



The ARIPO Online Collective Management Organizations Survey Report

**The ARIPO Online
Collective Management
Organizations
Survey Report**

**ARIPO Secretariat
Harare, Zimbabwe
2021**

The ARIPO Online CMOs Survey Report

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ACRONYMS AND ABBREVIATIONS

AGM	- Annual General Meeting
ARIPO	- African Regional Intellectual Property Organization
AISGE	- Performers Rights Organisation
CISAC	- International Confederation of Societies of Authors and Composers
CMO	- Collective Management Organization
CAPASSO	- Composers Authors and Publishers Association of South Africa
CopyGhana	- Reprographic Rights Organisation of Ghana
COSBOTS	- Copyright Society of Botswana
COSOL	- Copyright Society of Liberia
COSOMA	- Copyright Society of Malawi
COSOTA	- Copyright Society of Tanzania
COSOZA	- Copyright Society of Zanzibar
GDP	- Gross domestic Product
IFRRO	- International Federation of Reproduction Rights Organisations
KECOBO	- Kenya Copyright Board
MCSK	- Music Copyright Society of Kenya
NASCAM	- Namibian Society of Composers and Authors of Music
N/I	- Not Indicated

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- NORCODE** - Norwegian Copyright Development Association
- PRISK** - Performers Rights Society of Kenya
- RRO** - Reproduction Rights Organisation
- UPRS** - Uganda Performing Rights Society
- URT** - United Republic of Tanzania
(Tanzania mainland & Zanzibar)
- ZAMCOPS** - Zambian Music Copyright Protection Society
- ZARRSO** - Zambia Reprographic Rights Society
- ZIMURA** - Zimbabwe Music Rights Association
- ZIPO** - Zimbabwe Intellectual Property Office
- ZIMCOPY** - Reprographic Rights Organization of Zimbabwe

EXECUTIVE SUMMARY

Copyright and Related Rights was included to the mandate of the African Regional Intellectual Property Organization (ARIPO) in 2002. Since then, ARIPO has developed and implemented strategies to promote and, support growth and effective administration, management and enforcement of copyright and related rights. The aim of the survey was to enhance and facilitate the collection of relevant information at country level, such as data on finances, audited reports and rights management that can help in shaping the copyright systems in Africa. The survey will be conducted annually, and data collected will be analysed by the Secretariat to enable the Organization to provide evidence-based information to guide policy making and the developments of CMOs.

The online survey questionnaires were submitted to twenty-nine (29) CMOs across 14 ARIPO Member States and to five (5) CMOs in 3 Observer States. Surveys were sent directly to the CMOs and the report contains data received from 14 CMOs from ten (10) ARIPO Member States and one (1) one Observer State. The CMOs are; CopyGhana, COSBOTS, COSOMA, COSOZA, COSOTA, COSOL, NASCAM, MCSK, PRISK, UPRS, ZAMCOPS, ZARRSO, ZIMURA and CAPPASSO from South Africa. The report briefly profiles Member States whose CMOs participated in the survey. Information on the countries' legislative position in relation to collective management and the economic status of the countries, number of CMOs a country has, governance issues in the CMOs, the royalty collection and distribution, and the financial performance of CMOs during the years 2017 to 2019 submitted in 2020.

The survey sought to establish patterns that form between the establishment of the CMO to royalty collection and distribution. The analysis given in the report is an observation of frequencies and trends formed from the responses given by

the participating CMOs. Main challenges raised by the CMOs are highlighted in the report. Observations and recommendations made from the survey, point towards the need for ARIPO and partners to continue offering technical support to the CMOs to facilitate growth, effectiveness and operationalization of the CMOs in ARIPO Member States. The Copyright Offices are also very key in the CMO ecosystem. National Legislative frameworks need to be reviewed from time to time to ensure conducive environment for CMO operations. Further studies could look into reasons behind certain patterns, or to continue observing the trends already looked into. We hope that the report will not only inform strategic decisions, but will also assist CMOs to compare themselves and learn from each other to leverage in the CMOs mandates, collections and distribution of royalties.

Bemanya Twebaze

Director General

I.0 BACKGROUND

The African Regional Intellectual Property Organization (ARIPO) is an Inter-governmental organization, which was established at Lusaka, Zambia, in 1976 by an Agreement concluded under the auspices of the United Nations Economic Commission for Africa (UNECA) and the World Intellectual Property Organization (WIPO). The Organization was created, *inter alia*, to promote the development of intellectual property laws appropriate to the needs of its members, establish common services and training schemes, and assist its members in the acquisition and advancement of technology and the advancement of common views on intellectual property (IP) matters.

The current members of the Organization are; Botswana, The Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mauritius, Mozambique, Namibia, Rwanda, Sao Tome and Principe, Sierra Leone, Somalia, Sudan, Swaziland, Uganda, United Republic of Tanzania, Zambia and Zimbabwe. (Total: 20 States). The potential Member States include; Angola, Burundi, Democratic Republic of Congo, Egypt, Ethiopia, Eritrea, Nigeria, Seychelles, South Africa and South Sudan.

During the 8th Session of the Council of Ministers of ARIPO that took place in Mangochi, Republic of Malawi from 29 to 30 August 2002, the Council of Ministers extended the mandate of the organization to include copyright and related rights.

Following this decision, the Administrative Council of ARIPO at its 26th Session held in Windhoek, Republic of Namibia from 25 to 29 November 2002, adopted strategies for the implementation of the mandate on copyright and related rights. The mandate has over the years resulted in the increase of the number of Collective Management Organizations (CMO's) and significant improvement in the management of rights holder's rights and the enforcement of their rights.

This report highlights key findings from information received from the online survey conducted by ARIPO. This survey is a result of the previous CMO survey that was conducted in 2016, which noted that it is very important for ARIPO, perhaps in collaboration with its partners, to continuously study CMOs to determine the status of collective management in the Member States and also investigate reasons behind certain patterns that seem to form in the area. CMOs themselves have acknowledged the importance of information gathering and sharing as a way that can assist them to measure themselves against other CMOs as well as facilitate the sharing of experiences for the benefit of their members.

As the secretariat was working assiduously to go paperless by the end of 2020, this survey was the first to be conducted 100% online in the history of the Organization. In order to address the objectives of the survey, the online questionnaire was designed to look into the profile of the countries where the CMOs are established, the vision and mission of the CMOs, governance issues in the CMOs, financial status and factors that contribute to the increase and decrease of CMOs income and strategies put in place by CMO to overcome the challenges they are faced with. The overall goal was to use the survey to provide information about CMOs in ARIPO Member and Observer States with a view to identify areas of strength and to open up possibilities for exchange between CMOs themselves as well as allowing policy and decision makers to use the survey to inform future decisions about CMOs in ARIPO Member States and Africa at large. The report ends with recommendations which are largely informed by issues that emerged from the statistics of the survey.

2.0 COUNTRY PROFILES:

A total of fourteen (14) Collective Management Organisations from ten (10) ARIPO Member States and one (1) Observer State participated in the survey. The country profiles include ARIPO Member and Observer States as listed in Table 1 below, the country profile looks at legal systems, the title of the law, and institutional arrangements in relation to copyright and related rights.

2.1 Copyright Laws of Member States

Table 1 below looks at when the current law of the country was enacted, and effective regulations put in place to implement the Act. The survey did not look at whether this was the first copyright law post-colonial rule or that there have been other enactments prior to that. According to Table 1 below current copyright laws of the listed ARIPO Member and Observer States were enacted between 1978 to 2016. The Copyright Law of South Africa¹, which was enacted in 1978, is the oldest and the Copyright Law of Liberia² and Malawi³ are the latest to be enacted in 2016. The Table also shows that the Administrative Regulations on Establishment of Copyright Society of Liberia (COSOL) is the most recently adopted in 2019 in Liberia. Whilst in practice it does not make much of a difference, it is observed that the majority of ARIPO Member States copyright laws use 'neighbouring rights' and none makes reference to 'related rights'. On the other hand, ARIPO itself uses the term 'related rights' instead. The 'neighbouring rights' and 'related rights' mean the same thing. The Table also shows the supervisory ministry or otherwise the established institution that plays an oversight role on the CMO.

¹ Copyright Act no. 98 of 1978, Performer's Protection Act 11 of 1967

² IP Law of Liberia, or the New Act of LIPO 2016

³ Copyright Act, 2016

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Table 1: ARIPO Member and Observer States Profiles

Member & Observer States	Legal Systems	Title of Copyright Law	Year of enactment	Regulations	Oversight Ministry
Botswana	Common Law	Copyright and Neighbouring Rights Act Chapter 68:01 of 2000	2000	Guidelines for Supervision of the Copyright Society of Botswana	Ministry of Investment Trade and Industry
Ghana	Common Law	Copyright Act, 2005 (Act 690)	2005	Copyright Regulations 2010 L.I. 1962	Ministry of Justice
Kenya	Common Law	Copyright Act 2001 Amended 2019	2001	The Constitution of Kenya	Ministry of Information Technology and Communication
Liberia	Civil Law	IP Law of Liberia, or the New Act of LIPO 2016	2016	Regulation 11 on Anti-Piracy (2007). Administrative Regulation on Establishment of CMO (COSOL) 2019	Ministry of Commerce Trade and Industry
Malawi	Common Law	Copyright Act, 2016	2016	Copyright (Levy on Storage Devices) Regulations, 2018	Ministry of Tourism, Culture and Wildlife
Namibia	Common Law	The Namibian Copyright and Neighbouring Rights Protection Act	1994	Intellectual Property Policy	Ministry of Industrialization, Trade and SME Development, through its Agency BIPA.

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Member & Observer States	Legal Systems	Title of Copyright Law	Year of enactment	Regulations	Oversight Ministry
<p>United Republic of Tanzania</p> <p>Tanzania mainland</p>	<p>Common Law</p>	<p>The Copyright and Neighbouring Rights Act</p>	<p>1999</p>	<p>1. Copyright and Neighbouring Rights (Registration of Members and their Works) Regulations, 2005</p> <p>2. Copyright and Neighbouring Rights (Production and distribution of sound and Audiovisual Recordings) Regulations, 2006.</p> <p>3. Copyright and Neighbouring Rights (Communication to the Public) Regulations, 2016</p> <p>4. Copyright and Neighbouring Rights (Licensing of Reproductions and Rental Rights) Regulations, 2014.</p>	<p>Ministry of Information, Culture, Arts and Sports</p>

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Member & Observer States	Legal Systems	Title of Copyright Law	Year of enactment	Regulations	Oversight Ministry
Tanzania Mainland <i>(contd)</i> 2. Zanzibar	Common Law		2003	5. Copyright and Neighbouring Rights (Licensing of Public performances and Broadcasting) Regulations, 2003 The Copyright (licensing of public performance and broadcasting)	Ministry of Youth, Culture, Arts and Sports
Uganda	Common Law	The Copyright and Neighbouring Right Act, 2006	2006	The Copyright and Neighbouring Rights Regulations, 2010	Ministry of Justice
Zambia	Common Law	Copyright and Performance Right Act No. 44 of 1994, Amendment No. 25 of 2010	2010	N/I	Ministry of Commerce, Trade and Industry
Zimbabwe	Common Law	Copyright and Neighbouring Rights Act Chapter 26:05	2000	Copyright and Neighbouring Rights Regulations, (2006) Statutory Instrument	Ministry of Justice, Legal and Parliamentary Affairs

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Member & Observer States	Legal Systems	Title of Copyright Law	Year of enactment	Regulations	Oversight Ministry
South Africa	Common Law	Copyright Act no. 98 for 1978 Performer's Protection Act 11 of 1967	1978	N/I	Department of Trade and Industry

It is observed that institutionally, Copyright Offices of ARIPO Member States are placed under different ministries. In some countries copyright is under ministries of trade (or commerce) and industry, in others it is justice, or culture or tourism and sports or information communications and technology. Table 1 shows that in four (4) Member States and South Africa, the copyright office is under the Ministries of Trade (Botswana, Namibia, Liberia, Zambia and South Africa), while three (3) Member States are under the Ministries of Justice (Ghana, Uganda and Zimbabwe) and two (2) ARIPO Member States copyright offices fall under the Ministry of Youths, Sport and culture (Malawi and Tanzania).

In other Member States that did not participate in this survey, for example, in Sierra Leone, the Copyright Act is under the Minister responsible for trade. In the Gambia, the Copyright Act is under the Ministry of Tourism and Culture. It may be of interest for ARIPO to study these institutional arrangements to see the link between the effectiveness of the copyright offices and their parent ministries, which will translate to the overall status of the copyright landscape including collective management of copyright.

2.2 Provision for CMOs in the Copyright Act

To be able to establish a collective management system, there is need for the national law to provide for the establishment of collective management organisations and stipulate its functions. Most national copyright laws recognise collective management of rights. In that way, a CMO will have legal backing to deal with operational challenges it may be faced with including refusal to pay royalties by users of works of their members.

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Table 2: Provisions on Collective Management Organizations in Copyright Laws

Country	Provision for CMOs in the Act	Relevant Sections
Botswana	Yes	Section 36A
Ghana	Yes	Section 49
Kenya	Yes	Sections 46-47
Liberia	Yes	Section 2(46)
Malawi	Yes	Section 4-24
Namibia	Yes	Sections 56-57
South Africa	Yes	Section 9A and 39 Copyright Amendment Act 2002
United Republic of Tanzania		
1. Tanzania mainland	Yes	Section 46
2. Zanzibar	Yes	Section 38-43
Uganda	Yes	Section 57-78
Zambia	Yes	Section 22-24
Zimbabwe	Yes	Sections 91-95

Member and Observer States' adherence to international copyright instruments is very important to the collective management of copyright. This ensures that rights holders are not deprived of benefitting from their rights across borders by either individual management of rights or collective management of their rights through licensing agreements and bilateral agreements (reciprocal representation agreements). Table 3 below shows the countries that have either signed or ratified some of the international copyright instruments.

Twelve (12) out of fourteen (14) CMOs reported to have undertaken bilateral and multilateral agreements with other organizations. Among the twelve (12) CMOs, seven (7) indicated that they are benefitting from these agreements. The benefits accrued range from national treatment principles, licensing of users for big repertoires, royalty collection from other countries based on the agreements, flexibility in terms of agreements signed, local CMO benefitting on 10% for social membership funds and strengthened relationship with affiliated CMOs. PRISK indicated that, they are benefitting through collaborations and representation, while MCSK mentioned that the agreements give them a better bargaining power. Four (4) CMOs stated the challenges they are facing with regards to the bilateral agreements with other CMOs. The challenges highlighted range from, contractual agreements not being honored, lack of exchange of repertoire or royalties between the CMOs, failure to provide metadata to facilitate the payment of royalties by other parties for works used in their territories, some of the amounts collected for some sister societies are too small that they are unable to remit until it accumulates and remittance of the royalties is not on regular basis.

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Table 3: Member and Observer States Adherence to International Copyright Treaties.

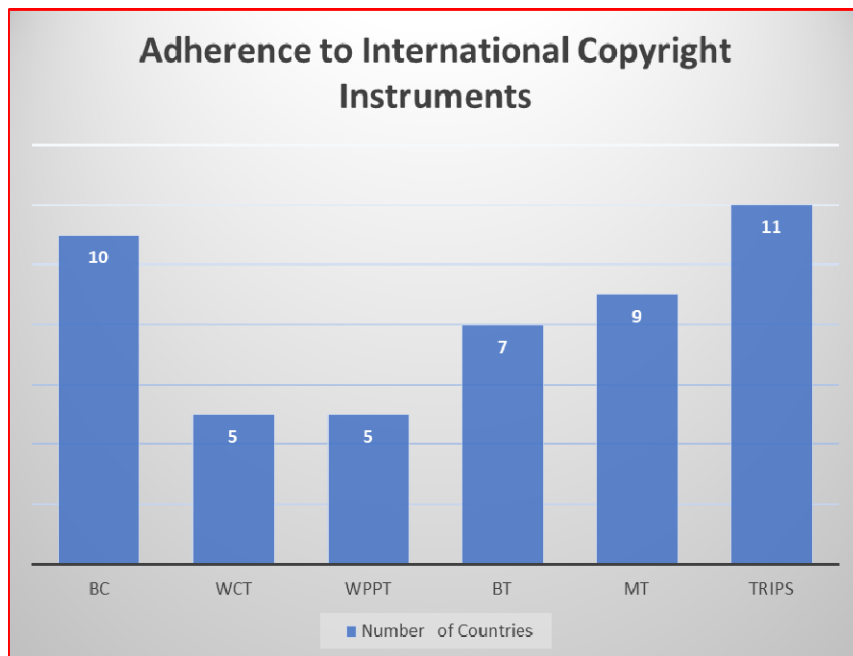
Berne Convention	WIPO Copyright Treaty	WIPO Performances and Phonograms Treaty	Beijing Treaty	Marrakesh Treaty	TRIPS Agreement
Botswana	Botswana	Botswana	Botswana	Botswana	Botswana
Ghana	Ghana	Ghana	Kenya	Ghana	Ghana
Kenya	Kenya	Kenya	Namibia	Kenya	Kenya
Liberia	Namibia	Namibia	Uganda	Liberia	Liberia
Malawi	South Africa	South Africa	Zambia	Malawi	Malawi
Namibia	-	-	Zimbabwe	South Africa	Namibia
South Africa	-	-		Uganda	South Africa
United Republic of Tanzania	-	-	-	United Republic of Tanzania	United Republic of Tanzania
Zambia	-	-	-	Zimbabwe	Uganda
Zimbabwe	-	-	-	-	Zambia
-	-	-	-	-	Zimbabwe

Table 3 above shows the pattern of accession or ratification amongst the participating CMOs. It shows a significant up-take of international copyright instruments, which is a positive sign for right holders to benefit from their rights, that is, if, these treaties are domesticated and implemented effectively. More needs to be done in the area of awareness creation and ARIPO has published Guidelines on the Ratification/Accession and Domestication of International Copyright and Related Rights Instruments⁴. The tool is geared towards assisting Member and Observer States in their pursuit to accede or ratify international copyright and related rights instruments. ARIPO will continue to encourage Copyright Offices and CMOs to play their role in lobbying their governments to take advantage of these international frameworks for the benefit of their members.

Figure 1 below shows the number of participating countries that have either signed, ratified or acceded to the Berne Convention, WCT, WPPT, Beijing Treaty, Marrakesh Treaty and TRIPS Agreements. The figures have been narrowed to these Treaties as CMOs were not asked to provide information on others. However, it was observed that all the participating countries have either ratified or acceded to the TRIPs Agreement, while 10 from the 11 countries are party to the Berne Convention, except for Uganda.

⁴ <https://www.aripo.org/copyright-publications/page/2/>

Figure 1: Member and Observer States Adherence to Copyright Treaties



2.3 Economic Status of Member States

The economic status of a country may affect the activities of CMOs. The significant impact of the creative and cultural industries, which the collective management of copyright and related rights is part of, cannot be over emphasised. Few ARIPO Member States have carried out studies to determine the contribution of copyright industries to their national economies and it has been established that these industries compare well with other industries such as accommodation and food services, mining and others. Amongst the countries in this survey report that have conducted studies on the economic

contribution of copyright-based industries are the following: Botswana⁵, Kenya⁶, Malawi⁷, Tanzania⁸ and South Africa⁹. Findings from these studies show that between 4.11% to 5.6% of the GDP is derived from the copyright based industries.

⁵ https://www.wipo.int/export/sites/www/copyright/en/performance/pdf/econ_contribution_cr_bw.pdf

⁶ https://www.wipo.int/export/sites/www/copyright/en/performance/pdf/econ_contribution_cr_ke.pdf

⁷ https://www.wipo.int/export/sites/www/copyright/en/performance/pdf/econ_contribution_cr_mw.pdf

⁸ https://www.wipo.int/export/sites/www/copyright/en/performance/pdf/econ_contribution_cr_tz.pdf

⁹ https://www.wipo.int/export/sites/www/copyright/en/performance/pdf/econ_contribution_cr_za.pdf

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Table 4 below presents the total population and GDP of the participating countries converted into United States Dollars as at reporting date.

Table 4: Population and Gross Domestic Products Nominal and Per Capita.

Countries	Population in Millions	GDP Nominal in USD	GDP Nominal PPP USD	GDP per capita (Nominal Per capita) in USD	GDP per capita (Nominal PPP) in USD
Botswana	2,374,698	\$4.6 billion	\$3,607.69	\$3,688.40	\$1,402.14
Ghana	29,767,108	\$66,707,500,000 billion	\$35,404,500,000 billion	\$1,219.67	\$1,207.28
Kenya	47,000,000	\$99.246 billion	94.401 billion	\$2,010.00	\$3,868.00
Malawi	18,000,000	\$7.522 billion	\$25.167 billion	\$371.00	\$1,240.00
Namibia	2,500,000	\$12.9 billion	\$239,167,157 million	\$5,089.12	\$6,684.0839
Liberia	4,500,000	\$3,248,000	-	\$1,161.2	\$1,414.00
United Republic of Tanzania:					
1. Tanzania mainland	59.73	\$1,581,040,000 billion	\$143,926,000	\$274.310	\$249.711
2. Zanzibar	1.3	\$899.343	\$853.043	650.760	-
Uganda	45,741,007	\$29,854,114.68 billion	1,860.00	\$915	\$2,400-
South Africa	59,308,690	\$7,340,930,000 billion	-	-	-
Zambia	17.77	\$23.6 billion	-	\$1,600.00	\$1,236.192
Zimbabwe	14,775,000	\$8.528 billion	\$700,000	-	-

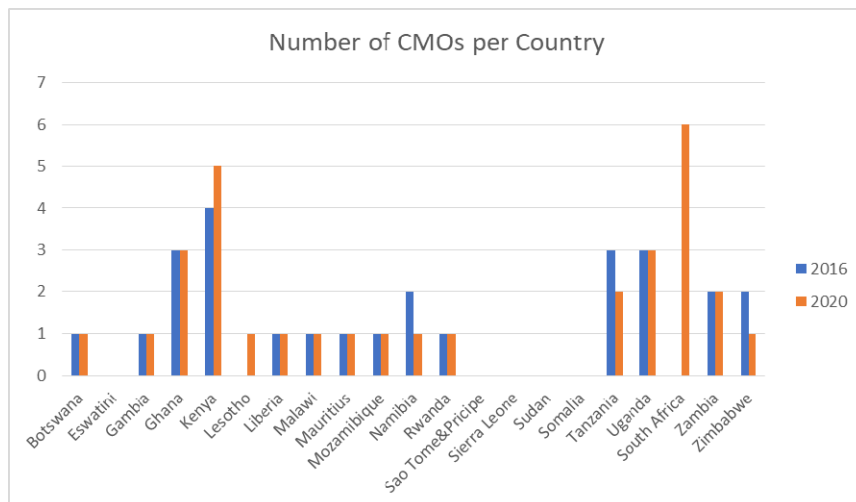
3.0 CMOs IN ARIPO MEMBER STATES

Currently, there are 23 Collective Management Organizations across 14 ARIPO Member States, compared to 25 CMOs that were reported in the previous survey conducted by ARIPO in collaboration with the Norwegian Copyright Development Organization (NORCODE) in 2016. The decrease in the number of CMOs occurred despite Lesotho being the latest country to establish a CMO called Lesotho Copyright Society of Authors and Artists (LESCOSAA) in 2018. The new CMO, LESCOSAA is yet to be operational. The unexpected decrease can be attributed to the deregistration of ZIMCOPY by the Zimbabwe Intellectual Property Organization (ZIPO), NAMRRO, which was the Reproduction Rights Organization (RRO) in Namibia is also not operational and KOPITAN no longer operate as Agents for COSOTA but rather COSOTA has taken full responsibilities to also administer the reproduction rights. As at reporting date, South Africa has the highest number of CMOs at six among the participating countries. In ARIPO Member States, Kenya, which used to have the highest number of CMOs, currently has (3) in operations out of (5), while MPAKE did not express interest for 2020 and KOPIKEN failed to meet the conditions of the Kenya Copyright Board, followed by Ghana, and Uganda with three (3) CMOs each. Zambia has two (2) established CMOs, Botswana, The Gambia, Liberia, Lesotho, Malawi, Mozambique, Namibia, Tanzania mainland and Zanzibar, Rwanda, and Zimbabwe have one CMO each.

Figure 2 below shows the number of CMOs per each ARIPO Member State and South Africa as captured during the current and past surveys conducted.

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Figure 2: Number of CMOs per ARIPO Member and South Africa



As shown in Figure 2 above, only five (5) out of twenty (20) ARIPO Member States do not as yet have an established CMO. These are The Kingdom of Eswatini, São Tomé and Príncipe, Sierra Leone, Somalia and Sudan. Nonetheless, it should be noted that the laws of Eswatini and Sierra Leone do provide for the establishment of a CMO. On the other hand the laws of Somalia, Sudan and São Tomé and Príncipe do not have such provisions and need to be amended to make provision for the establishment of a CMO. Save for categories such as book publishing and film production where individual clearance for the use of works is common, in the strictest sense, non-existence of collective management organisations in a given territory can be interpreted to mean that works of rights holders are used without authorisation. It would then mean that rights holders are not compensated for the use of their works. ARIPO is encouraging and offering support for the establishment of CMOs in the remaining Member States.

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Further to the above, CMOs have developed, and established visions and missions' statements to identify what they stand for and what they intend to achieve. Table 5 below are visions and mission statements submitted by some ARIPO Member and Observer States CMOs during the survey:

Table 5: Visions and Missions of CMOs

No	Name of CMO	Vision Statement	Mission Statement
1	COSBOTS	To be the best Collective Management Organization	We empower Creativity
2	COSOMA	To be a vibrant and sustainable Society that promotes and protects creative works in Malawi in which copyright subsist.	To promote and protect creative works in which copyright and related rights exist and to ensure that the owners of such works are adequately remunerated for use of their works
3	COPYGHANA	-	-
4	COSOL	-	To protect the rights of all authors, creators, and artist in general through the collection of royalties in all areas of their rights and remunerate it to them, as well as signing contracts and issuing license on their behalf.
5	COSOTA	To be a leading Copyright Office in the African region, ensuring that copyright and related rights becomes a dynamic and sustainable tool for national development and that collective management of rights is conducted according to best practice and standards of governance.	To promote, protect and defend the interest of copyright and related rights, rights holders by reducing piracy, collect, distribute royalties or other remunerations and to register rights holders and their works in respect of their rights in collaboration with other key players.

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No	Name of CMO	Vision Statement	Mission Statement
6	COSOZA	To be the best agency for the administration and enforcement of Copyright in the developing countries.	To promote the growth of creative industries through effective administration and enforcement of copyright for socio-economic development of Zanzibar.
7	CAPASSO	To be the Collective Management Organisation of choice in Africa, through convenient access to repertoire, efficient systems and processes as well as transparently maximised royalty distributions.	CAPASSO is a Collective Management Organisation (CMO) operating on mandates from members (Authors, Composers and Publishers) to authorise the reproduction of musical works through the issuing of a usage licence. CAPASSO's core business is the licensing, collection and distribution of reproduction (mechanical) royalties.
8	MCSK	The most effective and efficient music royalties collector and distributor in the world.	Make living better for those who make it beautiful through music.
9	NASCAM	To Protect and Promote the interest of Authors, Composers and Publishers of Music.	To protect and promote the copyright interest of all classes of musical works by collecting and distribute royalties to the rights holders.
10	UPRS	A Country free from Piracy and Infringement of Copyright works.	To promote Copyright and promote the value of music.
11	PRISK	To be the most efficient performers Rights Society of Kenya.	To manage performers rights effectively and efficiently through collecting remuneration on behalf of the rights holders from various users of performers works and distributing royalties to those rights holders.

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No	Name of CMO	Vision Statement	Mission Statement
12	ZAMCOPS	-	To be an efficient and well managed collecting Society in Zambia by being professional in our work so as to best represent copyright owners and provide a link between them and music users for a fair return on their works.
13	ZARRSO	Our vision is to be the most efficient and reliable RRO in the Southern African region which will be able to provide a safe haven where authors, creators and publishers are free to create knowing they will be appropriately rewarded for their works and publications which they make available to the users.	Our mission is to reward authors, creators and publishers for the reproduction of their works and publications.
14	ZIMURA	To become a world-class Collective Management Organisation	ZIMURA is dedicated to the administration of music copyright through the effective and efficient collection and distribution of royalties.

3.1 Rights Managed by the CMOs and Membership

Collective Management Organizations are membership driven. The interest of rights holders is the core reason for the existence of a CMO. It is only when a CMO has members that it would have the rights to license out to users. Table 6 shows the types of rights that the CMO has mandate on, the membership strength of each CMO and the available system for registration processes. It is incumbent upon any CMO to follow guiding statutes or regulations in managing the rights of its members or rights holders.

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Table 6: Rights Managed by the CMOs

CMO	Category of works CMO operates	Bundle of rights CMO operates	CMO Mandate from Individual Rights Holders	Member Associations CMO has mandate from	Registration systems and number of works
COSBOTS	<ul style="list-style-type: none"> • Musical Works • Audiovisual Works • Literary Works • Other 	Copyright & Related Rights	1,739	7	<ul style="list-style-type: none"> • WIPO Connect. (Manual, Computerized and Online). • Musical works (15,000)
COPYGHANA	<ul style="list-style-type: none"> • Literary works 	Copyright	8,000	5	Literary works (20,000)
COSOMA	<ul style="list-style-type: none"> • Musical Works • Audiovisual works • Literary Works 	Copyright & Related Rights	8,500	10	<ul style="list-style-type: none"> • Computerized system. WIPOCOS, WIPOCONNECT • Musical works (82,303) • Literary works (342) • Sound recording (6,207) • Audiovisual works (420) • Artistic works (1)
COSOTA	<ul style="list-style-type: none"> • Musical Works • Audiovisual works • Literary Work • Other 	Copyright & Related Rights	N/I	N/I	<ul style="list-style-type: none"> • Online System. WIPOCOS • -Musical works (6,607) • Audiovisual works (1,902) • Literary works (1,326)

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CMO	Category of works CMO operates	Bundle of rights CMO operates	CMO Mandate from Individual Rights Holders	Member Associations CMO has mandate from	Registration systems and number of works
COSOZA	<ul style="list-style-type: none"> • Musical Works • Audiovisual works • Literary Work • Other 	Copyright & Related Rights	1,067	2	<ul style="list-style-type: none"> • Manual and Computerized • (WIPOCOS) & Audio Monitoring System) • Musical works (22,686) • Audiovisual works (299) • Literary works (437) • Artistic works (100)
COSOL	<ul style="list-style-type: none"> • Musical Works • Audiovisual works • Literary Work • Other 	Copyright & Related Rights	113	2	<ul style="list-style-type: none"> • Manual, computerize and online platforms • Musical works (211) • Sound recording (115) • Audiovisual works (105) • Literary works (81) • Artistic works (65)
CAPASSO	Musical works	Copyright	2,402	701	Online & Manual Musical works (under 2.5 million)

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CMO	Category of works CMO operates	Bundle of rights CMO operates	CMO Mandate from Individual Rights Holders	Member Associations CMO has mandate from	Registration systems and number of works
MCSK	<ul style="list-style-type: none"> • Musical works • Audiovisual works 	<ul style="list-style-type: none"> • Copyright • Copyright 			
NASCAM	<ul style="list-style-type: none"> • Musical works • Other 	Copyright & Related Rights	N/I	N/I	Online and Computerized system (COSIS)
UPRS	<ul style="list-style-type: none"> • Musical works • Audiovisual works 	Copyright & Related Rights Copyright	3,007	N/I	Manual
PRISK	<ul style="list-style-type: none"> • Musical works • Audiovisual works 	Related Rights	4,033	N/I	<ul style="list-style-type: none"> • Online: Distro membership System • Sound recording (3,774) • Audiovisual works (368)
ZAMCOPS	Musical works	Copyright	8990	N/I	<ul style="list-style-type: none"> • Computerized • Musical works (100101)
ZARRSO	Literary works	Copyright	67	4	<ul style="list-style-type: none"> • Manual • Literary works (137) • Artistic works (7)
ZIMURA	Musical works	Copyright	3232	N/I	<ul style="list-style-type: none"> • Manual and Computerized system. • Musical works (72,051).

4.0 GOVERNANCE ISSUES IN ARIPO MEMBER STATES CMOs

ARIPO Member States CMOs have over the years improved significantly in the area of transparency, accountability and governance. The findings shows that all the participating CMOs have Boards of Directors who have oversight responsibilities to the administrative arm of the CMO (that is the CMO office). It was also noted that except for Copyright Society of Liberia (COSOL), all CMOs report to the national copyright office. The exception is with Malawi and United Republic of Tanzania (mainland and Zanzibar) which double as both the copyright office and CMO, but they have Board of Directors.

Good Governance is also very crucial as CMOs deal with royalties that belong to quite a significant number of right holders. How CMOs conduct themselves is critical for winning more members, signing contracts with users and increasing their mandates. This is one of the reasons why WIPO in collaboration with its partners developed the CMO Tool kit.

4.1 Board Members

Table 7 below represents the board compositions of the CMOs. The pattern and number of members varies and slightly different from each CMO. However, there is significant similarities in the composition itself almost all CMOs indicated rights holder representatives and also Copyright Offices or governments representatives. The Board of Directors plays a key role in ensuring that the organisations they lead follow their mandates and ensure there is accountability and transparency at operational level of the organisation. The election of Board of Directors and their roles, responsibilities and powers need to be defined in the constitution (or other establishing instrument) of an organisation they lead.

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Table 7: CMO Board Composition

CMO	Composition of Board	Number of Board Members	Total
COSBOTS	Individuals	6	10
	Associations	3	
	Government representative from Ministry	1	
COPYGHANA	Right holder representatives	10	12
	Copyright Office	1	
	Other	1	
COSOMA	Individuals	4	9
	Associations	2	
	Government representatives from Ministry	3	
COSOZA	Right holders	4	10
	Individuals	1	
	Cooperates	4	
	Copyrights Office	1	
COSOL	Right holders' representatives	5	9
	Individuals	1	
	Associations	1	
	Cooperates	1	
	Copyright Office	1	
CAPASSO	Right holder representative	3	8
	Individuals	3	
	Independent	2	
PRISK	Right holder representatives	7	7

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CMO	Composition of Board	Number of Board Members	Total
NASCAM	Rights holders	4	6
	Associations	1	
	Government representative from Ministry	1	
MCSK	Copyright Office	1	2
	Government Office	1	
UPRS	Rights holders representatives	13	13
ZAMCOPS	Right holder representatives	8	9
	Copyrights Office	1	
ZARRSO	Individuals	5	9
	Associations	2	
	Copyright Office	1	
	Other	1	
ZIMURA	Right holders	7	8
	Individuals	1	

4.2 Employees in CMOs

The everyday operations of CMOs are carried out by employees of the CMO. ARIPO Member States CMOs have employees in finance, licensing, documentation, human resources and legal departments and most of the CMOs are headed by Chief Executive Officers or General Managers. On the other hand, the study did not investigate the actual functions of each employee to determine their contribution to the ability of a CMO to license out works and generate income for their members. Table 8 below, shows a significant increase in the number of employees and changing patterns since 2011 to 2020.

Table 8: Number of Employees of each CMO

CMO	Number of Employees. (2011)	Number of Employees (2014)	Number of Employees (2020)	Change in Numbers
COSBOTS	9	12	24((22 Permanent and 2 Contract)	+12
COPYGHANA	2	4	24	+20
COSOMA	11	18	25(24 permanent and 1 Contract)	+7
COSOTA	17	20	8	-12
COSOZA	N/I	10	27	+17
COSOL	N/A	1	17	+16
CAPASSO	Not Reported	Not Reported	26(22 Permanent and 4 Contract)	-
MCSK	N/I	98	70 Permanent	-28

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CMO	No of Employees. (2011)	No. of Employees (2014)	Number of Employees (2020)	Change in Numbers
NASCAM	10 (5 permanent, 5 part-time)	9 (5 permanent + 4 Contracts)	13	+4
UPRS	N/I	13	13	-
PRISK	1	8(5 full time and 3 part-time)	32(23 permanent, 2 Contract and 7 Others)	+24
ZAMCOPS	10	11	12	+1
ZARRSO	3	N/I	4	+1
ZIMURA	21	27	28	+1

4.3 Medium of Communications by CMOs

CMOs deal with royalties that belong to right holders. Therefore, it becomes crucial for them to be trusted by their members, users, public and other stakeholders. Transparency is measured by the type, level and ease of access to information that is availed to internal and external stakeholders, and at times the public at large. For CMOs, the information they avail to their members, users and the public is an important element in their existence. All the CMOs indicated that they publish annual reports to the public through their websites. Most CMOs also indicated the use of electronic and print media as mediums of communication. Table 9 below, clearly shows that all the CMOs, do have operating websites and that they also use social media platforms such as Facebook, Twitter, Instagram, WhatsApp and regular messages to disseminate information to their members and the public at large.

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Amongst the different information disseminated are Annual General Meeting reports, license renewal ceremonies, tariff guideline and other important events and publications.

Table 9: Medium of Communications by CMOs

CMO	Available information to the public	Website	Social Media Platforms
COSBOTS	<ul style="list-style-type: none"> • AGM reports • Tariff guidelines and • Other publications. 	www.cosbots.com	<ul style="list-style-type: none"> • Facebook, • WhatsApp, • Instagram • Twitter • SMS
COPYGHANA	<ul style="list-style-type: none"> • AGM reports • Tariff guidelines and • Other publications. 	www.copyghana.org.gh	<ul style="list-style-type: none"> • WhatsApp • SMS
COSOL	<ul style="list-style-type: none"> • N/I 	www.lipo.gov.lr	N/I
COSOMA	<ul style="list-style-type: none"> • AGM reports • Tariff guidelines and • Other publication. 	www.cosoma.mw	<ul style="list-style-type: none"> • Facebook: COSOMA page, • WhatsApp: COSOMA Platform,
COSOTA	<ul style="list-style-type: none"> • AGM reports • Tariff guidelines and • Other publication 	www.cosota.go.tz	<ul style="list-style-type: none"> • Facebook: The copyright society of Tanzania • Instagram: cosotatanzania
COSOZA	<ul style="list-style-type: none"> • AGM reports • Tariff guidelines and • Other publication. 	http://www.cosoza.or.tz	<ul style="list-style-type: none"> • Facebook: Cosoza Zanzibar • Instagram: cosoza_zanzibar • SMS: +255 776 664040 • Twitter: COSOZA_ZANZIBAR

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CMO	Available information to the public	Website	Social Platforms	Media
CAPASSO	<ul style="list-style-type: none"> • AGM reports • Tariff guidelines and • Other publications. 	https://www.capasso.co.za/	<ul style="list-style-type: none"> • Facebook • WhatsApp • Instagram • Twitter : @capassohub 	
UPRS	<ul style="list-style-type: none"> • AGM reports • Tariff guidelines and • Other publications. 	www.uprs.ug	<ul style="list-style-type: none"> • N/I 	
NASCAM	<ul style="list-style-type: none"> • AGM reports • Tariff guidelines and • Other publications. 	www.nascam.org	<ul style="list-style-type: none"> • WhatsApp • SMS 	
MCSK	N/I	https://mcsk.or.ke/	Facebook	
PRISK	<ul style="list-style-type: none"> • AGM reports • Tariff guidelines and • Other publication. 	https://web.prisk.or.ke/	<ul style="list-style-type: none"> • Facebook: PRISKKENYA • Instagram: PRISKKENYA • Twitter: @Priskkenya 	
ZARRSO	<ul style="list-style-type: none"> • AGM reports • Tariff guidelines, and • Other publications. 	www.zarrso.org	<ul style="list-style-type: none"> • www.facebook.com/ZARRSO/ 	
ZAMCOP S	<ul style="list-style-type: none"> • AGM reports • Tariff guidelines and • Other publications 	www.zamcops.org	<ul style="list-style-type: none"> • Facebook • SMS 	
ZIMURA	<ul style="list-style-type: none"> • AGM reports • Tariff guidelines and • Other publications 	www.zimura.co.zw	<ul style="list-style-type: none"> • Facebook: zimura • WhatsApp: zimura • Instagram: zimuraonline • Twitter: zimuraonline 	

5.0 ENFORCEMENT ACTIVITIES

Collective management of copyright and related rights in ARIPO Member and Observer States has not been confined to collecting and distributing of royalties to its members and rights holders. It was observed that ten (10) CMOs indicated that they are also involved in anti-piracy activities. For example, CopyGhana reported that a Copyright Monitoring Team (CMT) was set up under the Copyright Act of 2005. The CMT works directly under the Copyright Office and their main function is to monitor the unauthorised usage and abuse of copyright works. Other CMOs such as COSOMA, COSOTA, COSOZA and UPRS reported that they do conduct raids, seize equipment used to pirate works, burn infringed materials. It was observed that COSOMA has conducted raids in major cities namely: Lilongwe, Blantyre and Mzuzu. They went further to state that they had also conducted trainings for artist on how they can handle piracy especially in the digital environment and trainings for police prosecutors and investigators as well as media practitioners on copyright piracy was undertaken.

In the area of awareness creation, NASCAM and COSOL reported that they do engage the radios and TVs to increase awareness on copyright piracy. For example, NASCAM indicated providing warning messages and anti-piracy statements in the newspapers and on radio and TV. COSOL reported engaging electronic media institutions through the creation and publishing of short clips on copyright piracy. Unfortunately, none of the CMOs have published anti-piracy statements. ARIPO encourages the CMOs to have published anti-piracy statements to create more awareness.

Furthermore, UPRS reported that they carry out enforcement activities against the pirates and infringers of copyrighted works by seizing the infringing machines and litigations. As for ZIMURA they reported that they do participate in USALAMA

operations, organised by the International Criminal Police Organization (INTERPOL) to collectively conduct raids for infringed and counterfeit goods in Zimbabwe and across Africa.

Finally, COSBOT asserted that anti-piracy is the mandate of the Copyright Office and they only offer assistance and education where necessary, while ZAMCOPS stated that they work in close cooperation with the law enforcement agencies. Findings from almost all participating CMOs show that, despite that the fight against piracy is under the purview of the copyright office, CMOs initiate or cooperate with the copyright offices and other enforcement agencies to enforce the rights of their rights holders.

6.0 FINANCIAL STATUS

The business of CMOs is to promote legal access to the copyright protected works of its members by licensing these works to users, collecting and distributing royalties to its members whose works have been used by licensed users. It was observed that the main source of income for the CMOs is domestic licensing except for CAPASSO, NASCAM and ZIMURA that indicated that they also received international income and COSOZA was the only CMO that reported receiving government subsidies. The domestic licensing incomes received by the CMOs varies, as ten (10) generate income from public and private broadcasting licenses, nine (9) from public performance licenses, eight (8) from communication to the public, three (3) from private copy remuneration, four (4) from digital licensing, six (6) from reproduction physical and downloads and three (3) indicated other sources to their CMO income.

6.1 Royalty Collections

CMOs survival depends on royalty collections and distribution. CMOs are required to ensure that royalties collected are adequately distributed. On that note, Table 10 below captures income segmentation presented by eight (8) out of fourteen (14) CMOs. The presented figures show the status of royalty collected by seven (7) CMOs, between 2017 to 2019. However, one (1) from the eight (8) CMOs indicated that they had not started collecting royalty at the time of reporting, while five (5) CMOs did not provide information on their income and expenditure including royalty collections.

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Table 10: CMOs Royalty Collections

CMO	Royalty Collection 2017 in USD (\$)	Royalty Collection 2018 in USD (\$)	Royalty Collection 2019 in USD (\$)
COSBOTS	N/I	\$1,217,840	\$1,103,660
COSOL	N/A	N/A	N/A
COSOMA	N/I	\$412,679	\$1,034,230
COSOTA	N/I	-	\$208,650
COPYGHANA	N/I	-	\$84,213,200
MCSK	862,132	\$1,078,770	
PRISK	N/I	-	
UPRS	N/I	-	
ZARRSO	69,647.3	\$80,034.2	
ZAMCOPS	N/I	-	
ZIMURA	2,923.34	\$3,255.24	

Table 11: CMOs Distributed Royalties

CMO	Distributed Royalties 2017 in USD (\$)	Distributed Royalties 2018 in USD (\$)	Distributed Royalties 2019 in USD (\$)
COSBOTS	N/I	\$360,882	\$190,134
COSOL	N/A	N/A	N/A
COSOMA	N/I	\$1,874,090	-
COSOTA	N/I	-	\$20,194.9
COSOZA	N/I	-	-
COPYGHANA	N/I	-	\$199,481
MCSK	N/I	\$499,853	\$8,819,130
PRISK	N/I	-	-
ZIMURA	\$1,661.98	\$1,983.08	-

The frequency of distribution was identified to be once or twice annually. It was observed that not all the CMOs that had collected royalties presented distribution segmentation. Findings reveals that CMOs had indicated factors that have contributed to increase or decrease in their income and strategies to improve collections and distribution of royalties provided below. Major goals have been set to enhance the activities of the CMOs.

6.2 Factors for the Increase or Decrease of Income

Twelve, (12) CMOs provided factors that have contributed to the increase or decrease in their income. Only 1 CMO reported increase in their income due to the payment of outstanding arrears by state broadcasters, the introduction of remuneration on private copy, involving artist in the collection of royalties, increase in staff output, more especially licensing department enforcement and digital licensing. Eleven (11) CMOs indicated various factors for the decrease in their income. This includes: slop in national economies leading to the closing of retailers, unable to license all regions due to limited funds, loss of revenue by broadcasters, non-compliance by users of copyright, lack of adequate human resources, insufficient awareness amongst users and rights holders, lack of proper or effective data collection and distribution tool and the lack of adequate legal and administrative frameworks to exploit copyright in the digital environment.

6.3 CMO Strategies

Considering, the above, CMOs have established different strategies to address the challenges in order to increase income. Some of the strategies includes lobbying government to amend copyright laws and implementing regulations, deploy effective tools to identify and monitor copyright usage, increase awareness among users and rights holders, collaborate with stakeholders to enforce copyright, review tariff guidelines, maintain high standards of operations, introduction of user performance

appraisal, introduce flexible payments systems such as, mobile money, undertake research on best practices for collection and distribution of royalties and increase the output of their CMOs, including team building and motivational trainings.

6.4 Major Goals of CMOs

All the CMOs, except one, has listed major goals or actions for the next 12 to 24 months. The goals reported by CMOs includes: the engagement of government on the licensing of public educational institutions for RROs, implementation of repertoire database, enhance the promotion and protection of copyright and related rights, increase awareness and intensify the campaign on copyright piracy. It was also indicated that, there is need to improve or amend legal and administrative frameworks, migrate from manual to digital or online systems, seek financial and technical support to acquire new servers, undertake licensing of digital service providers, capacity building for staff on licensing and distribution mechanisms, digitize licensing and distribution processes, deploy tools such as BMT and WIPO Connect, the usage of Tentacle licensing software application and establish a joint pan-African licensing mechanism.

7.0 CHALLENGES FACED BY CMOs

The challenges identified by the CMOs are similar to previous challenges reported during the CMO Survey of 2016. These challenges came out clearly as they responded to questions relating to the Administration of their members rights. This section sums up issues that were raised as challenges faced.

- i. Delay in amendment of copyright laws and development of regulations;
- ii. Users' unwillingness to pay royalties;
- iii. Low awareness on copyright laws by users and general public;
- iv. Copyright piracy;
- v. Inadequate manpower;
- vi. Inadequate resources;
- vii. Inadequate capacity to license educational institutions for RROs;
- viii. Lack of meta data to distribute royalties across borders; and
- ix. Lack of effective ICT infrastructure and software tools to administer rights in the digital environment.

7.1 Impact of Covid-19 on CMOs in ARIPO Member and Observer States

The global health crisis caused by the novel coronavirus has severely affected CMOs income. It was observed that CMOs highly rely on physical inspection for royalty collections, which is amongst the key mandates of CMOs, to collect and distribute royalties to their members. The situation has forced most of the revenue streams of CMOs to be shut down, namely, hotels, tourism industries, restaurants, nightclubs, copy shops, libraries and educational institutions, retail stores and several other public places where copyright works are used.

The daily activities of the CMOs' members have significantly been affected as well, from studio recording, promotions, business merchandising, etc, as the world focuses more on life safety against entertainment services. Nevertheless, billions of people around the world turn to the creative industries for comfort and connections, amplifying the important role of the creative sector.

The impact of Covid-19 has not spared ARIPO Member and Observer States CMOs, for instance some CMOs reported that 70% to 90% of their users are closed and are considering to scale down number of staff or cut down salaries. Another CMO indicated that they have already cut down on staff.

It is estimated that CMOs expect a drop of between 20% to 40% in royalty collections, if the situation remains like this. The broadcasting organizations and telecommunication companies are major users of copyright content during this Covid-19 pandemic, although not all are compliant to royalty payment. Low collection of royalties can also be attributed to the drop in advertisement revenues from broadcasting organizations.

In addition to the above, The International Federation of Reproduction Rights Organization (IFRRO) conducted a survey report on response to the Covid-19 pandemic by the IFRRO members

Findings from that survey shows that 40% of respondents have already received application for license extension or fee relief. Almost 70% are making projections about the negative long-term impact of the crisis on their licensing income. Around 50% had worked with authors and publishers to extend their existing licenses to enable remote learning and support home working. A similar proportion have also developed entirely new licenses, such as for online book readings or remote access

Despite the forced closure of public events and activities, which are the backbone of creators, artists and performers, players in the copyright sector have responded to this challenge with the kind of ingenuity you would expect from highly creative minds.

8.0 OBSERVATIONS AND RECOMMENDATIONS

8.1 Observations

This section discusses key observation made from the data received from CMOs. Seven (7) key observations were made and they are as follows:

1. The survey reveals a slight decrease in the growth of collective management of copyright. The decrease is shown by;
 - i. Reduction in the number of operating CMOs, despite the establishment of a new CMO in 2018 in Lesotho;
 - ii. Reduction in the collection of royalties and
 - iii. Reduction in the distribution of royalties.
2. Survey findings shows an improvement in the governance of the CMOs. This includes
 - i. Improved transparency, as all CMOs reported to avail their annual reports and financial reports on their Websites;
 - ii. Open communications to members, users and the public using various platforms including social media;
 - iii. Increase in the number of staff except for two (2) CMOs that participated in the 2016 survey that reported decrease in their staff;
 - iv. Almost all CMOs reported some sought of supervision;
 - v. Minimum of six (6) member Board composition;
 - vi. Annual General Meeting held regularly.
3. It was observed that, CMOs have been engaged in enforcement activities with enforcement agencies, some have even undertaken MOUs with authorities in the fight against piracy.

4. It was observed that CMOs have established written vision and mission statements and only one CMO did not indicate major goals they intend to achieve in 12 to 24 months.
5. The survey reveals that there is need for CMOs to exploit the digital space to improve on their royalty collections.
6. It was observed that RROs seem to be challenged in the licensing of public educational institutions.
7. It was observed that most of the existing legal and administrative frameworks requires reviews.

8.2 Recommendations

In view of the observations, the following recommendations are therefore made:

1. There is need to implement laws and regulations that will respect and remunerate the rights of the creators, accommodate the exploitation of copyright and related rights in the digital environment and exploit private copy remuneration. This could yield dividend as CMOs membership and administrative cost keep increasing, while revenue is decreasing;
2. National or regional solidarity fund to be established for unprecedented times, such as Covid-19. The coronavirus pandemic has exposed how vulnerable the creative industries is, so there is need for mitigation plans for future occurrence of the same or any other pandemic;
3. There is need for a national approach to improve or expand internet infrastructures, broadband access and bandwidth to be accessible to the creative industries in their countries, as creative activities move content online which attracts wider audience;

4. Incorporating virtual or digital elements as an additional business strategy such as digital performances, subscription based digital content streams and virtual festivals and exhibitions;
5. Need to adequately train dedicated human resource and government support to the enforcement of the copyright laws and copyright compliance;
6. To encourage and support CMOs to take metadata seriously. This will facilitate effective digital licensing and CMOs may explore possibilities for a digital licensing hub in the continent;
7. ARIPO should continue carrying out researches and surveys (or other means of continuously gathering information) to measure the growth in collective management in the Member States. For ease of comparisons and measuring the trends, the studies should be carried annually or at other intervals as may be deemed suitable;
8. Future Online CMO surveys should be done in phases to reduce the length of questionnaire, for example first phase could be on profiles or financial status of the CMO. This will be precise and detailed. The following are some of the issues that need to be investigated and shared across CMOs:
 - i. What are the benefits of blockchain technology to collective management?
 - ii. What is the position of CMO in embracing the new technology?
 - iii. How CMOs make use of benevolent or social funds?
 - iv. Find out if CMOs have established strategic plans.
9. ARIPO needs to work with Member States and partners such as NORCODE, WIPO IFRRO, CISAC, IFPI, SCAPR and AISGE to technically assist CMOs in deploying adequate online registration, collection and distribution systems;

10. Encourage Member States to take advantage of private copy remuneration system for increased income;
11. Increase the establishment of RROs or implementation of RROs mandates in the ARIPO region and address challenges that are specific to RROs, such as licensing of public educational institutions;
12. There is need to investigate and engage with Member States and partners to address the decrease in the number of CMOs and strengthen the existing CMOs and establish CMOs in the remaining Member States.

The following need to be worked on;

- i. Reason for the decrease and propose recommendation to be implemented with support from ARIPO and partners;
 - ii. Where the law provides for the establishment of CMO(s), find out what are the hindrances and assist in addressing those; and
 - iii. Where the law does not provide for the establishment of the CMO engage with the national office to lobby the government, establish support that is needed to ensure that ultimately, CMOs are established.
13. ARIPO and partners to continue offering technical support to newly established and existing CMOs in areas such as but not limited to, Transparency, Accountability and Governance (TAG), licensing negotiations and online collections and distributions of royalties;
 14. ARIPO and partners to assist CMOs in capacity building and increase awareness, more especially amongst its membership and users;

15. ARIPO needs to continuously work with its partners to study the development and growth of collective management in its Member States. In order to ensure accuracy and reliability of information provided, there is need to devise strategies for information gathering and verification;
16. There is need to encourage all ARIPO Member and Observer States CMOs to participate in future surveys. This will assist ARIPO and its partners to provide comprehensive evidence-based information to guide policy decisions in the development of CMOs across ARIPO Member and Observer States;
17. ARIPO and partners should continue and expand the CMO mentorship program to established CMOs. Newly established CMOs may continue receiving mentorship from well-established ARIPO and Observer States CMOs, while well-established CMOs may receive mentorship from CMOs from other continents like Europe, Asia and Latin America. This could be achieved through partnerships with organisations such as NORCODE, IFRRO, IFPI, AISGE, CISAC and WIPO, which already have such programs;
18. Encourage Member States and Observer States to adhere to and domesticate international copyright and related rights instruments;
19. Encourage CMOs to deploy environmentally friendly methods to confiscate infringing items that are seized;
20. In future surveys, explore:
 - i. how CMOs make use of the benevolent fund or social welfare funds; and
 - ii. whether CMOs have strategic plans.

9.0 CONCLUSION

Despite the decrease in the number of CMOs across the 14 ARIPO Member States that participated, the survey reveals a significant improvement in the governance system as compared to the findings of the CMO Survey that was conducted in 2016, albeit fourteen (14) CMOs participating compared to twenty five (25) in the previous survey. Data reveals that CMOs have established functioning Board, which provide guidance and ensure there is accountability and transparency at operational level of their CMOs. Another positive outcome was that all CMOs have vision and mission statements to guide their activities. It was also, observed that, there is a slop in royalty collections making it difficult for CMOs to distribute accordingly. This was attributed to low income versus increase in membership. The statistics point towards the need to strengthen CMOs in the Member States by diversifying their royalty collection streams, through the exploitation of the digital environment and private copy remuneration. This will increase CMO income especially for those that have not yet started benefiting from these sources of income and in turn benefit their members and right holders at large.

It is very prudent for ARIPO, in collaboration with its partners, to continuously study CMOs to determine the status of collective management in the Member and Observer States and also investigate reasons behind certain patterns that seem to form in the area. Reason being the business of CMOs is a continuous process and Covid-19 has exposed the sector's vulnerability to an extent that, damages already caused by the pandemic are very huge. Nonetheless, the need for support from public private partnerships (PPP), solidarity and collaboration amongst the CMOs through the gathering and sharing of information can assist to measure themselves against other CMOs as well as facilitate the sharing of experiences for the benefit of their members.

