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Kampala

ENFORCEMENT ON COPYRIGHT&RELATED RIGHTS FOR FILMS

URSB's position on the enforcement of copyright and related rights for film and audio visual works

Uganda Registration Services Bureau is the National Intellectual Property Office and the National Information Center for Copyright. As part of our mandate, we administer the Copyright and Neighbouring Rights Act, 2006 and its implementing Regulations (the Copyright and Neighbouring Rights Regulations of 2010). The Act provides for protection of literary, artistic and scientific works and their neighboring rights. These creative works include but are not limited to books, cinematography or films, music, computer programs among others otherwise known as the creative industry. In this regard, URSB therefore has a statutory obligation towards regulating activities in the creative industry. For this industry to thrive, there are three fundamental pillars that must exist; legislation, collective management and enforcement.

The Copyright Law

Copyright is the right given by law to the creators of literary, dramatic, musical and a variety of other works of mind and the Copyright and Neighbouring Rights Act, 2006 gives the creator of a work such as music, film or movie an exclusive right to use that work to the exclusion of others. Copyright holders can grant others permission to use their works through licenses and assignments. The law further provides for criminal, civil and administrative sanctions in respect to copyright and neighbouring rights infringement and piracy.

Copyright Piracy

Piracy means unauthorized reproduction, importing or distribution of works protected by copyright. Therefore the author/owner of a copyrighted work, enjoys certain exclusive rights with respect to his or her works. These include right to reproduce, to publish, to adopt, to translate and to perform in public. The owner can also sell, assign, license or bequeath the copyright to another party if he/she wishes so. If any person other than the copyright owner or his/her authorised agent

undertakes any of the above-mentioned activities with respect to a copyrighted product, it amounts to infringement of the copyright. Piracy typically takes the form of reproduction of entire works: books, CDs and DVDs for sale in the market in competition with original works. Copyright piracy is thus like any other theft which leads to loss of incentives to the owners of the property, causes economic loss and cripples the creative industry which undermines the very foundation of national creative industries, as it is very difficult to compete with the pirated works.

Copyright and the role of Collecting Management Organisations (CMOs)

A CMO is an organization that is entrusted with the responsibility of managing copyright and related rights on behalf of the rights holders who subscribe as members. URSB has the mandate under Section 57 of the Copyright and Neighbouring Rights Act to license CMOs. Currently Uganda has three (3) CMOs namely; Uganda Reproduction Rights Organization (URRO) for print and publishing of books, Uganda Performing Rights Society (UPRS) for works related to music, Uganda Federation of Movie Industry (UFMI) for works related to films and audio visual fixations. The main role of these CMOs is to license users of copyright and related rights, collect and distribute royalties. CMOs also engage in enforcement of their members' rights.

A security device is a legal requirement

A security device means an adhesive label, banderol or hologram.

Regulation 19 of the Copyright and Neighbouring Rights Regulations, 2010 requires a security device to be affixed to each and every sound recording or audio visual recording which is distributed or otherwise exposed to the public for sale, hire or rental, within Uganda. Regulation 20 gives the mandate to a Collecting Society to issue security devices.

Regulation 22 provides that films or movies either imported or distributed, offered or exposed to the public for distribution by way of sale, hire or rental within Uganda without a security device are considered as copies infringing copyright and may be seized by an inspector or a police officer.

Further Section. 81 provides for reciprocal protection of a copyright holder who is not a citizen or resident of Uganda if the work was first published in a country which is a member of any of the organisations specified in Part I of the Second Schedule to the Copyright and Neighbouring Rights Act, 2006 namely; World Intellectual Property Organisation (WIPO), African Regional Intellectual Property Organisation (ARIPO), United Nations Educational Scientific and Cultural Organisation (UNESCO) and World Trade Organisation (WTO) or a signatory to The Trade Related Aspects of Intellectual Property Rights Agreement (TRIPS Agreement).

Most of the foreign movies on the market do not have a security device and they are reproduced without the authorization of the copyright holder or the agent and this has created unfair competition for the industry and affected its growth. The rights holders have no incentive to keep creating and improving their work while pirates are benefitting.

Enforcement of Copyright Infringement

URSB has therefore been engaged in enforcement drives relating to Intellectual Property particularly, copyright. However, this has attracted mixed feelings and reactions about these enforcement activities especially on social media.

URSB as the regulator is under obligation to ensure transparency, accountability and good governance among the CMOs and to take the lead on effective enforcement measures to counter piracy and has as such appointed Caretakers to oversee the management of Uganda Performing Rights Society (UPRS), is currently restructuring and re-organizing of Uganda Federation for the Movie Industry (UFMI) and will continue to carry out enforcement operations to stop piracy in Uganda. URSB calls upon the public to join in this fight against piracy/theft of intellectual property.

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