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HOW BROADCASTERS CAN LEGALLY EXPLOIT COPYRIGHT CONTENT

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Copyright remains a subject of interest in the public especially in the wake of a devastating pandemic which did not spare the creative sector. Content creators have since sought means through which they can earn from their creativity, and the use of their content in the broadcasting sector has been a subject of public discussion.

In January 2022, Uganda Communications Commission (UCC), as the regulator of broadcasters, issued notices to various broadcasting stations for airing copyright content without the necessary authorization from the owners of the content. As the regulator of copyright, Uganda Registration Services Bureau (URSB) has also been conducting enforcement operations against persons involved in the unauthorized use of copyright content in accordance with the law.

Copyright is a form of intellectual property that protects original expressions of literary works like books, pamphlets, and also protects songs, films, art, computer programs, sculptures, and so on. Copyright has immense value not only to the author of the work, but to the economy as well, creating various employment opportunities within the creative sector and contributing to the country's National Development Plan III objectives in as far as strengthening the country's creative industry is concerned.

Commercial value

The law gives the author of copyright content exclusive economic rights pertaining to his or her work such as distribution through sale, performing publicly, communicating the work through wireless means or broadcasting the work. These rights are the basis upon which an author is remunerated for their work through licenses or assignments to various users such as radio stations, television stations, event organisers and so on. These exclusive rights are the preserve of the author of the work until they are legally passed on to another.

Copyright content can be used in various ways, most of which are commercial in nature like it is in the broadcasting industry. Television stations, radio stations and internet broadcasters constantly broadcast copyright content which is the major source of income for most of their platforms. These are therefore obliged to seek authorization from the content owners or their agents to use such works.

Most broadcasters have justified their unauthorized use of copyright content on the basis that the authors voluntarily offered the same to them for purposes of promoting it, or that they are doing a general good to the author by promoting them through airplay or film exhibition. This is not only unfortunate but also illegal. No exploiter of content may hoodwink authors while they illegally exploit their content. It should be noted that listenership traffic in the broadcasting sector is driven by content played, mainly outsourced. Therefore, while the

broadcasters make business using content, they should not, in the same vein, deny others a right to earn.

Law on copyright

Section 9 of the Copyright and Neighbouring Rights Act 2006 prohibits any person from using content without a license from the owner of the content. Therefore, for any broadcaster to operate in the space, it's incumbent on them to seek out content owners or their agents for licenses before any use of the said content. While URSB executes its mandate of enforcement, it looks out for licenses from authors that authorize broadcasters to exploit content. The other advantage of the license, it creates a relationship between the author and the exploiter of content.

Broadcasters should come up with clear strategies to approach content owners directly or through their agents. Uganda has two authorized legal agents for content owners being Uganda Performing Right Society (UPRS) and Uganda Federation of Movie Industry (UFMI). We urge broadcasters to have conversations with these two agencies for legal exploitation of content and to avoid disruptions to their businesses.

Uganda is also under obligation through International treaties to protect rights in foreign works. No exploitation of foreign work should occur within Uganda without the authorization of the owner of the content. We urge broadcasters to negotiate with owners and acquire licenses.

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