

UGANDA JOINS THE INTERNATIONAL COPYRIGHT SYSTEM



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On 28th January 2022, Uganda acceded to four Copyright Treaties; the Berne Convention for the Protection of Literary and Artistic Works (1886), The WIPO Copyright Treaty (WCT) (1996), The WIPO Performances and Phonograms Treaty (WPPT) (1996), and the Beijing Treaty on Audiovisual Performances (2012). Accession to these four Treaties

follows an earlier ratification in respect to The Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled, which took place on 23rd April 2018.

The four Treaties work together, to ensure that the creative sector benefits from an appropriate level of rights recognition for written works, recorded music, movies, television shows, audiovisual performances, computer programs and much more while the Marrakesh Treaty enables access to published works for visually impaired persons in exception to the general rules that apply to copyright works.

The accession is a significant step for Uganda to promote utilization of the intellectual property system, as prescribed in the National Intellectual Property Policy, 2019 and provide protection for her authors, writers, performers, artists, programmers and other copyright holders. This is in line with the National Development (NDP) III Program (private sector development) and the respective Subprogram (creation of an enabling environment for private sector development), which Uganda Registration Services Bureau (URSB) is implementing under the Strategic Plan III.

Specifically, the Berne Convention for the Protection of Literary and Artistic Works provides minimum standards for protection of works and mandates member countries to provide the same protection of works of authors from

other members. This will ensure that Uganda authors will get the same protection of their works in at least 179 member countries of Berne Convention.

The WIPO Copyright Treaty (WCT) is a special agreement under the Berne Convention, which, deals with the protection of works and, the rights of their authors in the digital environment. The Treaty also specifies two subject matters to be protected by copyright: computer programs, whatever the mode or form of their expression; and compilations of data or other material ("databases"). The WCT therefore enhances the protection provided by the Berne convention by ensuring appropriate remuneration for use of works in the digital era.

The WIPO Performances and Phonograms Treaty provides for protection of the rights of performers such as actors, singers, musicians; and producers of phonograms (persons or legal entities that take the initiative and have the responsibility for the fixation of sounds). It provides for protection of their rights in the digital environment.

The Beijing Treaty on Audio-visual Performances addresses the longstanding need to extend the economic and moral rights of actors and performers in audio-visual performances including films, videos and television programs. It provides the beneficiaries mentioned above with the right of reproduction; the right of distribution; the right of rental; and the right of making their audiovisual performances available to the public.

The Marrakesh Treaty covers literary and artistic works, whether published or otherwise made publicly available in any media that people with blindness or other visual impairments would not be able to read or access, except in an alternative or accessible format. "Accessible format" is a copy of a work in an alternative manner or form, which gives a beneficiary person access to the work, including permitting the person to have access as feasibly and comfortably as a person without visual impairment or other print disability.

Together the Treaties make it possible for Uganda's creative industry to have protection in other countries that are parties to the Treaties, further; their rights are protected when works are used over the internet through avenues like streaming and downloading.

The emergence of the digital revolution means that geographical borders no longer matter when it comes to access to creative works. Ugandan books, music and film, have begun to gain international recognition and have found their way in markets such as Nigeria, Kenya, South Africa, United Kingdom, United States of America, and so on. It was, therefore, prudent for Uganda to put in place legal mechanisms to ensure that Ugandan creators have the necessary legal protection to gain income from their copyright works consumed outside Uganda's borders. Before the accession, Ugandan authors found it difficult to benefit from the use of their works in foreign countries because those countries were under no obligation to accord protection to such works.

Acceding to the copyright treaties therefore creates an avenue for Ugandan individuals and SME's involved in production of works to maximize benefits from their literary and artistic expressions including book publishing, music recording, film and theatre production, broadcasting and visual arts such as art and craft.

As the National Intellectual Property Office, URSB is particularly pleased with this extended protection because it is cognizant of the many benefits that accrue to the country arising out of creative works that are protected by copyright.

The creative sector has immense untapped potential for job creation especially for the youth. Creativity in this industry does not depend on traditional factors of production like land but on one's talents and ideas. Since there are low barriers of entry, copyright-based industries provide opportunities for everyone regardless of the level of education or standing in life.

According to the report on the mapping of culture and creative Industries in Uganda, 2014, about 55% of the people employed in the creative industries have primary level or no formal schooling yet the industry provides a great contribution to Uganda's economy with some enterprises in the sector earning as high as Ugx 18,500,000,000. According to the same report, the sector consists of 12,472 organizations employing over 386,000 people.

With the enhanced protection afforded by these Treaties, these numbers are expected to increase exponentially to the benefit of Ugandans because growth of the creative industry leads to direct growth in other sectors such as tourism, fashion and design, hospitality industry, production technology and expertise, digital economy to mention but a few.

Additionally, accession to the copyright treaties will engender confidence in Uganda's Copyright system and attract foreign direct investment into the entertainment industry because investors will have assurance that works originating from Uganda will have international protection. This will widen the opportunities for the people employed in the creative sector and lead to further direct growth of the economy.

Uganda Registration Services Bureau appreciates various stakeholders who played a role in realizing this significant goal, especially the Ministry of Justice and Constitutional Affairs and the Ministry of Foreign Affairs for their support, expertise and technical input in this process.