Uganda after going through the legislative process. The Registration of Persons Act is based on the approved Cabinet principles intended to remove duplication

from the processes and laws relating to registration of persons by establishing the National Identification and Registration Authority (NIRA) as the central registration body for the registration of all persons in Uganda.

One of the effects of the Registration of Persons Act is the repeal of the Births and Deaths Registration Act and transition of the births and deaths registration function from Uganda Registration Services Bureau (URSB) to the National Identification and Registration Authority.

This transition is scheduled for 31st December 2015 and will be characterized by a shift of all registers and records relating to the births, deaths and adoptions of any persons, in the custody of URSB to NIRA.

New registration service delivery centers are envisaged under the Registration of Persons Act and will include the NIRA's head office currently situated at Kololo Ceremonial Grounds, all Ugandan Missions abroad and any establishments that NIRA may designate for the proper and efficient performance of this function.

All designated centers will be communicated by way of public notice in the Uganda Gazette.

New birth and notification points have also been established under the Registration of Persons Act and these will include all medical facilities in Uganda.

Births and deaths that occur in all medical facilities will be recorded by the administrators of those facilities under the guidance and supervision of NIRA, and the returns of their records transmitted to NIRA for allocation of a National Identification Number in case of a birth or update of the National Identification Register in case of a death.

There will be interoperability of systems between the notification centers and NIRA to ensure continuous and periodic reporting of births and deaths.

Events that occur outside medical facilities will be registered directly by NIRA.

Notwithstanding the transition and any modifications to the documents that NIRA will issue, all births, deaths and adoptions certificates issued under Births and Deaths Registration Act prior to 1st January 2016 shall remain valid even after the coming into force of the Registration of Persons Act.

In effect the legitimacy of all short and long certificates that were issued pursuant to the Births and Deaths Registration Act will continue to prevail.

There is now more than ever every incentive to register a birth in Uganda as birth registration will form the basis for national identification.

Over time, the national identification register will be synchronized with other Government services like passport issuance, national security, statistics, and taxation, provision of social services, including social security, health, education and welfare benefits.

NIRA is expected to open a network of registration offices countrywide, which offices will be communicated by way of public notice in the Uganda Gazette.

Due to the countrywide coverage, this will improve service delivery for a greater part of Uganda's population by taking birth, death and adoption registration services closer to the people.

People will have considerable access to registration offices without having to travel for long distances to register their events.

For the first time in Uganda's history, every person whose birth is registered will be assigned a unique national identification number if they are citizens of Uganda or an alien identification number if they are not.

NIRA will in January 2016 officially commence registration of births, deaths and adoptions orders.

More importantly URSB and NIRA are working together to ensure that there is a seamless hand over of the existing records, registers and partnerships to NIRA while maintaining an efficient and effective workflow.

The Registration of Persons Act provides for registration at the NIRA's head office currently in Kololo Ceremonial Grounds, all Ugandan Missions abroad and any establishments that NIRA may designate.



MSMEs in Uganda: Harnessing Opportunities through Formalization

By Twinomujuni Kafunjo, PA to Registrar General



The Business community in Hoima municipality receive business registration services during the recently conducted business registration clinic.

MSMEs is an acronym for Micro, Small and Medium Enterprises. Whereas the definitions of MSMEs are universally diverse, worldwide consensus is on using the annual sales turnover, the net capital investment (assets), as well as the number of employees by an enterprise for it to qualify for a certain category.

There is a tendency for the synonym 'SMEs' to leave out 'Micro' enterprises although the detail of the definition pronounces it. The 'micro' element of SMEs has often remained subtle and is sometimes ignored. The micro enterprises are a crucial off-farm orientation, operating mostly as family businesses and contributing the greatest source of off-farm self-employment for most of the families.

Uganda Bureau of Statistics has categorized enterprises basing on the fulfilment of the minimum requirements of any two of the criteria of; number of employees, capital investment and

annual sales turnover. In quantitative terms, micro enterprises are those businesses employing not more than 5 and have total assets not exceeding Ushs 10million. On the other hand small enterprises employ between 5 and 49 and have total assets between Ushs 10 million but not exceeding Ushs 100 million. The medium enterprise therefore, employs between 50 and 100 with total assets more than Ushs 100 million but not exceeding Ushs 360 million (UBOS 2010/11 statistics).

The Overriding Informality of the Sector

According to Ministry of Trade, Industry and Cooperatives MSMEs Policy (June 2015), the majority of enterprises within the micro, small and medium sector operate informally. This high incidence of the informal economy in all its aspects is a major challenge for the achievement of growth and expansion of the enterprises, enterprise productivity, and working conditions

and has a negative impact on the development of sustainable enterprises, public revenues and government's scope of action, particularly with regard to economic, social and environmental policies, the soundness of institutions and fair competition in national and international markets.

The 2015 MSMEs Policy notes that the Micro, Small, Medium, Enterprises (MSMEs) are the engine of growth for the economic development of Uganda and indeed the world at large. They are spread across all sectors with 49% in service sector, 33% in commerce and trade, 10% in manufacturing and 8% in others. The MSMEs sector in Uganda is estimated to comprise about 1,100,000 enterprises, employing about 2.5 million people which is equivalent to 90% of non-farm private sector workers, generating over 80% of manufactured output that contributes 20% of the gross domestic product (GDP). The highest concentration of MSMEs is in Kampala, and the Central region (66%) compared

to the rest of the Country. The Western region had 14% of businesses while Eastern had 13% and northern region 7% (UBOS, 2007). The MSMEs are key drivers in fostering innovation, wealth creation and job creation in Uganda. Evidence from UBOS (2010) statistical abstracts pronounce the contribution of MSMEs as significant and having potential to change the economy of Uganda for the better.

Supportive Framework for Enterprise Formalization

‘Formalization’ means graduating from the informal to the formal sector through registration with Uganda Registration Services Bureau (URSB) as a business name or as a company.

The 2015 MSMEs Policy recognizes the established support institutions,

particularly the Directorate of MSMEs under the Ministry of Trade, Industry and Cooperatives (MTIC) with its affiliated institutions, such as Investment and Private Sector Development in the Ministry of Finance, Planning and Economic Development (MFPED); Uganda Investment Authority (UIA); Research Institutions and Makerere University Entrepreneurship Centre among others. Other private institutions include Private Sector Foundation Uganda (PSFU) and Enterprise Uganda (EUG); these continue to design and implement the necessary policies and programs that support the development of the MSME sector. Significant success has been achieved in skills development, entrepreneurship promotion, and research and business incubation for MSMEs.

The 2015 MSMEs Policy identifies a number of instruments that support MSMEs, though they are fragmented, not integrated and not harmonized, making it difficult to comprehensively assess how they are befitting MSMEs. Because of the multi-sectoral nature of MSMEs there are a number of policies and laws supporting the various sub sectors including the National Constitution, the Micro Finance Act, UNBS Act, PPDA Act, the Tax Act, the National Land Policy, the National Immigration Policy, the National Trade Policy, the National Industrialization Policy, the National Tourism Policy, the National PPP Policy, the Micro Finance Policy, the Investment Code, Buy Ugandan Build Uganda Policy and Employment Policy among others. These policies and laws complement the MSME policy to address the existing gaps in the sector.

Challenges of MSMEs in Uganda

Despite the sector’s enormous size and contribution to the economy, the 2015 World Bank Doing Business Survey identifies impediments for sufficient MSME growth and competitiveness as the longer time taken to register property and trading across borders. Other challenges include protecting investors, starting a business, enforcing contracts, and getting credit. The major contributing factor to these impediments is the large informality of the sector. Most businesses are not registered as companies and thus cannot compete for bigger opportunities such as Government and NGO tendering since formal registration is one of the basic requirements / conditions for public procurement tendering.

There is generally low motivation by business entrepreneurs to formalize their businesses at the level of business and tax registration mainly due to ignorance of the advantages associated with formalization. The process of formal registration is considered

lengthy and centralized and one has to frequently move between their districts to the existing URSB offices in Kampala, Mbarara, Mbale, Gulu and Arua, which are quite distant to some people. Uganda Registration Services Bureau (URSB) will have to decentralize this function further to the district level, in addition to concerted awareness creation on business registration. The steps and procedural levels will also have to be shortened or simplified further.

MSMEs continue to face a number of internal challenges which cut the range of productivity, profitability and business sustainability. Many business enterprises remain struggling for lack of market competitiveness, among other things. The MSMEs equally have intrinsic, specific and generic weaknesses related to inadequacies of investment and operating capital; limited affordable financing options; and limited skills and knowledge for business startup and development. These realities in totality reflect that

the linkages between MSMEs and the existing opportunities are still weak.

The primary problem of most MSMEs is lack of adequate awareness and knowledge about enterprise selection and/or strengthening the potential of current/existing industries. This requires immense business counseling, training and to plug existing inadequacies related to capacity, perceptions and attitudes. For instance, the perception within the fishing industry discourages sustained saving, since most people see fishing as a continuous, unending job, where even if one squandered the proceeds of the day, they will get to the lake and continue earning without worrying about tomorrow.

The key to moving informal ventures into the economic and social mainstream will be to create incentives for those operating informally to see the value of becoming formal by creating an enabling environment in which the benefits of formalizing outweigh those of remaining informal

URSB events in PICTURES



1. Mr Bemanya addresses the 39th session of the ARIPO Administrative Council in Lusaka Zambia, November 16, 2015.

2. Mr Bemanya Twebaze (l), Ms. Jane Bitek Langoya (c), Mr. Alfred Mugisha (r) during URSB's thanksgiving Prayers on December 14, 2015

3. The URSB staff who participated in celebrations to mark 16 years of the East African Community in Kampala organised by the Ministry of EAC Affairs

4. Some of the URSB staff who received services at the Uganda Cares booth during the CSR week December 14th to 18th 2015.

5. Board Chairman Amb. Francis Butagira, together with Board Member Ben Anyama inspecting the CSR blood donation stalls. Looking on is the Registrar General and his deputy Mr Alfred Mugisha

6. Mr Bemanya confers with the first secretary Uganda Permanent Mission to the United Nations during the dinner gala at the Award giving ceremony in Geneva Switzerland.



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7. URSB Staff, Partners, Brothers from Missionaries of the Poor, Good Shepherd Home in Mengo Kisenyi.

8. A group photo taken with the children of the good shepherd orphanage school.

9. Ms.Judy Obitre-Gama (Executive Director, NIRA), Justice Mike Chibita (Director Public Prosecution and Guest of Honor) and Mr.Bemanya Twebaze (Registrar General, URSB) at the URSB thanksgiving prayers December 14, 2015.

10. A car full of donations from URSB and partners to the Good shepherd home as part of the events in URSB giving back to the community

11. Staff at a recent retreat

12. URSB participates in the Rotary club of Kiwatule service project where numerous business names were registered.

Embracing Copyright

By Maria Nyangoma
Senior Registration Officer IP

Copyright is provided for under the Copyright and Neighbouring Rights Act 2006.

Recently, a group of leading musicians in Uganda composed a song to add rhythm to President Museveni's campaigns.

The development is very interesting from a copyright point of view because it now shows that the Ugandan artists are evolving in their creativity.

We are beginning to witness a conscious shift of attitude where artistes now realize that their music can make them money.

Copyright is provided for under the Copyright and Neighbouring rights Act 2006. Artistes are encouraged to acquaint themselves with this law and its regulations.

This law is good if enforced (enforcement means that you make the law work, if need be, using coercive means and punitive measures against all who don't respect it).

Rights owners should be at the forefront of the enforcement because Copyright is first of all a private right.

All artists peddling their works for free should be engaged and sensitized so they appreciate both the good and bad in such, because their works are an investment for them.

Many of these artists are doing this out of total ignorance of the available

options, both legal and non-legal.

Artists can enforce their rights individually or collectively through Collective Management Organizations (CMOs).

These are the associations of rights owners recognized under the Copyright laws.

It is encouraged that for artistes to have a collective voice and bargaining power join these associations or form new ones and CMOs are themselves encouraged to develop the business side of art.

There is government enforcement also called Public enforcement.

Government enforces copyright through its Institutions like Uganda Registration Services Bureau (URSB) and other stakeholder institutions like Uganda Communication Commission (UCC), Uganda Revenue Authority (URA) and the Uganda Police Force (UPF).

Government has a responsibility of creating mass awareness of copyright and engaging all users of copyright on respect of rights.

The approach of government is non radical because Uganda is coming from a background where non authorized use of copyright is entrenched.

To radically and suddenly enforce copyright would create a backlash which might undermine the whole effort of enforcement.

Private enforcement and Public enforcement are intertwined by the Copyright law.

However this has caused some uneasiness because of the different approaches to enforcement. When the law is due for amendment, this area should be looked at critically.

This should be an eye opener that the era of non payment for the use of works is seeing its last days.

The time to pay for works by any users, individuals, TV, radio, commercials, is upon us and all parties have to embrace it.

Musicians and all the members of our society have to accept a transformation from the manual labor of relying on concerts and allow music to make money for them.

A band like Afrigo and others have existed for long and can earn alot during their retirement time if they have their rights protected.

Individual musicians like Chameleone and others who have ruled the airwaves for more than 10 years, with their songs as hits can have their music earn them money long after they have hang up the microphone.

We therefore all need to join efforts to make the Copyright and Neighboring Rights Act work. The rights owners should be pro-active and lead the way within or without the CMOs.

Government will always play its part through the established Institutions and continue to engage the numerous users.

If we create a fair use of copyright and enforce remuneration for works, we all stand to benefit and artists will be able to eke a descent living off their works.



Staff of URSB participate in a charity walk for sensitisation in Kampala over copy right laws



Veteran Musician Richard Kawesa and Mr. Jjemba of the Reproduction Rights Society during the celebrations to mark Copy Right laws in 2015

Do you know what to consider when reserving a business name?

By Mercy K. Kainobwisho, Director Business Registration



URSB staff attend to the traders in Hoima who benefited from registration of their business names in December 2015.

A company name represents the identity of a business and the style that is used by a business. In other words a company name is a business identifier.

For any business to be registered, it must have a name which name must be approved by a registrar of companies. A company name is reserved upon application and payment of the requisite fees (Ushs 20,000). The Companies Act, 2012, Section 36 provides that a registrar may reserve a name upon application and that name shall remain in force for thirty days or such longer period but not more than 60 days.

The law (Section 36, Companies Act, 2012) further provides that no name shall be reserved and no company shall be registered by a name, which in the opinion of the registrar is undesirable. This means that the registrar has to examine the name applied for and approve or reject the same.

A name may be undesirable if it offensive to the members of the public or any section of the public, if it has political connections and or connotations, if it has restricted words and expressions, or if it gives the impression that it is connected to the Government of Uganda where as not.

During examination, the registrar is supposed to ensure that the name approved, is not identical or too similar to any existing company name(s) on the register and that name does not infringe any existing name.

A company name must not be obscene or vulgar or offensive for it to be reserved and registered. The name applied for must not be the same or similar to the ones already on the register. A company name must not be contrary to public interest, order and morality and must not be scandalous. And the words used must not contravene the laws of Uganda.

A registrar will not approve a name if it includes vulgar expressions, obscene or connotation of racial, physical or sexual insult.

A company name is comprised of three separate elements: a distinctive element, a descriptive element and a legal element. A distinctive element differentiates ones names from the many and this may a be a coined word, or made up word. eg Shoes Limited lacks distinctiveness but Kains Shoes Limited has some level of distinctiveness because of the word "Kains". A descriptive element describes the nature of business eg NATS Chicken House Ltd. The legal element is a term that indicates the status of the entity as a corporation eg Limited or LTD.

Well known names/ trademarks will not be registered as company names unless with consent from the Trade Mark owner. For example one cannot register a name "The Cocacola

Takeaway Ltd” or “Samsung Phones Ltd”. Whereas the Companies Act does not expressly protect well-known names, the Trademarks legal regime does protect well known marks. Infact the level of examination of trademarks is much higher than the examination of companies and business names. The Trademarks law prohibits registration of identical and resembling trademarks.

The names must not be alike or too similar or lead to confusion. In order to determine similarity, the registrar will look at the nature of the businesses concerned, the level of awareness of the name to the public, evidence of confusion etc.

The registrar has to examine whether the names are visually or phonetically (sound) identical. The registrar has to also check whether the names have a slight variation in spelling, or have

grammatical variations

The registrar has power to reject memorandum and articles of incorporation or continuation of incorporation where it is determined that the name does not meet the criterion. A registrar of companies is empowered under the Companies Act, 2012 section 37 to direct a company to change its name in specified circumstances e.g where a name has been inadvertently registered or is misleading.

A company name can be changed any time the company wishes to, by special resolution as provided under Section 40. The new name must be approved by the registrar, advertised in the Gazette and a certificate of change of name issued.

The general rule is that every company

registered in Uganda must end with the word Limited/ “LTD” as per Section 36 of the Companies Act. However, the Act under Section 41 provides for dispensation with “Ltd” or “Limited” in the case of charitable organizations and other companies where there is proof that the entity is formed for promotion of commerce, art, science, religion, charity or any other useful object and where that entity intends to apply its profits, if any, or other income to promoting its objects. Such entities must apply to the registrar to dispense with the words “LIMITED” and or “LTD”.

All applicants are advised to comply and meet the requirements for registration. Failure to meet the requirement may result in the rejection of the application. Applicants are further advised to always seek the advice of the registrars about names they intend to use for the businesses.

Sensitizing the business community in Entebbe on Licensing Reforms

By Alex Ayesigye,
Research Officer- URSB

Uganda Registration Services Bureau (URSB) in partnership with Private Sector Foundation Uganda (PSFU) organized and conducted a sensitization workshop on business licensing reforms for the business community, media and local government officials in November 2015.

A number of reforms have been introduced and these include among others, decentralization of URSB services to other regions of the country, creating a one stop shop for business registrations at URSB and establishment of an electronic licensing portal for all business licenses in the country.

The importance of such reforms will not be fully realized unless the business community embraces them fully hence the need for such sensitizations and other awareness creation events.

The workshop was aimed at sensitizing the business community on the basics of business formalization (business registration and business licensing) and also highlight the ongoing reforms in an effort to make business formalization much simpler and faster.

The participants at the workshop expressed gratitude for such an outreach program and requested for more, or similar engagements most especially for the small business enterprises.

The participants requested for improvements in specific areas like customer care and creation of a feedback mechanism to applicants whenever their applications are worked upon or are ready. URSB has since established a customer call centre to handle client queries and provide feedback.

URSB gives back to the community

By Provia Nangobi, Senior Public Relations Officer

Humanity has made us focus on ourselves, our wellbeing, our health, our jobs, job security but these only matter to us, some children somewhere are only looking for clothes, bread and sugar to be happy.



CSR Partners Ms.Anita (Rotary Club of Portbell), Mr.Aamir Hussain (Crane Bank), Ms.Grace Nakabugo (MMAKS Advocates) and Dr.Davis Ntulume (Dental Association of Uganda)

Children of Good Shepherd Home entertaining guests

Mahatma Gandhi once said; “To give pleasure to a single heart by a single act is better than a thousand heads bowing together,” the week of December 14 – 18, 2015 was dedicated to this cause.

Management, staff and a number of URSB partners participated in our very successful CSR week and made financial and material contributions.

The CSR week started with a thanksgiving prayer, breakfast in which we prayed for the Institution, and later had a blood donation drive.

We visited the Good Shepherd Home to the less privileged children which is run by the Missionaries of the Poor and we also offered free business

registration services to the people of Hoima Municipality.

On a Personal note, the visit we made to the Good Shepherd home came with emotion and it was an eye opener to me.

My act of kindness and giving was aroused because like most people, I have so much and throw away so much not understanding that there are children who would benefit from sharing with us.

Humanity has made us focus on ourselves, our wellbeing, our health, our jobs, job security but these only matter to us, some children somewhere are only looking for clothes, bread, and sugar to be happy.

This particular visit to the children taught me two special lessons; never to take life for granted because it is all you have and that there is pleasure in giving more than receiving.

The outward joy reflected on the children’s faces as they were told about the reason for our visit was worth the visit.

The donations notwithstanding, we had a special visit and I will forever share what I have and make GSH my other home and visit and share whatever God has blessed me with.

As we celebrate this festive season, let us be grateful for what God has blessed us with and as we pray together, let us also develop a spirit of sharing.

Many thanks to our Partners that ensured we had such a successful week including Rotary Club of Portbell, Ligomarc Advocates, MMAKS Advocates, Crane Bank, Diamond Trust Bank, Harris International , Dental Association of Uganda; and lastly the office of the Administrator General and Law Council that we share office premises with and parking space that was provided for the two open days and health camp.

You want a different marriage ceremony? Get a special license

By Patience Atuhaire Marcella, Registration Officer

Getting married is most people's dream. However, the excitement is usually worn down by the many restrictions that accompany the marriage. Most people are ignorant of the options available to them and as a result face a lot of frustrations while planning for their marriages. This section will cover the special licenses that are friendly to everyone to help achieve the marriage of your dreams.

Celebration of a marriage outside the gazetted areas

Celebration of civil and church marriages is governed by the Marriage Act Cap 251 Laws of Uganda. The Registrar General is gazetted as the registrar of marriages for Kampala capital city whereas the Chief Administrative Officer is gazetted as the Registrar of Marriages for districts outside Kampala. Civil marriages take place at the offices of these Registrars while church marriages take place in churches licensed to carry out weddings, by the recognized ministers of that church.

For the couple that dreams of having a wedding in that special place, for one reason or another, either outdoors, in a hotel, or at the beach, do not despair, there is a solution for you. The Marriage Act empowers the minister to gazette that area for that day, as a place for conducting marriages.

Whether it is a civil or a church marriage, the couple will make an application, through the Marriage Registrar of that district, to the minister, giving sufficient reason, and requesting for that particular area to be gazetted for marriage purposes. The

fees payable for such an application is UGX 300,000/=.

For church- officiated weddings, an ordinary letter, accompanied by evidence that marriage banns have been read, from the officiating minister, also accompanied by an affidavit, sworn by one of the parties to the intended marriage, detailing reasons for their application, will suffice.

The civil marriage wedding application will require the existence of a valid marriage application to the Registrar of Marriages of that district and notice of the intended marriage should have run for at least 21 days and all the other requirements for a civil marriage application should have been fulfilled.

Waiving the 21 days' notice

The Marriage Act provides for a notice period of 21 days for church and civil marriages. However, in exceptional circumstances, this period can be waived to enable a couple in less than the notice period of 21 days.

The application for this special license is made to the Honorable Minister of Justice and Constitutional Affairs through the Registrar of Marriages for that District. It is accompanied by a valid marriage application and an affidavit by either of the parties to the marriage, detailing the reasons for the request to waive the 21 days notice and evidence of payment of UGX 300,000/=

The waiting period for these applications is usually 10 days to complete the whole process and be issued with the special license but it usually takes a shorter period. So you

can now go plan to have that special wedding in a special place of your choice!

Most people are ignorant of the options that are available to them and as a result face a lot of frustrations while planning for their marriages.



One of the marriages celebrated on a boat, in Munyonyo by URSB

URSB at a glance

Vision:

“An organization that is efficient, effective, self-sustaining and customer focused in service delivery”

Mission:

“To promote, protect and register; business enterprises, intellectual property rights, civil matters, act as Official Receiver and collect Non tax Revenue through an effective records management system”.

Our core Objectives:

Professionalism | Integrity | Transparency | Accountability
Punctuality | Customer care

We are responsible for the following;

- Business Registration – includes registration of companies and business names, partnerships, documents, debentures and chattels transfer.
- Official Receiver in matters of Insolvency
- Intellectual Property Rights – includes registration of Patents, Utility models, Industrial designs, Trademarks, Service marks Copyright and Neighboring Rights.
- Registration of Civil marriages
- Collect Non Tax Revenue (NTR)



DID U KNOW?

Did you know what you gain when you register and formalize your business?

Access to Financial accommodation | Access to wider markets for example the East African Community | Competitiveness-participation in bidding | Brand name and self-marketing | Royal Clientele | Liability | Intellectual Property rights- Patents, TMS, copyrights | Contribution to National Development

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