

**Consolidated
Comparative Study
on Copyright Laws of
ARIPO Member States
and their Adherence
to International
Instruments on
Copyright and
Related Rights**

**CONSOLIDATED COMPARATIVE
STUDY OF COPYRIGHT LAWS
OF ARIPO MEMBER STATES
AND THEIR ADHERENCE TO
INTERNATIONAL INSTRUMENTS
ON COPYRIGHT AND RELATED
RIGHTS**



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EXECUTIVE SUMMARY

The Copyright and Related Rights mandate was included in 2002 to the African Regional Intellectual Property Organization (ARIPO). This called for ARIPO to develop and implement strategies through which it can promote and support growth and effectiveness in the administration, management and enforcement of copyright and related rights in the Member States and Africa. As a result this research was undertaken by ARIPO and represents the position on stated variables based on available literature. The report presents a comparative study of eighteen of the ARIPO Member States, whose copyright and related rights laws were reviewed at length as part of the study. These are (Botswana, Kingdom of Eswatini, The Gambia, Ghana, Kenya, Lesotho, Liberia, Namibia, Malawi, Mozambique, Rwanda, São Tomé and Príncipe, Sierra Leone, Sudan, Tanzania, Uganda, Zambia and Zimbabwe).

The study further looks at the adherence to international treaties and conventions related to copyright and related rights of the eighteen ARIPO Member States, mentioned above, as well as the benefits of international instruments both at the broad level and on a country-specific level. This is one of the tools that could inform ARIPO, its Member States and the general public of the status of compliance to international treaties and conventions and the national laws on copyright and related rights. Such information will contribute towards advising Member States on policy issues, harmonizing the laws and also improving the national legislations for the benefit of all stakeholders nationally and internationally so as to ensure growth and development in the copyright and related rights arena.

Fernando dos Santos
Director General

ACRONYMS & ABBREVIATIONS

ACRONYM	
ARIPO	African Regional Intellectual Property Organization
Act	Copyright and Related/Neighbouring Rights Act
Art.	Article
CIPA	Companies Intellectual Property Authority
COSBOTS	Copyright Society of Botswana
CopyGhana	The Reproduction Rights Organization of Ghana
COSOTA	Copyright Society of Tanzania
COSOMA	Copyright Society of Malawi
CMO	Collective Management Organisation
GDP	Gross Domestic Product
ICT	Information Communications Technologies
IP	Intellectual Property
KECOBO	Kenya Copyright Board
KOPIKEN	The Reproduction Rights Society of Kenya
KAMP	Kenya Association of Music Producers
KOPIKEN	The Reproduction Rights Society of Kenya
MINICOM	Ministry of Trade and Industry
NAMRRO	Namibian Reproduction rights Organization
NISR	Rwanda National Institute of Statistics
PRISK	Performers Rights Society of Kenya
PACRA	Patents and Companies Registration Agency
ppp	Purchasing Power Parity
PPP	Public Private Partnership
RDB	Rwanda Development Board
RSAU	Rwanda Society of Authors
Sq Km	Square Kilometre
TPM	Technological Protection Measure
URSB	Uganda Registration Services Bureau
UFMI	Uganda Federation of Movie Industry
UPRS	Uganda Performing Rights Society
URRO	Uganda Reproduction Rights Organization
USD	United States Dollars
SOMAS	Associação Moçambicana de Autores
ZAMCOPS	Zambian Music Copyright Protection Society
ZARRSO	Zambia Reproduction Rights Society
ZIMURA	Zimbabwe Music Rights Association
ZIMCOPY	Reproduction Rights Organisation of Zimbabwe
ZIPO	Zimbabwe Intellectual Property Office

ACKNOWLEDGMENT

This desk research is a result of concerted efforts by the African Regional Intellectual Property Organization (ARIPO) in its quest to bring value and growth transformation within the Member States copyright and related rights legislations through the comparative study of their laws on copyright and related rights. Many thanks go to ARIPO's Anderson Ray Zikonda Library for the favorable environment availed to conduct this desk research. We thank the Member States who gave their inputs to improve this study and all colleagues who assisted in one way or the other to make this work a success.

I. BACKGROUND

In implementing its mandate on Copyright and Related Rights, ARIPO undertook a comparative study on copyright laws of its Member States and their adherence to international instruments on copyright and related rights with the view to study the legal regimes on copyright and related rights. This includes; identification of provisions and gaps in the copyright laws and their compliance to international instruments on copyright and related rights. The study will contribute towards advising Member States on policy issues, harmonizing the laws and also improving the national legislations for the benefit of all stakeholders nationally and internationally so as to ensure growth and development in the copyright and related rights arena.

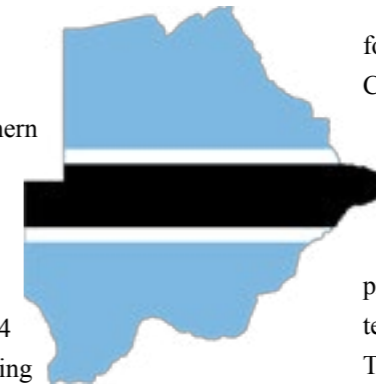
The review reveals that the copyright laws of countries understudy were enacted as follows: Botswana – 2006, Ghana – 2005, Kenya – 2001, Rwanda – 2009, Sierra Leone – 2011, Uganda – 2006, Mozambique - 2001, Sudan - 2013, Lesotho - 2015, Kingdom of Eswatini - 2018, the Gambia - 2004, Liberia - 2016, Zimbabwe - 2005 and Zambia - 2010, Tanzania - 1999, Malawi - 2016, Namibia - 1994, São Tomé and Príncipe - 2017.

In the case of Somalia, it is not possible to obtain reliable responses due to the prevailing political situation. The studies applied desk research on comparative study of the copyright and related rights regime in the eighteen countries.

II. COUNTRY PROFILES

(i) Botswana

Botswana is situated in Southern Africa surrounded by Angola, Zambia, Zimbabwe, South Africa and Namibia. The country has a total land size of 581 730 sq. km; a population of 2 155 784 (July 2014 est.); a GDP purchasing power parity of USD 34 Billion and an 85.1% literacy rate. A study on the contribution of the creative industry on the GDP has been undertaken in 2018. In the draft report creative industries surpass other important sectors such as water and electricity (0.3%); agriculture (2%); manufacturing (5.20%). In 2016 the industries contributed 5.46% to GDP and 2.66% to the total labour force. Music, photography and dramatic works are some of the major copyright sectors which contribute to the national economy. The key industries are mining, livestock agriculture and textiles. The currency used is the Botswana Pula.



for the better carrying out of the purposes and provisions of the Copyright and Neighbouring Act and this Act; and exercises any other powers conferred on it by the Act or any other Act, or which the Minister may by regulations prescribe.

The Copyright and Neighbouring Rights Act of Botswana provides for technical device levy which is charged on all technical items with potential to copy protected works. The Levy on Technical Devices Fund was established and is used to fund projects whose intended objective is to promote creativity in Botswana. The Technical Devices Fund Committee issues open calls inviting individuals, government departments, associations, nongovernmental organisations and private entities to submit project proposals to be considered for funding.

The Copyright Society of Botswana (COSBOTS) is the Collective Management Organization in Botswana, incorporated in 2008 as a Private Company limited by guarantee. COSBOTS is mandated by the Copyright and Neighbouring Rights Act CAP 68:02 to among others license and collect royalties from users of copyright works and distribute to right holders. By virtue of representing copyright owners or owners of protected works, that is music, photography, film and video, visual arts, literary and dramatic works; through legislation by the Copyright and Neighbouring Rights Act CAP 68:02.

In Botswana there is an established system for intellectual property. The Companies and Intellectual Property Authority (CIPA) has three Offices within the Authority, namely, the Companies and Business Names Office, the Industrial Property Office and the Copyright Office.

CIPA's functions include promoting and enabling the full protection of the rights of investors and right-holders obtained under the Companies Act, Registration of Business Names Act, Industrial Property Act and Copyright and Neighbouring Rights Act. The Copyright Office is responsible for all matters affecting copyright in Botswana; supervises the activities as provided for under section 36A of the Copyright and Neighbouring Rights Act; maintains an effective database on copyright matters and on authors and their works; maintains a register of works published in Botswana; issues a licence, prescribed by the Minister, for the operation of the Copyright Society; designs and issues the security device under section 35A of the Copyright and Neighbouring Rights Act; administers the fund established under section 35G (2) of the Copyright and Neighbouring Rights Act; be responsible for such matters related to copyright, as the Minister may direct

(ii) Kingdom of Eswatini

Eswatini is situated in Southern Africa, bordered by Mozambique and South Africa. The country has a total area size of 17,364 sq. km; a population of 1,419,623 (July 2014 est); GDP (purchasing power parity) of USD 6.259 Billion (2013 est.); and a literacy rate of 87.8% of the total population. The main contributors to the GDP according to 2013 estimates are agriculture (7.6%),



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industry (47.8%) and Services (44.6%). The main industries are coal, wood pulp, sugar, soft drink concentrates, textiles and apparel. The currency used in Eswatini is the emalangeni.

Eswatini was not part of the survey on the status of CMOs in ARIPO Member States undertaken by ARIPO in cooperation with NORCODE published in 2016 as at that time the Copyright Act 1912 had no provision on the establishment of CMO. Currently there is a new law Copyright and Neighbouring Rights Act 2018 which provides for copyright and neighbouring rights Society of Swaziland. Eswatini has not undertaken a creative industries study.

(iii) The Gambia



The Gambia (Gambia) is situated in West Africa, bordered by the Senegal and the North Atlantic Ocean. The country has a total land size of 11,295 sq. km; a population of 1,925,527 (July 2014 est); GDP (purchasing power parity) of USD 3,678 Billion (2013 est.); and a literacy rate of 51.1% of the total population. The main contributors to the GDP according to 2013 estimates are agriculture (19.7%), industry (12.6%) and Services (67.7%). The main industries are processing peanuts, fish and hides, tourism, beverages, agricultural machinery assembly, woodworking, metalworking and clothing. The currency used in the Gambia is the Gambian Dalasis.

The Gambia has a functional industrial property office run by the Attorney Generals Chambers under the Ministry of Justice. Copyright is governed under the Copyright Act of 2004 which includes provisions for Related Rights and for the establishment of the Collecting Society of the Gambia (CSG), a CMO. The Society which was subsequently established in 2014 is responsible for all rights under the Copyright Act

(Broadcasting, Public Performance, Reproduction, Related Rights). CSG is being mentored by the Copyright Society of Malawi (COSOMA) and CopyGhana with the support from the World Intellectual Property Organization (WIPO) and ARIPO. The Minister of Tourism and Culture on 28 March 2018 signed the regulations that seeks to implement the Copyright Act and encourage reward to creativity. This is a milestone to CSG and the rightholders as collection for usage of their works will be realised. The country has also not yet undertaken the creative industries survey. In an article on the Music in Africa website, Hassoum Ceesay notes that the challenges with copyright in the country include a lethargic collective management organisation and a clear lack of capacity in the sector with Gambia's creative industries still largely in their formative stages. Ceesay further notes that in the book publishing industry there are no book publishers - instead there are editors and printers who print on demand from authors and authors distribute the books themselves, while in the music industry, artists have a limited knowledge of copyright matters and require education on the subject and that the Copyright Office has limited resources, including staff and budget, to undertake its full responsibilities.

(iv) Ghana

The country situated in West Africa, is formerly known as the Gold Coast, and is surrounded by Togo, Cote D'Ivoire and Burkina Faso. Ghana has a total land size of 238 533 sq. km; population of 25 758 108 (2014 est.); a GDP purchasing power parity (ppp) of USD 90.41 Billion and a 71.5 % literacy rate. The main economic activities are estimated at Agriculture (21.5%), Industry (28.7 %) and Services (49.8%). Ghana is reputed for its cloth designs, a rising film industry and the creative industry in general. The currency used in Ghana is the Ghanaian Cedi.

Ghana has not yet undertaken a study on the creative industry's contribution to the national economy but a study



was commissioned by the Musicians Union of Ghana in 2014 titled "Comprehensive Study of the Music Sector in Ghana" funded by the Government of Ghana with the support from World Bank. The study established that the sector is estimated to employ over 27,000 along the value chain and it contributes approximately 0.20% to the GDP of the country.

The copyright system in Ghana is governed by the Copyright Act No. 690 of 2005, which established the Copyright Office responsible for administration of copyright. Its functions include: implementing copyright and copyright related laws and regulations and providing for copyright administration; registering right holders' works, investigating and redressing cases of infringement of copyright, and settling disputes of copyright where those disputes have not been reserved for settlement by the Copyright Tribunal; be responsible for the administration of external copyright relations; administration of copyrights of which the State is the owner; carrying out other duties in relation to copyright administration. A copyright monitoring team was setup too.

The Copyright Office has Copyright Regulations 2010 L.I. 1962 which has provisions to be followed for any person who wants to establish a Collective Management Organization. They have to get the approval of the Minister in writing if they meet the conditions in the regulations such as a body corporate registered as a company limited by guarantee under the Companies Act, 1963 (Act 179). If it is a music, audio-visual rights, performers rights or literary rights society, have to provide evidence of having functional presence in the society. If it is a music rights or performers rights society that it has at least twenty members in each of the regions in which it is functional. If it is a literary rights or audio-visuals rights society that it has at least fifty members at the national level, and each member has at least one published work or holds the entire economic rights on one published work. There are three Collective Management Organization in Ghana. These are Ghana Music Rights Organization (GHAMRO), CopyGhana (Reproduction Rights Organization), and Audio-visual Rights Society of Ghana (ARSOG).

GHAMRO are collecting royalties on behalf of the music right-holders and the right holders are fully involved as they

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accompany GHAMRO officials to negotiate and collect royalties. Distribution of royalties is also done through the use of mobile phones.

Authentication devices will soon be re-introduced in Ghana to mitigate piracy in the country. Piracy kills creativity, piracy is illegal, piracy is unacceptable it needs concerted efforts from all players the public, users, right holders, police, customs, judiciary, copyright office and the CMOs to curb it.

GHAMRO has come up with a system called AGRIMS (Age, Right holders Monthly Stipend) which intends to financially support the retired members of the society. Some of the right holders as they get old some can no longer produce songs. So AGRIMS supports right holders when need arises. It is very helpful to the retired members surety of having something to sustain themselves.

The Audio-visual Rights Society of Ghana (ARSOG) was established in 2011 to protect the rights of owners of Audio-Visual works in Ghana. These right owners are producers, writers and performers. ARSOG collects royalties on behalf of right holders from users.

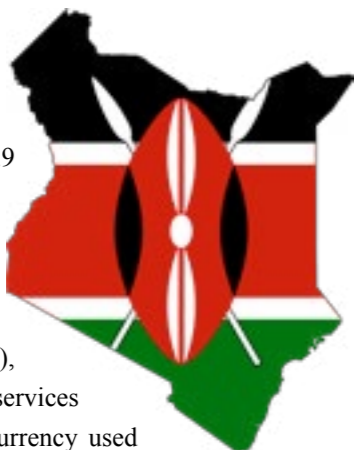
CopyGhana is the Reproduction Rights Organization which has mandate from five (5) member associations namely, Ghana Association Writers, Ghana Book Publishers Association, Ghana Journalists Association, Ghana Association of Visual Artists and Ghana Union of Professional Photographers and other individual rights holders. CopyGhana has licensed four tertiary institutions and ten polytechnics, namely Accra Polytechnic, Bolgatanga Polytechnic, Cape Coast Polytechnic, Koforidua Polytechnic, Ho Polytechnic, Takoradi Polytechnic, Kumasi Polytechnic, Sunyani Polytechnic, Wa Polytechnic and Tamale Polytechnic as at April 2016. Eight (8) of the Polytechnics have been upgraded to Technical Universities with effect from September 2016.

(v) Kenya

Kenya is situated in East Africa and it borders Ethiopia, Somalia, Tanzania, Uganda and Southern Sudan. The country

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has a total area of 580 367 sq. km, a population of 45 010 056, GDP purchasing power parity is at USD 79.9 billion and literacy levels are 87.4 % of the total population. The main economic contributors to GDP are agriculture (29.3%), industry (17.4%) and services (53.3%) (2013 est.). The currency used in Kenya is the Kenyan Shillings. A study on creative industry which was undertaken in 2009 showed that in 2007 copyright industries contributed 5.3 % to GDP and 3.4% to employment.



The Copyright Act Cap 130 governs the copyright system in Kenya. This Act established the Kenya Copyright Board to direct, co-ordinate and oversee the implementation of laws and international treaties and conventions to which Kenya is a party. It also performs all other functions that relate to copyright and other rights recognised by this Act and ensure the observance thereof. Further KECOBO also licenses and supervises the activities of collective management societies as provided for under this Act. KECOBO also devise promotion, introduction and training programs on copyright and related rights, to which end it may co-ordinate its work with national or international organisations concerned with the same subject matter. Apart from this it also organises the legislation on copyright and related rights and propose other arrangements that will ensure its constant improvement and continuing effectiveness. Other functions are to enlighten and inform the public on matters relating to copyright and related rights; maintain an effective data bank on authors and their works; and administer all matters of copyright and related rights in Kenya as provided for under the Act and to deal with ancillary matters connected with its functions.

KECOBO grants certificates of registration for a period of twelve months from date of issue to associations who have satisfied the criteria to carry on the collective administration of copyright that include: the body is a company limited by guarantee and incorporated under the Companies Act (Cap.

486); it is a non-profit making entity; its rules and regulations contain such other provisions as are prescribed, being provisions necessary to ensure that the interests of members of the collecting society are adequately protected; its principal objectives are the collection and distribution of royalties; and its accounts are regularly audited by independent external auditors elected by the society.

KECOBO shall not approve another collecting society in respect of the same class of rights and category of works if there exists another collecting society that has been licensed and functions to the satisfaction of its members. Furthermore, by notice in the Gazette, KECOBO may de-register a collecting society if it is satisfied that the collecting society is not functioning adequately as a collecting society; is not acting in accordance with its Memorandum and Articles of Association or in the best interests of its members; has altered its rules so that it no longer complies with subsection 4 of section 46; and it has refused or failed to comply with any of the provisions of the Act.

The collecting societies in Kenya, are: Kenya Association of Music Producers (KAMP), Reproduction Rights Society of Kenya (KOPIKEN), Music Copyright Society of Kenya (MCSK) and Performers Rights Society of Kenya (PRISK) and Music Publishers Association of Kenya (MPAKE).

The Music Copyright Society of Kenya (MCSK) is a collective management organization registered in 1983 as a Company limited by guarantee under the Companies Act (Cap 486 of the law of Kenya) and licensed by KECOBO as a collecting society. It aims at building, mobilizing, institutionalizing, and supporting the music fraternity within Kenya. Integrating, sustaining and enhancing earning for their works for authors, composers, arrangers and publishers.

The Performers Rights Society of Kenya (PRISK) is a collective management organisation licensed by the Kenya Copyright Board to represent performers in sound recording and audio-visual works.

PRISK is a non-profit company limited by guarantee, and not having a share capital. PRISK negotiates, sets tariffs

with users of sound recordings and audio-visual works in respect to any exploitation of works relating to broadcasting, communication to the public, making available by wire or wireless including transmission to subscribers to a diffusion or any digital service, copying or similar reproduction such as digital copying and collects license fees and distributes royalties to its right holders.

The Kenya Association of Music Producers (KAMP) is a collective management organization registered as a non-profit making private company, with no share capital limited by guarantee in 2003 under the Companies Act, Chapter 486 of the Laws of Kenya and licensed by the Kenya Copyright Board to operate as a collective management organisation in May 2008. KAMP represents the rights and interests of producers of sound recordings, it negotiates with users, collects license fees and distribute royalties for communication to the public and broadcasting in accordance with the Copyright Act of 2001 of the Laws of Kenya.

KOPIKEN is a CMO established in 2005 under the Copyright Act as a company limited by guarantee. KOPIKEN licenses reproduction of printed literary, artistic and musical works used by way of photocopying, scanning, printing and similar means such as digital reproduction against payment of fees where it is not practical for individual right holders to do so. KOPIKEN represents authors (non-fiction, fiction and oral literature), publishers, photographers illustrators and designers through their respective associations which include, Kenya Non Fiction Authors Association (KENFAA). This is an association of non-fiction writers and translators who have published at least 100 pages works comprising of books, periodicals and professional and scientific journals. Writers Association of Kenya (WAK), which is an association of writers in Kenya, who have published creative literary works such as poems, short stories, novels, plays, biographies, autobiographies and memoirs, literary criticism and other kinds of literary scholarship. Kenya Oral Literature Association (KOLA). Which is a professional association of researchers, scholars in Kenyan Universities and oral artists. Kenya Union of Journalists (KUJ), which is an association of persons engaged in journalistic works in Kenya and the Kenya Association of Photographers Illustrators and Designers

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(KAPIDE) which is an association for artists, visual creators, photojournalists, illustrators and designers are represented too by KOPIKEN. Song lyricists and writers of sheet music are also represented by KOPIKEN and the Kenya Publishers Association (KPA) which is an association bringing together all companies, organizations or individuals engaged in book publishing in Kenya. MPAKE is a non-profit organization representing authors, composers and music publishers in Kenya.



(vi) Lesotho

Lesotho is situated in Southern Africa, surrounded by South Africa. The country has a total land size of 30,355 sq. km; a population of 1,942,008 (July 2014 est.); a GDP purchasing power parity of USD 4.265 billion (2013 est.) and a literacy rate of 89.6% of the total population. The key economic drivers are the textile and Garment industry, Agriculture, Customs Duties and Other remittances and Diamond mining.

In Lesotho, there is an established intellectual property system. Industrial Property was initiated in Lesotho in 1989 and it operates under Industrial Property Order No. 5 of May 1989, covering the Patents, Trade Marks, Industrial Designs and Utility Model and is administered by the Registrar General in the Ministry of Law and Constitutional Affairs. The country has not undertaken a Creative Industry study. On 5th September 2018 Board Directors of the Society of Authors and Artists was gazetted. This is a milestone to Lesotho to have a CMO. Copyright is administered under the Copyright Order No. 13 of May 1989 by the office of the Registrar General of the Ministry of Law and Constitutional Affairs for the Industrial Property. The role of the Registrar is to monitor operations of the Society of Authors and Artists, collect and distribute

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royalties and other remuneration accruing from expressions of folklore and implementation of the Copyright Order. Enforcement and dispute resolution is the responsibility of the High Court of Lesotho. The Act provides for the creation of a non-profit making Society of Authors and Artists whose role is to promote and protect the interests of authors, artists and performers who are its members through collection and distribution of royalties or other remuneration accruing to its members in respect of their rights and maintenance of a register of works, productions and associations of authors, artists and performers.

(vii) Liberia

Liberia is situated in West Africa, bordered by Sierra Leone, Guinea, Cote D'Ivoire and the North Atlantic Ocean. The country has a total land size of 111,369 sq. km; a population of 4,092,310 (July 2014 est); GDP (purchasing power parity) of USD 4 Billion (2015 est.); and a literacy rate of 60.8% of the total population. The main contributors to the GDP according to 2002 estimates are agriculture (76.9%), industry (5.4%) and Services (17.7%). The main industries are mining, rubber processing, palm oil processing, timber and diamonds. The currency used in Liberia is the Liberian Dollar.

In the survey on the status of CMOs in ARIPO Member States undertaken by ARIPO in cooperation with NORCODE revealed that the Copyright Society of Liberia (COSLIB), though established, had not yet commenced the management of rights. Liberia has not yet undertaken a study on the contribution of creative industries. The Intellectual Property Act 2016 governs the management of copyright and has provisions for the registration of works. There is also an established intellectual property system.



(viii) Namibia

Namibia officially the Republic of Namibia is a country in southern Africa whose western border is the Atlantic Ocean. It shares land borders with Zambia and Angola to the north, Botswana to the east and South Africa to the south and east. Although it does not border Zimbabwe, less than 200 metres of the Zambezi River (essentially a small bulge in Botswana to achieve a Botswana/Zambia micro-border) separates the two countries. Namibia gained independence from South Africa on 21 March 1990, following the Namibian War of Independence. Its capital and largest city is Windhoek, and it is a member state of the United Nations (UN), the Southern African Development Community (SADC), the African Union (AU), and the Commonwealth of Nations.

The dry lands of Namibia were inhabited since early times by the San, Damara, and Nama peoples. From 1948, with the National Party elected to power, South Africa applied apartheid also to what was then known as South West Africa. Namibia obtained full independence from South Africa in 1990. However, Walvis Bay and the Penguin Islands remained under South African control until 1994. Namibia has a population of 2.6 million people and a stable multi-party parliamentary democracy. Agriculture, herding, tourism and the mining industry – including mining for gem diamonds, uranium, gold, silver, and base metals – form the basis of its economy. The large, arid Namibia Desert has resulted in Namibia being overall one of the least densely populated countries in the world.

(ix) Malawi

Malawi officially the Republic of Malawi, is a landlocked country in southeast Africa that was formerly known as Nyasaland. It is bordered by Zambia to the northwest,



Tanzania to the northeast, and Mozambique on the east, south and west. Malawi is over 118,000 km² (45,560 sq mi) with an estimated population of 18,091,575 (July 2016 est.). Its capital is Lilongwe, which is also Malawi's largest city. The country is also nicknamed "The Warm Heart of Africa". Lake Malawi takes up about a third of Malawi's area.

Malawi's foreign policy is pro-Western and includes positive diplomatic relations with most countries and participation in several international organizations, including the United Nations, the Commonwealth of Nations, the Southern African Development Community (SADC), the Common Market for Eastern and Southern Africa (COMESA), and the African Union (AU).

Malawi is among the world's least-developed countries. The economy is heavily based in agriculture, with a largely rural population. The Malawian government depends heavily on outside aid to meet development needs, although this need (and the aid offered) has decreased since 2000. The Malawian government faces challenges in building and expanding the economy, improving education, healthcare, environmental protection, and becoming financially independent amidst widespread overpopulation and unemployment. Since 2005, Malawi has developed several programs that focus on these issues, and the country's outlook appears to be improving, with a rise in the economy, education and healthcare seen in 2007 and 2008. Although there was periodic regional conflict fueled in part by ethnic divisions in the past, by 2008 it had diminished considerably and the concept of a Malawian nationality had re-emerged.

(x) Mozambique

Mozambique is situated in Southern Africa, bordered by Zimbabwe, Zambia, Malawi, Tanzania, Eswatini, South Africa and the Indian Ocean. The country has a total land size



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of 799,380 sq. km; a population of 24,692,144 (July 2014 est); GDP (purchasing power parity) of USD 28.15 Billion (2013 est.); and a literacy rate of 56.1% of the total population.

The main contributors to the GDP according to 2013 estimates are agriculture (28.7%), industry (24.9%) and Services (46.4%). The main industries are aluminium, petroleum products, chemicals (fertilizer, soap, paints), textiles, cement, glass, asbestos, tobacco, food and beverages. The currency used in Mozambique is the metical.

Mozambique has created an industrial property office run by the industrial property institute under the current Ministry of Industry and Commerce. It is responsible for Patents, Trade and Service marks, Industrial designs, Utility Model, Geographical Indications, Commercial Names and Denominations of origin and logo. The Copyright and Related Rights are under the Ministry of Culture Youth and Sports and Administered by the National Institute of Books and Records. The current copyright law was enacted in 2001 and the first CMO Associação Moçambicana de Autores- (SOMAS) was established in 2000. SOMAS manages Public Performance, Broadcasting and Audio-visual Rights and is composed of authors of literary works, composers, visual artists and photographers. The country has undertaken a creative industries study with the help of the United Nations Conference on Trade and Development (UNCTAD).

(xi) Rwanda

Rwanda is a landlocked country situated in East Africa, bordered to the North by Uganda, to the East by Tanzania, to the South by Burundi and to the West by the Democratic



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Republic of the Congo. Considered to be among the smallest countries on the continent, Rwanda's total area is estimated to be 26 334 sq km. According to Rwanda's National Institute of Statistics (NSIR), in 2015, the population density in Rwanda was estimated to be 445 people per square kilometre and the total population is approximately 11,262,564. Rwanda's economy is increasingly experiencing the predominance of the service sector. The country experienced a GDP per capita of US\$ 1,536 Billion for the 2016 first quarter according to the NISR and 71.1 % literacy rate. The currency used is the Rwandan Franc.

Rwanda through the Ministry of Sports and Culture in 2014 undertook mapping on creative industry and in 2016, started its first cultural and creative industries survey. The objective of the survey is to identify institutions, organizations and individuals working in the sector. The survey will also collect information on employment, revenue, expenditure and marketing strategies from institutions, and build a database of the creative and cultural industries as well as a management system for the exploitation of the data to establish their contribution to the economic growth of the region.

The law governing copyright matters is the Law on Intellectual Property, Law N° 31/2009 of 26/10/2009. The Ministry of Trade and Industry (MINICOM) is responsible for: the policy framework, preparing policy related to the promotion of intellectual property, preparing orders related to the application of the law and to supervise the organ in charge of intellectual property.

The Ministry of Sport and Culture is responsible for protecting the moral rights of creators of copyrighted works, promote artists and performers, promote and protect Rwanda's national culture and heritage and to prepare orders related to copyright. The Office of the Registrar General is in charge of daily registration of intellectual property, to establish measures allowing for just remuneration of copyright owners and equitable distribution of remunerations available under the copyright and related rights, to monitor activities of private institutions that manage jointly copyright and related rights and to arbitrate all disputes arising from intellectual property. In Rwanda there is one multi-purpose collective management

organization called Rwanda Society of Authors (RSAU). The RSAU was established and registered with the Rwanda Development Board (RDB) in May 2010. RSAU is the first collective management organization comprising of the Association of Musicians (INGOMA Music Association), the Association of Cinema Artists (IRIZA CARD), the Association of Writers (LA PLUME D'OR) and ISOKO Arts Rwanda. RSAU has started licensing process in May 2016 the distribution is expected to be in 2017.

(xii) São Tomé and Príncipe

São Tomé and Príncipe is located in the Central Africa Islands in the Gulf of Guinea, just north of the Equator, west of Gabon. The part of the volcano chain featuring striking rock and coral formations rain forests and beaches. On the Larger Island Sao Tome is the Lagoa Azul Lagoon, Obo Natural Park, a biodiverse jungle preserve covers much of São Tomé and Príncipe and distinguished by Pico Cao Grande a sky scrapper like volcanic rock. The country has a total area of 964 sq km, Sao Tome the capital city has a quarter of the nations population. The northern areas of both islands have the highest population densities. Agriculture, tourism, fishing are among economic activities. GDP purchasing power parity \$676 million. The currency used is the dobra (db). São Tomé and Príncipe has not undertaken the creative Industries study.

(xiii) Sierra Leone

Sierra Leone is in West Africa. It is surrounded by Liberia, Guinea and the Atlantic Ocean. The country has a total area of 71 740 sq. km, a population



of 7,092,113, GDP purchasing power parity of USD 9.156 Billion and literacy rates of 43.3 %. Agriculture and mining are the major contributors to the economy though there are other activities such as tourism and industrial processing. The currency used is the United States Dollars.

Sierra Leone has not undertaken the study on the contribution of creative industries to the national economy. The law governing copyright matters is the Copyright Act 2011 which provides for the establishment of a collecting society of Sierra Leone. It is a corporate body with perpetual succession and a common seal and is specifically tasked and charged with that responsibility of administering and enforcing provisions of the Act in consultation with the national enforcement agencies.

(xiv) Sudan

Sudan is situated in North-Eastern Africa, bordered by the Red Sea, Egypt and Eritrea. The country has a total land size of 1,861,484 sq. km; a population of 35,482,233 (July 2014 est); GDP (purchasing power parity) of USD 89.97 Billion (2013 est.); and a literacy rate of 56.1% of the total population. The main contributors to the GDP according to 2013 estimates are agriculture (27.4%), industry (33.6%) and Services (39%). The main industries are oil, cotton ginning, textiles, cement, edible oils, sugar, soap distilling's, shoes, petroleum refining, pharmaceuticals, armaments and automobile/light truck assembly. The currency used in Sudan is the Sudanese Pound.

Sudan has created an industrial property office run by the Registrar General of Intellectual Property under the Ministry of Justice. Copyright is governed by the Copyright and neighbouring rights (protection) and literal and artistic works Act of 2013. The country has not undertaken a creative industries study and was not part of the survey on the status of CMOs in ARIPO Member States undertaken by ARIPO



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in cooperation with NORCODE published in 2016. An IPRs survey published in 2013 concluded that findings "indicate the recognition of the importance of strengthening IPRs for achieving economic development objectives in Sudan and show that the important types of IPRs protection implemented in Sudan are industrial designs, trademarks, related rights to copyright, copyright, patents and invention and protection against unfair competition respectively." The copyright act does not have provisions for CMOs.

(xv) Tanzania

Tanzania officially the United Republic of Tanzania is a state in eastern Africa within the African Great Lakes region. It borders Kenya and Uganda to the north; Rwanda, Burundi, and the Democratic Republic of the Congo to the west; Zambia, Malawi, and Mozambique to the south; and the Indian Ocean to the east. Mount Kilimanjaro, Africa's highest mountain, is in north-eastern Tanzania.

The United Nations estimated Tanzania's 2016 population at 55.57 million. The population is composed of several ethnic, linguistic, and religious groups. Tanzania is a presidential constitutional republic and since 1996 its official capital city has been Dodoma. Dar es Salaam, the former capital, retains most government offices and is the country's largest city, principal port, and leading commercial centre. The Menai Bay Conservation Area is Zanzibar's largest marine protected area. Over 100 different languages are spoken in Tanzania, making it the most linguistically diverse country in East Africa.

(xvi) Uganda

Uganda is located in East Africa, to the northwest of Lake Victoria surrounded by South Sudan, Democratic Republic of the Congo, Rwanda, Kenya and Tanzania. The country has a total area of 241 038 sq km, a population of 35 918 915, a GDP



II. COUNTRY PROFILES

purchasing power parity of USD 54.37 Billion and the literacy levels of 73.2 % of the total population.

Agriculture is the mainstay of the economy. The currency used is the Ugandan Shillings. Uganda has a relatively vibrant information sector, including a small but fast-growing publishing industry. Furthermore, Uganda has a liberalized telecommunications industry which has contributed tremendously to growth of the country's ICT sector. Given this infrastructure, education and research institutions are making increasing use of digital technology for both instruction and research. The country however has a growing film and music industry, rich cultural heritage and other diverse copyright and related rights activities. A creative industries study to establish potential contribution of copyright to the national economy has not yet been undertaken.



The law governing copyright matters is the Copyright and Neighboring Rights Act 2006. Section 2 of the Copyright Act provides the scope for copyright protection and defines the different types of works. Section 5 of the Act outlines the specific types of works that are eligible for protection under copyright. Besides economic rights including publication, distribution, broadcasting and communication to the public, which are outlined in detail in Section 9, the law also recognizes and protects moral rights under Section 10. The types of works that will receive protection, include literary, scientific and artistic works (including computer programmes, illustrations and traditional folklore and knowledge), as well as derivative works such as translations, transformations and collections. However, Section 6 makes it clear that ideas are not protected by copyright and Section 7 excludes from copyright protection 'public benefit works' such as laws and government reports. The 2006 Copyright and Neighbouring Rights Act affords copyright protection for 50 years after the lifetime of the author in most cases, but otherwise the term of protection varies depending on the type of work. With reference to audiovisual work, sound recordings and broadcasts, the economic rights of the author are protected until the expiration of 50 years from the date of making the work or from the date the work is made available to

the public with the consent of the author. In general, the duration of copyright term in Uganda keeps to the minimum requirements laid out in Article 12 of TRIPs.

The Uganda Registration Services Bureau (URSB) is the National Copyright Information Center. Section 41 of the Act, provides for a Registrar of Copyright and other officers. The Registrar of Copyright shall: process applications for licenses; register works and productions to be registered under this Act; register collecting societies; give guidance to and discipline collecting societies; register assignments, licences and transfers of copyrights; register copyright contracts relating to exploitation of rights; provide copyright and neighbouring rights information service to the public and users of copyright works; in collaboration with the collecting societies, advise Government, on matters relating to copyright and neighbouring rights; perform any other duty or function relating to copyrights, neighbouring rights and collecting societies as may be necessary for the better functioning of the Act or as the Minister may by regulation prescribe. As at August 2016, URSB has registered and licensed three collecting management organizations' namely: Uganda Federation for Movie Industry, Uganda Performing Right Society and Uganda Reproduction Rights Organisation.

The Uganda Federation for Movie Industry (UFMI) was formed in 2006 as a company limited by guarantee having no share capital. On 24 July 2009 UFMI was licensed as a collective management organisation. The CMO manages members' rights in audiovisual works.

Uganda Performing Rights Society (UPRS) was formed in 1985 by authors (mainly musicians) to advance the cause of copyright administration in Uganda. It is registered with the Registrar of Companies as a company limited by guarantee having no share capital. UPRS administers performing rights of members in musical works and sound recording both foreign and local works falling within their repertoire.

Uganda Reproduction Rights Organisation (URRO) was approved as a collective management organization for reproduction rights in 2011. URRO represents the Uganda Publishers Associations, Uganda Visual Artists and Designers Association, Uganda Children Writers and Illustrator's Association, Uganda Female

Writers Association, Uganda Textbook, Academic and Non-fiction Authors Association, and Uganda Journalists Association. URRO administers reproduction/reprographic rights in literary works.

(xvii) Zambia

Zambia is situated in Southern Africa, bordered by Zimbabwe, Botswana, Namibia, Angola, Democratic Republic of the Congo, Malawi, Tanzania and Mozambique. The country has a total land size of 752,618 sq. km; a population of 15,066,266 (2015 est.); GDP (purchasing power parity) of USD 62.71 Billion (2015 est.); and a literacy rate of 63.4% of the total population. The main contributors to the GDP according to 2015 estimates are agriculture (8.6%), industry (31.3%) and services (60%). The main industries are copper mining and processing, construction, foodstuffs, beverages, chemicals, textiles, fertilizer and horticulture. The country's currency is the Zambian Kwacha.

The country has a functional intellectual property system. Industrial Property is managed by the Patents and Companies Registration Agency (PACRA). Copyright is governed under the Copyright and Performances Rights (Act No. 44 of 1994) which is read together with Copyright and Performance Rights (Amendment) Act, 2010, (Act 25 of 2010), which includes provisions for Related Rights and for the establishment and monitoring of the collecting societies. Two collecting societies, Zambian Music Copyright Protection Society (ZAMCOPS) established in 1996 and Zambia Reproduction Rights Society (ZARRSO) established in 2010 are in operation. The country has also not yet undertaken the creative industries study.



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(xviii) Zimbabwe

Zimbabwe is situated in Southern Africa, bordered by South Africa, Mozambique, Botswana and Zambia. The country has a total land size of 390,757 sq. km; a population of 14,229,541 (July 2015est); GDP (purchasing power parity) of USD 28.1 Billion (2015 est.); and a literacy rate of 86.5 % of the total population. The main contributors to the GDP according to 2015 estimates are agriculture (20%), industry (26%) and Services (53.3%). The main industries are mining, steel, wood products, cement, chemicals, fertilizer, clothing and footwear, foodstuffs, beverages.

Zimbabwe uses a basket of currencies that include Zimbabwean Bond notes denominated at par with the US Dollar, US dollars, South African Rand and other key foreign currencies such as the Botswana Pula and Chinese renminbi.

The country has an intellectual property system. Industrial Property is managed by the Zimbabwe Intellectual Property Office (ZIPO). Copyright is governed under the Copyright and Neighbouring Rights Act (Chapter 26:05) which includes provisions for Related Rights and for the registration of collecting societies. Two collecting societies, the Zimbabwe Music Rights Association (ZIMURA) established in 1982 and the Reproduction Rights Organisation of Zimbabwe (ZIMCOPY) established in 1985, are operational.

The Act also provides for the establishment of Copyright and Neighbouring Rights Collecting Society of Zimbabwe, which has however not been established. The country has also not yet undertaken the copyright industries survey and little data exists on the contribution of these industries to the economy.



III. BENEFITS OF INTERNATIONAL INSTRUMENTS

International treaties and conventions set the international norms that the international regime has to work within and abide to. The international instruments clearly show the commitment made by the signatories and they are expected to set systems within their jurisdictions to observe the international commitments.

There are various benefits that arise from being party to international instruments and these include:

- a. Creation of common rules and regulations essential to achieving a robust intellectual property protection that spurs global economic expansion;
- b. Broadening protection for local creators;
- c. Enabling cooperation in fighting infringement and promoting commercialization;
- d. Coordinating the efforts to track use of works to ensure creators benefit, in light of digitization and technological changes;
- e. Creating grounds for dispute settlement;
- f. Enabling works of country's authors to be automatically protected in all countries party to the convention e.g. Berne, with the result that these authors may derive financial benefits from the expansion of markets for their works;
- g. Enabling a signatory country to make use of the limitations provided for in that treaty to further the goals of its own citizens' development;

International instruments on Copyright & Related Rights

Berne Convention

The Berne Convention is the first multilateral treaty on copyright and related rights. The need for a uniform system led to the formulation and adoption on September 9, 1886, of the Berne Convention for the Protection of Literary and Artistic Works.

The aim of the Berne Convention, as indicated in its preamble, is "to protect, in as effective and uniform manner as possible, the rights of authors in their literary and artistic works."

The Berne Convention sets the minimum standard on what copyright and related rights legislation should incorporate in the different jurisdictions. Most of the ARIPO member states are party to the Berne convention and have included most of the Berne provisions in their national legislations on copyright and related rights. Some of the principles incorporated in the Berne Convention are the "national treatment principle" whereby a country is to treat the works of non-national authors in the same way as they treat the works of national authors. Therefore, there will be no discrimination as each country is required to treat works from other countries in the same way as they treat the works of their own nationals. Similarly, on the 'national treatment principle', non-national right holders cannot demand to have their works treated differently to that of national right holders in the different jurisdictions provided they abide to the national legislation requirements. Automatic protection by virtue of creation not subject to the formality of registration, deposit or the like though in some ARIPO Member States they provide for the voluntary registration and notification systems and territoriality aspect.

There is also the "Appendix to the Berne Convention" which is very instrumental for developing countries concerning translation for the purpose of teaching, scholarship or research and reproduction of works of foreign origin¹ to use the opportunity to implement non-voluntary licenses for translation and reproduction of works in certain cases, in connection with educational activities. In these cases, the described use is allowed without the authorization of the right holder, subject to the payment of remuneration to be fixed by the law and after compliance with certain procedural steps, by the competent authority of the developing country concerned.

¹ Articles 2bis, 9(2), 10(2), 10bis and the ten-year rule (Article 30(2) (b))

III. BENEFITS OF INTERNATIONAL INSTRUMENTS

Rome Convention

The Rome Convention secures protection in performances for performers, in phonograms for producers of phonograms and in broadcasts for broadcasting organisations. The Rome Convention is based on the "national treatment" principle minimum protection guaranteed by the Convention to performers is provided by "the possibility of preventing certain acts". The restricted acts comprise: broadcasting or communication to the public of a "live" performance; recording an unfixed performance; reproducing a fixation of the performance, provided that the original fixation was made without the consent of the performer or the reproduction is made for purposes not permitted by the Convention or the performer².

Producers of phonograms have the right to authorize or prohibit the direct or indirect reproduction of their phonograms³. The Rome Convention does not provide for any right to authorize performances of the phonogram and does not explicitly prohibit distribution or importation of unauthorized duplicates of phonograms.

Broadcasting organizations have the right to authorize or prohibit: the simultaneous rebroadcasting of their broadcasts, the fixation of their broadcasts, the reproduction of unauthorized fixations of their broadcasts or reproduction of lawful fixations for illicit purposes and the communication to the public of their television broadcasts by means of receivers in places accessible to the public against payment. The latter right does not extend to communication to the public of merely sound broadcasts, and that it is a matter for domestic legislation to determine the conditions under which such a right may be exercised. The Rome Convention does not protect against distribution by cable of broadcasts. The Convention allows for limitations and exceptions to the protection and gives country discretion to interpret certain provisions according to its needs.

This treaty is of particular importance to African countries where there are various performers making a living out of both modern and traditional artistic performances and where fixation may be done involuntarily by tourists or other people who come into contact with such performers and their acts.

The Treaty is also very crucial in the modern era where involuntary recording of one's performances and the subsequent sharing of such works on several media platforms such as social media is rampant and in an era where media is becoming big business and content is king, African performers, producers and broadcasters have to be adequately covered to enable them to compete effectively and benefit economically out of their works. Of the ARIPO member states, only Lesotho has acceded to the Rome Convention.

Phonograms Convention

The convention provides that contracting States shall protect producers of phonograms who are nationals of other Contracting States against the making of duplicates without the consent of the producer and against the importation of such duplicates, provided that any such making or importation is for the purpose of distribution to the public, and against the distribution of such duplicates to the public⁴. However, no compulsory licenses may be permitted unless all of the following conditions are met: the duplication is for use solely for the purpose of teaching or scientific research; the license shall be valid for duplication only within the territory of the Contracting State whose competent authority has granted the license and shall not extend to the export of duplicates; the duplication made under the license gives rise to an equitable remuneration fixed by the said authority taking into account, inter-alia, the number of duplicates which will be made⁵. Only Kenya, among the ARIPO member states, is a party to the convention.

Brussels Convention

This convention provides for the obligation of each Contracting State to take adequate measures to prevent the unauthorized distribution on or from its territory of any programme-carrying signal transmitted by satellite. This convention is very relevant because of the importance of satellite communications in the modern era.

² Article 7

³ Article 10

⁴ Article 2

⁵ Article 6

III. BENEFITS OF INTERNATIONAL INSTRUMENTS

The Convention shall not apply where the signals emitted by or on behalf of the originating organization are intended for direct reception from the satellite by the general public⁶. Safeguard clauses are provided for in this Convention that the Convention shall in no way be interpreted to limit or prejudice the protection secured to authors, performers, producers of phonograms, or broadcasting organizations, under any domestic law or international agreement⁷, and in no way will the Convention be interpreted as limiting the right of any Contracting State to apply its domestic law in order to prevent abuses of monopoly⁸.

Marrakesh Treaty

The World Health Organization in 2010 estimated that the total number of people with blindness in Africa was 5.888 million; low vision was 20.407 million and 26.295 million with visual impairments. This represents a significant figure of people needing access to enhanced materials for both their educational and informational needs. Botswana and Liberia acceded to the Marrakesh Treaty in October of 2016. Recently Kenya acceded to the treaty on the 2nd of June 2017 and Malawi on the 14th of July 2017.

Some of key benefits that can be derived from ratification or accession to the Treaty are that:

- (i) The Treaty addresses access to published works in compliance with the United Nations Human Rights Declaration on the Rights of Disabled Persons, which clearly links copyright and human rights;
- (ii) It provides the minimum flexibilities in copyright laws needed to ensure full and equal access to information by persons who are blind, visually impaired and print disabled;
- (iii) The Treaty offers an opportunity for works to be converted into accessible formats without need for authorization by the author or copyright owner of a published work. The elimination of the need for authorization gives an opportunity for works to be made available in accessible format copies as quickly as possible;
- (iv) The Treaty, through its cross-border exchange provision, provides opportunities for cost saving. Authorized entities may pool resources together and convert published works into accessible formats and exchange. Such works for access by beneficiary persons;

- (v) Entities such as libraries may be able to borrow from each other for purposes of serving beneficiary persons.

The Treaty leaves contracting parties enough room to implement its provisions taking into account its own legal systems and practices including determination of fair practices, dealings or uses provided they comply with the three step test obligations under the treaty. By ratifying the treaty, African states will ensure access of knowledge to this group of their citizens. While a number of African countries have signed this treaty, only Botswana, Burkina Faso, Kenya, Liberia, Malawi, Mali and Tunisia have ratified or acceded to the treaty.

WIPO Copyright Treaty (WCT)

This Treaty is a special agreement within the meaning of Article 20 of the Berne Convention for the Protection of Literary and Artistic Works, as regards Contracting Parties that are countries of the Union established by that Convention. This Treaty shall not have any connection with treaties other than the Berne Convention, nor shall it prejudice any rights and obligations under any other treaties. Nothing in this Treaty shall derogate from existing obligations that Contracting Parties have to each other under the Berne Convention for the Protection of Literary and Artistic Works⁹. Article 20 of the Berne Convention provides: “The Governments of the countries of the Union reserve the right to enter into special agreements among themselves, in so far as such agreements grant to authors more extensive rights than those granted by the Convention, or contain other provisions not contrary to this Convention.”

The Treaty clearly provides for limitations and exceptions in observance of the three step test. “Contracting Parties may, in their national legislation, provide for limitations or exceptions to the rights granted to authors of literary and artistic works under this Treaty in certain special cases that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.

⁶ Article 3

⁷ Article 6

⁸ Article 7

⁹ Article 1 also known as safe guard clause

III. BENEFITS OF INTERNATIONAL INSTRUMENTS

Contracting Parties shall, when applying the Berne Convention, confine any limitations of or exceptions to rights provided for therein to certain special cases that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author¹⁰.”

WCT mentions two subject matters to be protected by copyright that is computer programs, whatever the mode or form of their expression; and compilations of data or other material (“databases”), in any form, which, by reason of the selection or arrangement of their contents, constitute intellectual creations. Where a database does not constitute such a creation, it is outside the scope of protection under the Treaty. The treaty also extends to owners of works the rights to distribution, rental and communication to the public.

WIPO Performances and Phonogram Treaty (WPPT)

This is an important Treaty for the performers and producers of phonogram. It provides for a safeguard provision —“Nothing in this Treaty shall derogate from existing obligations that Contracting Parties have to each other under the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations done in Rome, October 26, 1961 (herein after the “Rome Convention”). Protection granted under this Treaty shall leave intact and shall in no way affect the protection of copyright in literary and artistic works. Consequently, no provision of this Treaty may be interpreted as prejudicing such protection. This Treaty shall not have any connection with, nor shall it prejudice any rights and obligations under, any other treaties”¹¹.

The Treaty is of special importance in the digital environment where making economic gains is increased due to the growth of the world into a connected digital market, but where normally creators do not benefit because of increased incidents of infringement through illegal copying and downloads. The Treaty grants performers and producers moral rights and economic rights in their performances fixed in phonograms, sound recording: the right of reproduction; the right of distribution; the right of rental; the right of making available; the right of broadcasting (except in the case of rebroadcasting);

the right of communication to the public (except where the performance is a broadcast performance); and the right of fixation. The Treaty also addresses technological protection measures (TPM) that “adequate legal protection and effective legal remedies against the circumvention of effective technological measures that are used by performers or producers of phonograms in connection with the exercise of their rights under this Treaty and that restrict acts, in respect of their performances or phonograms, which are not authorized by the performers or the producers of phonograms concerned or permitted by law against circumvention of TPMs, which is rampant in the digital sphere¹².

Beijing Treaty

The Beijing Treaty is an instrument for the Protection of Audio-visual Performances, granting performers moral rights and four kinds of economic rights for their performances fixed in audio-visual fixations, such as motion pictures: the right of reproduction; the right of distribution; the right of rental; and the right of making available. As for unfixed (live) performances, the Treaty grants performers three kinds of economic rights: the right of broadcasting (except in the case of rebroadcasting); the right of communication to the public (except where the performance is a broadcast performance); and the right of fixation.

Limitations and exceptions with regard to the protection of performers can be provided in national legislation, in connection with the protection of copyright in literary and artistic works observing the three step test: to certain special cases which do not conflict with a normal exploitation of the performance and do not unreasonably prejudice the legitimate interests of the performer¹³.

¹⁰ Article 10

¹¹ Article 1

¹² Article 18

¹³ Article 13

IV. STATUS OF ARIPO MEMBER STATES UNDERSTUDY ON INTERNATIONAL INSTRUMENTS FOR COPYRIGHT & RELATED RIGHTS

Country Comparisons Treaties, Conventions and Agreement¹⁴

	GHANA	KENYA	BOTSWANA	UCANDA	RWANDA	SIERRA LEONE	TANZANIA	MALAWI	NAMIBIA	SÃO TOMÉ AND PRÍNCIPE
Last updated on	16/10/2018	16/10/2018	16/10/2018	16/10/2018	16/10/2018	16/10/2018	16/10/2018	16/10/2018	16/10/2018	16/10/2018
Treaty's international status	Signed June 26, 2012	Signed June 26, 2012	Signed Oct 4, 2012	Signed October 2012	Not a party/member to the Treaty	Signed June 26, 2012	Not a party/member to the Treaty	Not a party/member to the Treaty	Signed June 26, 2012	Signed June 26, 2012
Beijing Treaty	Not ratified	Not ratified	Ratified Nov 20, 2013	Not ratified	Not ratified	Not ratified	Not a party/member to the Treaty	Not a party/member to the Treaty	Not ratified	Not ratified
Berne Convention (176 Parties)	Accession March 11, 1993 In Force June 11, 1993	Accession March 11, 1993 In Force June 11, 1993	Accession Jan 15, 1998 In Force April 15, 1998	Not a party/member to the Treaty	Accession Nov 3, 1983 In Force March 1, 1984	Not a party/member to the Treaty	Accession April 25, 1994 In Force July 25, 1994	Accession July 12, 1991 In Force Oct 12, 1991	Accession & in force March 21, 1990	Accession March 14, 2016 In Force June 14, 2016
Brussels Convention (58 Parties)	Signed May 21, 1974 Ratified Jan 6, 1976 In Force August 25, 1979	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Accession April 25, 2001 In Force July 25, 2001	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty
Phonograms Convention (79 Parties)	Acceded November 4, 2016 In Force February 10, 2017	Signed April 4, 1997 Ratified Jan 6, 1976 In Force April 21, 1976	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty
Rome Convention (93 Parties)	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty
Marrakesh Treaty (43 Parties)	Signed June 28, 2013 Ratified June 2, 2017 In Force Sept 2, 2017	Signed Oct 5, 2016 In Force Jan 5, 2017	Acceded Oct 5, 2016 In Force Jan 5, 2017	Ratified 23 April 2018 In Force 23 July 2018	Not a party/member to the Treaty	Signed June 28, 2013 Not yet ratified	Not a party/member to the Treaty	Accession: July 14, 2017 In Force October 14, 2017	Not a party/member to the Treaty	Signed June 28, 2013 Not yet ratified
WIPO Copyright Treaty (97 Parties)	Signed May 23, 1997 Ratified August 18, 2006 In Force Nov 18, 2006	Signed Dec 20, 1996 Not yet Ratified	Yes Accession Oct 27, 2004 In Force Jan 27, 2005	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Signed December 20, 1996	Not a party/member to the Treaty
WPPT (97 Parties)	Signed May 23, 1997 Ratified Nov 16, 2012 In Force Feb 16, 2013	Signed Dec 20, 1996 Not yet ratified	Accession Oct 27, 2004 In Force Jan 27, 2005	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Signed December 20, 1996	Not a party/member to the Treaty
TRIPS (164 Parties)	In Force Jan 1, 1995	In Force Jan 1, 1995	In Force May 31, 1995	In Force Jan 1, 1995	In Force May 22, 1996	In Force June 23, 1995	In Force Jan 1, 1995	In Force May 31, 1995	In Force Jan 1, 1995	Not a party/member to the Agreement

IV. STATUS OF ARIPO MEMBER STATES UNDERSTUDY ON INTERNATIONAL INSTRUMENTS FOR COPYRIGHT & RELATED RIGHTS

Country Comparisons Treaties, Conventions and Agreement¹⁴

	Lesotho	Liberia	Eswatini	Mozambique	Sudan	The Gambia	Zambia	Zimbabwe
Last updated on	21/03/2018	21/03/2018	21/03/2018	21/03/2018	21/03/2018	21/03/2018	21/03/2018	21/03/2018
Treaty's international status								
Beijing Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Signed: June 26, 2012 Not ratified	Not a party/member to the Treaty	Signed June 26, 2012 Not ratified	Signed December 11, 2012 Not ratified
Berne Convention (176 Parties)	Accession: June 27 1989 In Force: September 28, 1989	Accession: December 8, 1988 In Force: March 8, 1989	Accession: September 14, 1998 In Force: December 14, 1998	Accession: August 22, 2013 In Force: November 22, 2013	Accession: September 28, 2000 In Force: December 28, 2000	Accession: December 7, 1992 In Force: March 7, 1993	Accession: September 13, 1991 In Force: January 2, 1992	Declaration notification of Succession September 18, 1981 In Force: April 18, 1980
Brussels Convention (38 Parties)	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty
Phonograms Convention (79 Parties)	Not a party/member to the Treaty	Accession: September 16, 2005 In force December 16, 2005	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty
Rome Convention (93 Parties)	Accession: October 26, 1989 In Force: June 26, 1990	Accession: September 16, 2005 In Force: December 16, 2005	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty
Marrakesh Treaty (45 Parties)	Acceded April 30, 2018 In Force July 30, 2018	Acceded 6 October 2016 In force 6 January 2017	Not a party/member to the Treaty	Signed August 22, 2013 Not yet ratified	Signed June 28, 2013 Not yet ratified	Not a party/member to the Treaty	Not a party/member to the Treaty	Signed October 2, 2013 Not yet ratified
WIPO Copyright Treaty (97 Parties)	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty
WPPT (97 Parties)	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty	Not a party/member to the Treaty
TRIPS (164 Parties)	In Force May 31, 1995	In force 14 July 2016	In force: January 1, 1995	In Force August 26, 1995	Not a party/member to the Agreement	In Force: October 23, 1996	In Force: January 1, 1995	In Force: March 5, 1995

¹⁴ Source: WIPO website

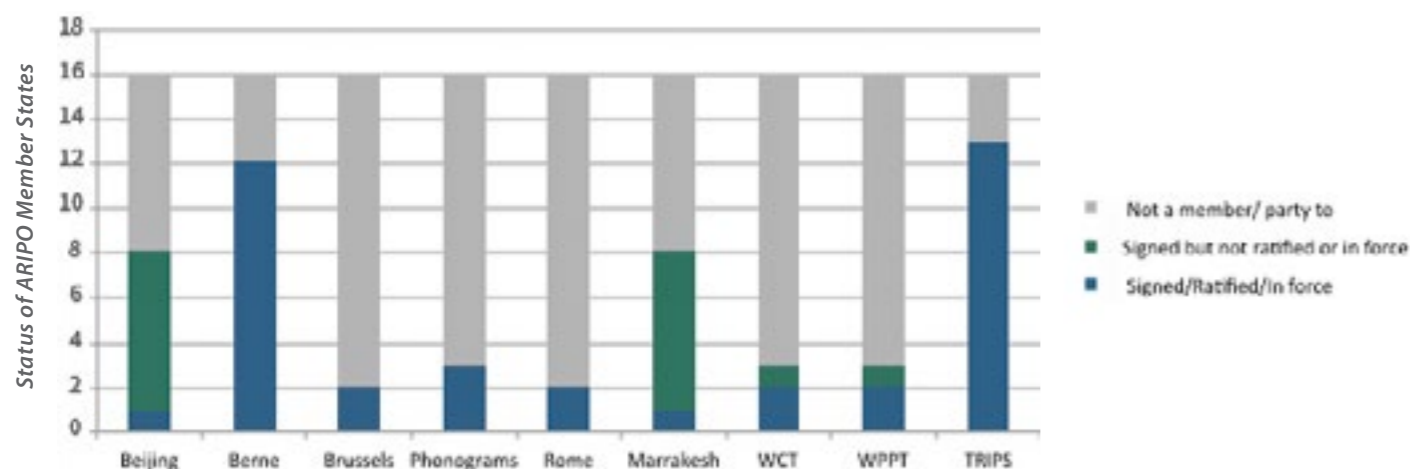
IV. STATUS OF ARIPO MEMBER STATES UNDERSTUDY ON INTERNATIONAL INSTRUMENTS FOR COPYRIGHT & RELATED RIGHTS

Country Comparisons Treaties, Conventions and Agreement¹⁴

Table 1: Status of ARIPO Member States under study to International Instruments on Copyright & Related Rights

	2 (Signed or ratified/ in force)	1 (Signed only, not in force or ratified)	0 (Not a party or member to the treaty)
Beijing	1	7	6
Berne	12		2
Brussels	2		12
Phonograms Treaty	3		11
Rome Convention	2		12
Marrakesh Treaty	1	7	6
WCT	2	1	11
WPPT	2	1	11
TRIPS	13		1

Figure 1: Graphical Representation of Treaty Uptake by Reviewed Countries



TREATIES UPTAKE SUMMARY OF THE 17 ARIPO MEMBER STATES UNDERSTUDY AS AT MARCH 2018

The countries reviewed have a very low uptake of international treaties, with some treaties such as WPPT, WCT, Beijing, Rome and Brussels Convention having zero up-take. The Berne Convention has majority of the countries excluding Uganda and Sierra Leone who are not parties to it, signifying its universality to the copyright sector globally.

In 2010, an estimated 26,295,000 Africans have visual impairments (including blindness and low vision) with an

estimated 300,000 of these being children. This makes it crucial for African Governments to consider how they can enable access to reading materials for these children and other Visually Impaired Persons. Ratification of the Marrakesh Treaty represents one such step towards enabling such access. With a growing ICT sector and online presence, African governments need to consider their membership to treaties such as the WCT.

IV. STATUS OF ARIPO MEMBER STATES UNDERSTUDY ON INTERNATIONAL INSTRUMENTS FOR COPYRIGHT & RELATED RIGHTS

Country Comparisons Treaties, Conventions and Agreement¹⁴

The same applies for other treaties that are of importance to various industries that are the mainstay of African economies including performances and phonograms in the online spheres such as the WPPT and the Phonograms Convention.

BOTSWANA

WCT Benefits: the state has an improving ICT sector. By ratifying to the WCT, Botswana stands a chance to expand coverage in light of works protection even beyond borders. With increased data compilations the country could now ensure protection of database creators within and out of State.

WPPT Benefits: with increased online presence through digitization more works are now availed online. Through this ratification performers and producers of phonograms will be secured with regards to economic benefits derived from their works in this digital era.

Beijing Treaty Benefits: audio-visual performances platforms now require intense protection due to their increased growth. Creative standard performances are being liked and subscribed to even globally. Therefore ratification to this treaty will offer right holders further protection and ensure recognition locally and abroad

KINGDOM OF ESWATINI

The country has ratified or acceded to only 2 international treaties, the Berne Convention and TRIPS Agreement. While the most prevalent form of disability in Eswatini is seeing disabilities followed by people with other disabilities where out of the 171347 people with disabilities in Eswatini, 78 083 (46 per cent) have seeing disabilities followed by a group classified as other forms of disabilities at 47 691 (28 per cent), the country is not a party to the Marrakesh Treaty. The country is not also taking advantage of the benefits to be derived from the other international treaties.

THE GAMBIA

The country has ratified or acceded to only 2 treaties, The

Berne Convention and TRIPS Agreement. There remains room for the country to take advantage of international treaties.

GHANA

Phonograms Convention Benefits: The country has a growing film industry and its producers need protection in foreign countries.

Marrakesh Treaty Benefits: The country has an estimated 200 000 blind and 600 000 visually impaired persons (Ghana Eye Foundation .org), representing a combined 3.11 percent of the total population. Ghana has a fairly large enough population of people who need access to reading materials provided for under the Marrakesh Treaty.

The country can also import materials for VIPs under certain conditions as provided in the treaty, as well as export to other contracting countries.

KENYA

Marrakesh Treaty Benefits: The country has an estimated 328 000 blind and 750 000 visually impaired persons (The Fred Hollows Foundation), representing a combined 2.40 percent of the total population. This percentage represents a large enough proportion of people in need of educational materials enhanced for their conditions.

ensuring access to this section of the country's population. The country can also import materials for VIPs under certain conditions as provided in the treaty, as well as export to other contracting countries.

WCT Benefits: The country has a growing ICT sector with various innovative solutions in software coming out of the country. There is also a lot of FDI flowing into the ICT sector. While the country's Copyright Laws provide for the protection of computer programs, by becoming a contracting party to the WCT, the country will broaden the protection of the works and securing of rights of its creators beyond its own borders. Data is currently big business and compilations of data or other material (databases) are increasingly important, meaning that

IV. STATUS OF ARIPO MEMBER STATES UNDERSTUDY ON INTERNATIONAL INSTRUMENTS FOR COPYRIGHT & RELATED RIGHTS

Country Comparisons Treaties, Conventions and Agreement¹⁴

Kenya must consider how to protect the creators of databases in Kenya beyond the borders.

WPPT Benefits: The country has a growing online population, which will result in more local works being available online. By acceding to and ratifying this treaty, the country will join other countries collaborating to ensure that performers and producers of phonograms are secured and make economic benefits out of their works in an increasingly digital world.

Beijing Treaty Benefits: The country has growing audio-visual performances platform which needs to be nourished and protected. The performers are improving day in day out to come up with creative performances which are liked in and out of the country. This calls for the country to ratify or accede to the treaty so as to offer the right holders more protection and recognition nationally and internationally.

LESOTHO

The country has ratified or acceded to only 4 international treaties, the Berne Convention, Rome Convention, Marrakesh Treaty and TRIPS Agreement. The country is not also taking advantage of the benefits to be derived from the other international treaties.

LIBERIA

The country has ratified or acceded to 5 international treaties, the Berne Convention, Rome Convention, Marrakesh Treaty, Phonograms Convention and TRIPS Agreement. With the prevalence of blindness in Liberia estimated at a total of 35 000 blind people and 10 500 people who suffer from visual impairment (WHO 2002 figures), the country has acceded to the Marrakesh Treaty. The country is yet to take advantage of the benefits to be derived from the other international treaties.

NAMIBIA

Namibia signed the WIPO Performances and Phonograms Treaty (WPPT). This treaty deals with the rights of two kinds of beneficiaries, especially in the digital environment that is, (i)

performers (actors, singers, musicians, etc.); and (ii) producers of phonograms (persons or legal entities that take the initiative and have the responsibility for the fixation of sounds).

MALAWI

Malawi is a party to the Berne Convention, Marrakesh Treaty and TRIPS. Implementing the Marrakesh treaty was a way of ensuring access of information to people who are deaf and blind in the country. There was a need to have vital information in braille writing as a way of ensuring that people who are deaf and blind have access even to have newspapers and books in braille writing for people who are visually impaired. Acceding to the treaty gave access to vital information, to a lot of issues happening that the blind and deaf usually miss, such as adverts in newspapers, HIV/Aids information. The treaty allows for copyright exceptions to facilitate the creation of accessible versions of books and other copyrighted works for visually impaired persons. The treaty also sets a norm for countries ratifying the treaty to have a domestic copyright exception covering these activities, and allowing for the import and export of such material.

MOZAMBIQUE

The country has ratified or acceded to only 2 international treaties, the Berne Convention and TRIPS agreement. It is positive to note that the country has signed the Marrakesh Treaty, though it has not yet ratified it. The Treaty will go a long way in ensuring access to reading materials to the estimated 44 567 people who had a visual impairment according to the 2007 Census. The country is not also taking advantage of the benefits to be derived from the other international treaties.

RWANDA

The country has an estimated 11 384 blind people (Fred Hollows Foundation) and an unquantified number of visually impaired persons. This represents not less than 0.09 percent of the total population and this represents a large proportion of people in need of educational and informational materials enhanced for their conditions.

IV. STATUS OF ARIPO MEMBER STATES UNDERSTUDY ON INTERNATIONAL INSTRUMENTS FOR COPYRIGHT & RELATED RIGHTS

Country Comparisons Treaties, Conventions and Agreement¹⁴

The Rwanda copyright law has provisions on visually impaired persons. By ratifying the Treaty, the country will move a step towards ensuring access to this critical section of the country's population. The country can also import materials for VIPs under certain conditions as provided in the treaty, as well as export to other contracting countries.

The country is a member to TRIPS, Brussels Convention and Berne Convention. This means that it cannot take advantage of the significant international benefits that come with the international collaborations. In an increasingly global village, this presents challenges for its citizens as well as reducing potential contribution of copyright related industries to exports on the GDP as most countries are not obliged to protect works of countries which are not members of specific treaties and agreements.

SIERRA LEONE

The country is a member of TRIPS. As for Marrakesh and Beijing treaties, Sierra Leone has signed yet to ratify the treaties. Sierra Leone is not a party to the Berne Convention. This means that it cannot take advantage of the significant international benefits that come with the international collaborations.

In an increasingly global village, this presents challenges for its citizens as well as reducing potential contribution of copyright related industries to exports on the GDP as most countries are not obliged to protect works of countries which are not members of specific treaties and agreements.

SUDAN

The country has acceded to only 1 international treaty, the Berne Convention. It has also signed, but not yet ratified the Marrakesh Treaty and the Beijing Treaty. Ratification of these treaties will be an important step towards ensuring full access to the benefits afforded by these two treaties. The country is not a party to the TRIPS Agreement which is crucial in today's world trade. The country is not also taking advantage of the benefits to be derived from the other international treaties.

TANZANIA

The country is a member of TRIPS. Tanzania has not ratified the Marrakesh and Beijing treaties. Therefore this state cannot take advantage of the international benefits that come with the international collaborations. In an increasingly digital era, this presents challenges for its citizens as well as reducing potential contribution of copyright related industries to exports on the GDP as most countries are not obliged to protect works of countries which are not members of specific treaties and agreements.

UGANDA

The country is not party to Berne Convention though it has some provisions in its legislation that reflect the Berne Convention and its Appendix. Uganda has not ratified the Beijing Treaty. Uganda is party to TRIPS and has ratified the Marrakesh Treaty. This means that it can take advantage of the significant international benefits that come with the international collaborations.

ZAMBIA

The country is a member to only two treaties, The Berne Convention and TRIPS Agreement. Zambia has signed the Beijing Treaty, though it has not yet ratified it. There remains room to benefit from the other international treaties.

ZIMBABWE

The country has signed international treaties but has not yet acceded to or ratified the Marrakesh Treaty and Beijing Treaty. The treaties in force are Berne Convention and TRIPS Agreement. There is room to take advantage of the treaties the country is not a member to.



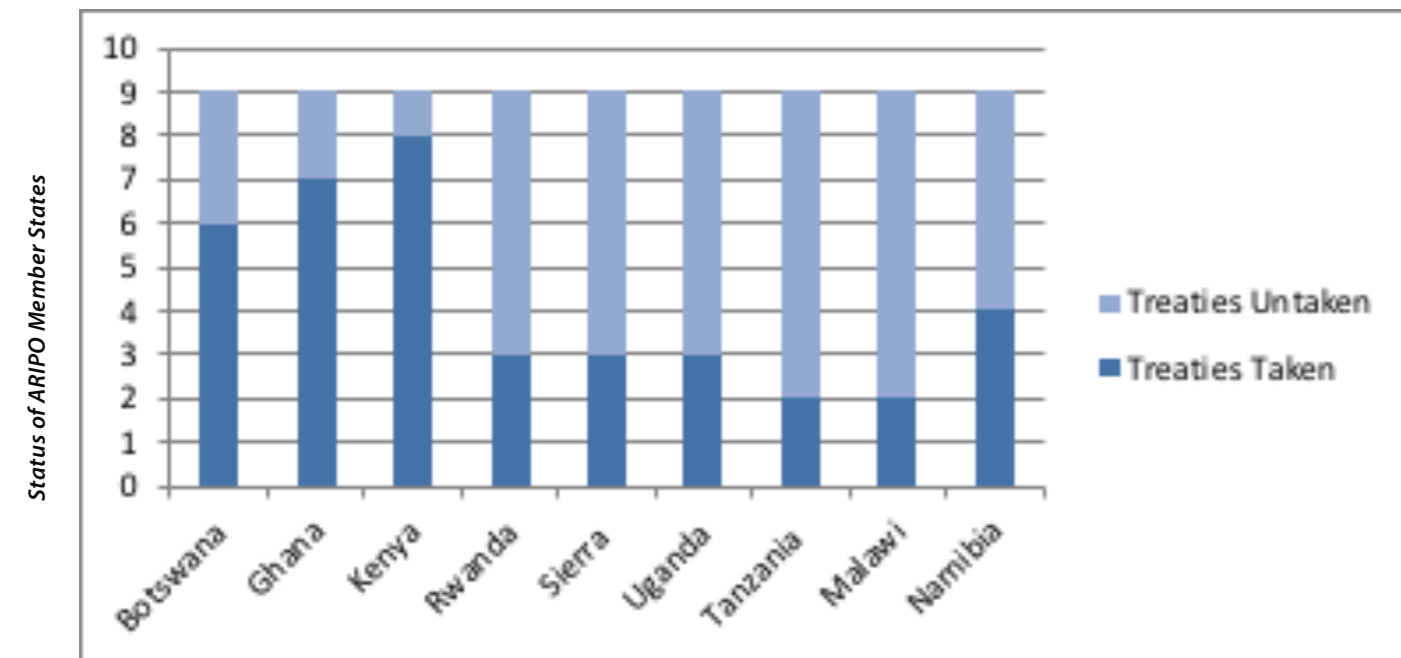
IV. STATUS OF ARIPO MEMBER STATES UNDERSTUDY ON INTERNATIONAL INSTRUMENTS FOR COPYRIGHT & RELATED RIGHTS

Table 1: Status of ARIPO Member States to International Instruments on Copyright & Related Rights

Countries	Berne Convention	Brussels Convention	Rome Convention	Phonogram Convention	WIPO Copyright Treaty	WIPO Performances & Phonogram Treaty	Beijing Treaty	Marrakesh Treaty	TRIPS
Botswana	2	0	0	0	2	2	2	2	2
Ghana	2	0	0	2	2	2	1	2	2
Kenya	2	2	0	2	1	1	1	2	2
Rwanda	2	2	0	0	0	0	0	0	2
Sierra Leone	0	0	0	0	0	0	1	1	2
Uganda	0	0	0	0	0	0	1	2	2
Tanzania	2	0	0	2	0	0	0	0	2
Malawi	2	0	0	0	0	0	0	2	2
Namibia	2	0	0	0	1	1	0	0	2
São Tomé and Príncipe	2	0	0	0	0	0	0	0	2

Key: 2= Ratified or Acceded; 1= Signed; 0= Not signed/ratified/acceded

Figure 1: Status of ARIPO Member States to International Instruments on Copyright & Related Rights



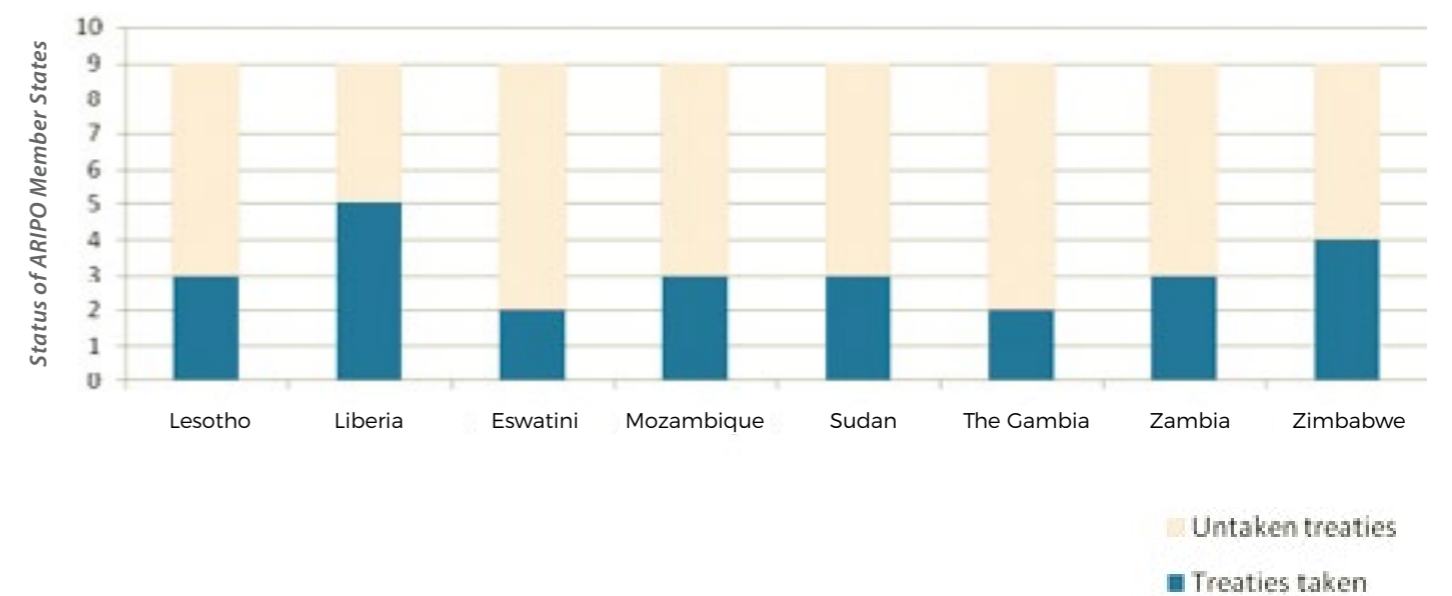
IV. STATUS OF ARIPO MEMBER STATES UNDERSTUDY ON INTERNATIONAL INSTRUMENTS FOR COPYRIGHT & RELATED RIGHTS

Table 2: Summary of treaties status by country

Country	Beijing Treaty	Berne Convention	Brussels	Phonograms Convention	Rome Convention	Marrakesh Treaty	WCT	WPPT	TRIPS	Total Treaties By Country
Lesotho	0	A	0	0	A	A	0	0	A	3
Liberia	0	A	0	A	A	A	0	0	A	5
Eswatini	0	A	0	0	0	0	0	0	A	2
Mozambique	0	A	0	0	0	B	0	0	A	3
Sudan	B	A	0	0	0	B	0	0	0	3
The Gambia	0	A	0	0	0	0	0	0	A	2
Zambia	B	A	0	0	0	0	0	0	A	3
Zimbabwe	B	A	0	0	0	B	0	0	A	4

(Key: A - Ratified or acceded; B - Signed only; 0 = Not signed/ Ratified/ Acceded)

Figure 2: Treaties taken by country



V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/Parameter	Ghana	Kenya	Botswana	Uganda	Sierra Leone	Rwanda	Tanzania	Malawi	Namibia	São Tomé and Príncipe
Title	Copyright Act, 2005 (Act 690)	The Copyright Act, 2001. (Chapter 130) The Copyright Regulations 2014	Copyright and Neighbouring Rights, Chapter 68:02 (1 October 2006)	Copyright and Neighbouring Rights Act, 2006	The Copyright Act, 2011	Law no. 31/2009 On The Protection of Intellectual Property -Part III: Protection of Copyrights and Related Rights	Copyright and Neighbouring Rights Act, 1999	Copyright Act 26 of 2016	Copyright and Neighbouring rights protection Act 6 of 1994	Copyright and Related Rights Code Decree law no.02/2017
Administration	Copyright Office (S. 65) Ghana Folklore Board- Folklore (S. 59)	Kenya Copyright Board (S. 3)	Copyright Office (S. 22)	National Copyright Information Centre-Uganda Registration Services Bureau (S. 42)	Copyright Office	Ministry in Charge of Copyright and Cultural matters Intellectual Property organ (Art.10; 12; 13)	Copyright Office	Copyright Office	Copyright Office	Ministry of Culture, shall be responsible to protect the authenticity and integrity of works in the public domain. Protect Copyright matters (art.57)
Protected Works	General: The act goes into detail on the works included under each category of works protected under interpretation. (S. 76)	General: The Act clearly outlines the works included under each category of works protected as well as definitions of specific items. (S. 2)	General: The Act clearly outlines the works included under each category as well as definitions of specific items. (S. 2)	General: The Act clearly outlines the works under each category as well as the definitions of specific terms. (S. 2)	General: The act clearly outlines the works included under each category of works as well as the specific definitions of terms as they apply to the act. (S.1)	General: Literary and artistic works that are original intellectual creations in the literary and artistic domain. (Art. 195)	General: The Act clearly outlines the works included under each category of works protected as well as definitions of specific items. (S. 2)	General: The Act clearly outlines the works included under each category of works protected as well as definitions of specific items. (S. 2)	General: The Act clearly outlines the works included under each category of works protected as well as definitions of specific items. (S. 2)	General: The Act clearly outlines the works included under each category of works protected as well as definitions of specific items. (Art. 2)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/Parameter	Ghana	Kenya	Botswana	Uganda	Sierra Leone	Rwanda	Tanzania	Malawi	Namibia	São Tomé and Príncipe
Protected Works (...continued)	Literary work, Musical work, Sound recording, Audio-visual work, Choreographic work, Derivative work, Computer software or programmes. (S. 1)	Literary works, Musical works, Artistic works, Audio-visual works, Sound recordings, Broadcasts. (S. 22)	Literary and Artistic works (All eligible works fall under this broad category) Derivative works including databases, collections of works, translations. (S. 3)	Literary, scientific and artistic works and Derivative works. (S. 5)	Literary, Artistic, Musical work, Sound recordings, Audi-visual work, Choreographic work, Derivative work, Programme Carrying Signals and Computer software and programmes. Derivative works also protected (S. 4-9)	Works expressed by writing, musical works audio-visual works, works of architecture, photographic works, works of applied art, works deriving from Rwanda dramatic and dramatico-musical works, other works Derivative works provided for. (Art. 195- 196)	Works expressed by writing, musical works audio-visual works, works of architecture, photographic works, works of applied art, works deriving from Tanzania national folklore, dramatic and dramatico-musical works, phonogram musical works, other works Derivative works provided for. (S. 3)	Works expressed by writing, musical works audio-visual works, works of architecture, photographic works, works of applied art, works deriving from Malawi national folklore, dramatic and dramatico-musical works, other works Derivative works provided for. (S.3)	Works expressed by writing, musical works audio-visual works, works of architecture, photographic works, works of applied art, works deriving from Namibia national folklore, dramatic and dramatico-musical works, other works Derivative works provided for. (S.5&6)	Literary, Artistic, Musical work, Sound recordings, Choreographic work, Programme Carrying Signals & Derivative works also protected (art. 2)
Administration	Copyright Office (S. 65) Ghana Folklore Board- Folklore (S. 59)	Kenya Copyright Board (S. 3)	Copyright Office (S. 22)	National Copyright Information Centre-Uganda Registration Services Bureau (S. 42)	Copyright Office	Ministry in Charge of Copyright and Cultural matters Intellectual Property organ (Art.10; 12; 13)	Copyright Office	Copyright Office	Copyright Office	Ministry of Culture, shall be responsible to protect the authenticity and integrity of works in the public domain. Protect Copyright matters (art.57)
Protected Works	Folklore is protected	Folklore is recognised as falling under either Literary, musical or artistic works. (S. 2)	Folklore is recognised and protected as a derivative work. (S. 4)	Traditional Folklore and knowledge mentioned under any other work (S. 5)	Expressions of folklore recognised and protected (S. 9)	Expressions of folklore recognised and protected (Art. 195)	Expressions of folklore recognised and protected (s.3)	Expressions of folklore recognised and protected (s.3(2))	Expressions of folklore recognized and protected S 24-30	Folklore not mentioned with Mentioned within the code
Computer Programs	Computer programmes and charts tables are included under literary works. (S. 2)	Computer programmes included among category for books, pamphlets and other writings (S. 3)	Computer programmes included in category with electronic data banks (S. 5)	Computer programmes included under protected works. (S. 1)	Computer programs included under works expressed by writing. (Art. 195)	Computer programs included among category for books, pamphlets and other writings (S. 5)	Computer programs included under protected works (S. 52)	Computer programmes included under protected works (S. 5)	Computer programmes included under protected works (S. 5)	Computer programmes not included under protected works

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Ghana	Kenya	Botswana	Uganda	Sierra Leone	Rwanda	Tanzania	Malawi	Namibia	São Tomé and Príncipe
Protected Works (...continued)	Act defines "artistic works" (S.76)	The act clearly defines what is included under artistic works (S.2)	Act provides for protection of neighbouring rights for works which do not ordinarily qualify for copyright (S. 23-28)	Act provides for protection of neighbouring rights for works which do not ordinarily qualify for copyright (S. 21-34)	Act does not mention neighbouring rights	Act provides for works not protected including any official texts of a judicial or administrative nature, published daily news; any idea, procedure, system, methods of operation, principles, discovery, or mere data even if expressed, described, explained, illustrated or embodied in a work. (Art. 198)	Act provides for protection of neighbouring rights for works which do not ordinarily qualify for copyright (s. 44)	Act does not mention neighbouring rights	Act provides for protection of neighbouring rights for works which do not ordinarily qualify for copyright (s. 44 - 46)	The code clearly defines what is included under artistic works (Chapter 3)
Formality requirements	While providing for registration, Act cites that protection shall not be dependent on the registration of the work. (S.39)	Act provides maintain an effective data bank S.5(f)	Act provides in S.22B(g) (h) maintain effective database & register of works S.6	Voluntary for both copyright and neighbouring rights. (S. 43)	Provides for registration of works (S. 49)	Optional Registration, but protection exists without need for legal formalities (Art. 197)	The Act provides to maintain registers S.47(b)	The Act provides for maintaining registers S.5 (i)(b)	Does not expressly provide for Registration but the copyright office does register	Copyright is recognized regardless of registration, filing or any other formality (Art.12)
Rights Afforded	Economic Rights (S.5) Moral Rights (S.6)	Economic Rights (S. 26) Moral Rights (S. 32)	Economic Rights (S. 7) Moral Rights (S. 8)	Economic Rights (S. 9) Moral Rights (S. 10)	Economic Rights (S. 10) Moral Rights (S. 11)	Economic Rights (Art. 200-202) Moral Rights (Art. 199)	Economic rights (s.9) Moral rights (s.11)	Economic rights (s. 29) Moral rights (s.30)	Economic rights (S. 9) Moral rights (S 11)	Economic Rights (Art.9.3) Moral Rights (art. 9.1)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Ghana	Kenya	Botswana	Uganda	Sierra Leone	Rwanda	Tanzania	Malawi	Namibia	São Tomé and Príncipe
First Ownership	Copyright vests in author except in cases of: commissioned work, works produced in the course of one's employment, or created under commission by the Government or an international body. (S.5-8)	Copyright vests in author except in cases of: commissioned work, works produced in the course of one's employment, or created under commission by the Government or an international body. (S. 31)	Subject to other provisions in the Act, the original owner of economic rights is the author who has created the work. (S. 9)	Copyright vests in author except in cases of employed authors (in absence of contract stating otherwise) and works for Government or international bodies. (Implied in S. 4-12)	The original owner of the economic rights is the author who created work. (S. 15)	The original owner of the moral and economic rights is the author who created work. (Art. 222)	The original owner of the economic rights is the author who created work. (S. 15)	The original owner of the economic rights is the author who created work (s.33)	The original economic rights is the author who created work (s.15)	Copyright belongs to the intellectual creator of the work, unless otherwise specified. (Art.11)
Duration of Copyright	Moral rights continue to vest in author even after transfer of economic rights (S.9) and they exist in perpetuity (S.18)	Moral rights continue to vest in author and successors (based on testamentary disposition) even after transfer of economic rights (S. 32)	Life of author and fifty years after his death (S. 10)	Moral rights remain with author regardless of status of economic rights. They exist in perpetuity even after death of original owner (S. 13:8)	Moral right of an author exist in perpetuity regardless of status of the economic rights. The rights are enforceable during the lifetime of the author and after the author's death, by the successors. (S. 21)	Moral rights have no limitation in time. (Art. 216)	Moral rights limitation (s.11)	Moral rights shall exist in perpetuity and they are not transferable (s. 30)	Moral rights shall exist in perpetuity and they are not transferable* (s.14)	Moral rights have no limitation in time.

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/Parameter	Ghana	Kenya	Botswana	Uganda	Sierra Leone	Rwanda	Tanzania	Malawi	Namibia	São Tomé and Príncipe
Duration of Copyright (...continued)	Literary works Life of the author and seventy (70) years after the death of the author or Life of last surviving author and seventy years after death of that author in works of joint authorship. (S. 12)	Literary works Life of author and fifty years after end of year in which author dies or author who dies last in works of joint authorship (S. 23:2)	Literary and artistic works Life of author and for fifty years after his death. Or for author who dies last in works of joint authorship. (S. 10)	Literary, scientific and Artistic works Life of author plus fifty years after the death of the author. (S. 13)	Literary, Life of the author plus fifty years. In works of joint authorship life of last surviving author and fifty years after his/her death. Duration of economic rights shall be during the life of the author and for fifty years after his/her death. Duration runs up to the end of the calendar year in which it would otherwise expire. In works of joint authorship, surviving author and 50 years after his or her death (Art. 217-221)	All Economic Rights Duration of protection of economic rights shall be during the life of the author and for fifty years after his/her death. Duration runs up to the end of the calendar year in which it would otherwise expire. In works of joint authorship, surviving author and 50 years after his or her death (Art. 217-221)	Economic and moral rights shall be protected during the life of the author right and for fifty years after his death. (s.35)	Economic and moral rights shall be protected during the life of the author right and for fifty years after his death. (s.35)	Economic and moral rights shall be protected during the life of the author right and for fifty years after his death. S. 14	Economic and moral rights shall be protected during the life of the author right and for fifty years after his death. (s.31)
	Bodies corporate Seventy (70) years from date of publication or making, whichever date is later. (S.13)	Bodies corporate Fifty (50) years from the end of the year in which it was published (S. 23)	Collective works For certain collective works, economic and moral rights exist for fifty years from date of fixation, making available to the public or publication, whichever date is latest. (S. 10)	Bodies Corporate Fifty years from date of first publication of the work. (S. 13)	Bodies Corporate Fifty years from the date on which the work was first made public. (S. 22)	No express mention of duration of copyright for works created by bodies corporate. s. 15	Bodies corporate Fifty (50) years from the end of the year in which it was published* (S.14)	Bodies corporate Fifty (50) years from the end of the year in which it was published* (S.14)	Bodies corporate Fifty (50) years from the end of the year in which it was published* (S.14)	Bodies corporate Fifty (50) years from the end of the year in which it was published* (S.14)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/Parameter	Ghana	Kenya	Botswana	Uganda	Sierra Leone	Rwanda	Tanzania	Malawi	Namibia	São Tomé and Príncipe	
Duration of Copyright (...continued)	Anonymous works Seventy years from date on which work was either made, published or to the public, whichever is later. If identity of author is later known or revealed beyond doubt, the duration reverts to end of year of death of author and thereafter. (S. 14)	Anonymous Works Fifty years from date on which work was either made, published or to the public, whichever is later. If identity of author is later known or revealed beyond doubt, the duration reverts to end of year of death of author and thereafter. (S. 23:3)	Anonymous/pseudonymous works Moral and economic rights protected for fifty years from date on which work was made, to the public, or published, whichever date is the latest. If author's identity is revealed or no-longer-in-doubt before expiration, then provisions for authors apply. (S. 10)	Anonymous Works Fifty years from date of first publication. If identity of author is revealed before expiration of fifty years, then provisions available for known authors apply. (S. 13)	Anonymous/Pseudonymous Works Fifty years from the date on which the work was made, first available to the public or first published, whichever date is the latest. Where the author's identity is revealed or is no longer in doubt before expiration of the said period, the provisions for standard moral and economic rights apply. (Art. 219)	Anonymous/Pseudonymous Works Fifty years from date of lawful publication, date on which work was made, or latest date of making available to the public. If author's identity is revealed or is no longer in doubt before expiration of the said period, the provisions for standard moral and economic rights apply. (Art. 219)	Anonymous or pseudonymous works, for a period of fifty years from the date on which such work was first published or otherwise lawfully made available to the public, whichever date is the latest, or if the work has not thus been made available to the public within fifty years of it having been created, for a period of fifty years from the date on which the work was created (S.34)	Anonymous or pseudonymous works, for a period of fifty years from the date on which such work was first published or otherwise lawfully made available to the public, whichever date is the latest, or if the work has not thus been made available to the public within fifty years of it having been created, for a period of fifty years from the date on which the work was created (S.34)	Anonymous or pseudonymous works, for a period of fifty years from the date on which such work was first published or otherwise lawfully made available to the public, whichever date is the latest, or if the work has not thus been made available to the public within fifty years of it having been created, for a period of fifty years from the date on which the work was created (S.34)	Anonymous or pseudonymous works, for a period of fifty years from the date on which such work was first published or otherwise lawfully made available to the public, whichever date is the latest, or if the work has not thus been made available to the public within fifty years of it having been created, for a period of fifty years from the date on which the work was created (S.34)	Anonymous or pseudonymous works, for a period of fifty years from the date on which such work was first published or otherwise lawfully made available to the public, whichever date is the latest, or if the work has not thus been made available to the public within fifty years of it having been created, for a period of fifty years from the date on which the work was created (S.34)
	Audio-visual works Seventy years from date of (with consent from the author) publication or making available to the public, whichever date is latest. (S. 15)	Audio-visual works Fifty years from the end of the year in which the work was either made, first made to the public, or published, whichever date is the latest. (S. 23:2)	Audio-visual works Fifty years from date of fixation, making available to the public or publication, whichever date is latest (S. 10)	Audio-visual/ Sound recordings/ Computer Programs / Photographic work. Fifty years from date of making or making the public with consent of the author. (S. 13)	Audio-visual works Fifty years from the date of the making of the work, or where the work is made available to the public during that period with the consent of the author until expiration of fifty years from the date of its communication to the public. (S. 21)	Collective work/ Audio-visual work and works published after death of author. For a period of fifty years from date of first making available to the public, date on which work was first made, or first lawful publication. (Art. 220)	Audiovisual work, the economic and moral rights shall be protected for fifty years from the date on which the work was made, first made available to the public, or first published, whichever date is the latest (S.35)	Audiovisual work, the economic and moral rights shall be protected for fifty years from the date on which the work was made, first made available to the public, or first published, whichever date is the latest (S.35)	Audiovisual work, the economic and moral rights shall be protected for fifty years from the date on which the work was made, first made available to the public, or first published, whichever date is the latest (S.35)	Audiovisual work, the economic and moral rights shall be protected for fifty years from the date on which the work was made, first made available to the public, or first published, whichever date is the latest (S.35)	No express mention Of Audio-visual works

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Ghana	Kenya	Botswana	Uganda	Sierra Leone	Rwanda	Tanzania	Malawi	Namibia	São Tomé and Príncipe
Duration of Copyright (...continued)			Work of Applied Art Both moral and economic rights exist for twenty five years from the making of the work. (S. 10)		Work of Applied Art Protected for 25 years from the making of the work. (S. 21d)	Work of Applied Art Work shall be protected for a period of 25 years from end of the year in which the work was first made. (Art. 221)	work of applied art, the economic and moral rights shall be protected for twenty five years from the making of the work. (s. 14)	work of applied art, the economic and moral rights shall be protected for twenty five years from the making of the work. (s. 35)	work of applied art, the economic and moral rights shall be protected for twenty five years from the making of the work. (s. 14)	Related Rights shall expire after a period of 50 years (Art.183)
	Folklore Rights vest in behalf of citizens and exist in perpetuity. (S. 17)	Folklore No mention of duration of protection of folklore.	Folklore No mention on duration of protection of folklore.	Folklore No mention of duration of protection of folklore.	Folklore Rights vest in president on behalf of and in trust for the people of Sierra Leone and exist in perpetuity (S. 26)	Folklore No mention of duration of protection of folklore	Folklore No mention of duration of protection of folklore	Folklore No mention of duration of protection of folklore	Folklore No mention of duration of protection of folklore	Folklore No mention of duration of protection of folklore
	Sound recordings Seventy years after the year of publication or if not published, seventy years after the year of fixation. (S. 16)	Sound recordings Fifty years after the end of the year in which recording was first made (S. 23:2)	Sound recordings Until the end of the fiftieth calendar year following the year of publication or if not published, until end of fiftieth year following the fixation. (S. 25:2)	Sound recordings Fifty years from date of making or making available to the public with consent of the author. (S. 13)	Programme carrying signals Fifty years from making the date of making the signal. (S. 24)	Performances and Phonograms Fifty years from end of year in which the performance or phonogram was fixed, made available to the public or published. (Art. 250-251)	Performances and Phonograms Fifty years from end of year in which the performance or phonogram was fixed, made available to the public* (Art. 183)	Performances and Phonograms Fifty years from end of year in which the performance or phonogram was fixed, made available to the public* (Art. 183)	Performances and Phonograms Fifty years from end of year in which the performance or phonogram was fixed, made available to the public* (Art. 183)	Related Rights shall expire after a period of 50 years (Art.183)
	Broadcasts The rights of broadcasting organisations are protected until expiration of forty years from date of making broadcast or signal. (S. 36)	Broadcasts Fifty years after the end of the year in which the broadcast took place. (S. 23:2)	Broadcasts From moment of broadcasting until the end of fiftieth calendar year following the year in which the broadcast takes place. (S. 27:2)	Broadcasts Fifty years from date of making or making available to the public with consent of the author. (S. 13)	Photographic Work. Fifty years from the date of making the work. (S. 25)	Broadcasts Twenty five (25) years from the first month of the year that follows the year in which broadcast took place. (Art. 252)	Broadcasts Twenty five (25) years from the first month of the year that follows the year in which broadcast took place. (Art. 252)	Broadcasts No mention of broadcast duration	Related Rights shall expire after a period of 50 years (Art.183)	Related Rights shall expire after a period of 50 years (Art.183)

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Countries/ Parameter	Ghana	Kenya	Botswana	Uganda	Sierra Leone	Rwanda	Tanzania	Malawi	Namibia	São Tomé and Príncipe	
Copyright	All copyright works The reproduction of the work in any manner or from; the translation, adaptation, arrangement or any other transformation of the work; the public performance, broadcasting and communication of the work to the public; the distribution to the public of originals or copies of the work by way of first sales or other first transfer of ownership; and the commercial rental to the public of originals or copies of the work. (S. 5)	Literary, Musical or artistic work or audio-visual work Reproduction in any material form of the original work or its translation or adaptation; the distribution to the public of the work by way of sale, rental, lease, hire, loan, importation, or similar arrangement; and the communication to the public and the broadcasting thereof, either in its original form or in any form recognisably derived from the original. (S. 26.1)	Selected copyright works Author/Owner of copyright shall have exclusive right to reproduce, translate, adapt, arrange or other transformation, first public distribution, rental, public performance, importation, broadcasting or other communication to the public of the work. Rights to rental and lending do not apply to computer programs where the program itself is not the essential object of the rental or lending. (S. 7)	All Copyright Works. The owner of a protected work shall have in relation to that work the exclusive right to do or authorise other persons to do various actions as outlined in the Act. (S. 9)	All copyright works The reproduction; translation, adaptation, arrangement or any other transformation of the work; the communication to the public by performance or broadcast, or any other means; the distribution to the public, by way of sale, rental, public lending or of the original or copy that has not been subject to sale or transfer as authorised by the owner of copyright; rental or public lending of the original or copy of an audio-visual work, sound-recording, computer programme, database or musical work; importation; public display; public performance; broadcasting and any other communication to the public. (S. 9; 38-46)	Moral rights and economic rights. Economic rights include having exclusive right to reproduction, translation, adaptation, arrangement, rental, communication to the public, public performance distribution. Moral rights to claim authorship, to object to use of his or her reputation and not have his or her name indicated or the right to use a pseudonym. (Art. 199-202)	Moral rights and economic rights. Economic rights include having exclusive right to reproduction, translation, adaptation, arrangement, rental, communication to the public, public performance, broadcasting and distribution to the public of originals or copies of the work by way of first sales or other first transfer of ownership; and the commercial rental to the public of originals or copies of the work.* (Art. 199-202)	Moral rights and economic rights. Economic rights include having exclusive right to reproduction, translation, adaptation, arrangement, rental, communication to the public, public performance, broadcasting and distribution to the public of originals or copies of the work by way of first sales or other first transfer of ownership; and the commercial rental to the public of originals or copies of the work.* (Art. 199-202)	Moral rights and economic rights. Economic rights include having exclusive right to reproduction, translation, adaptation, arrangement, rental, communication to the public, public performance, broadcasting and distribution to the public of originals or copies of the work by way of first sales or other first transfer of ownership; and the commercial rental to the public of originals or copies of the work.* (Art. 199-202)	Moral rights and economic rights. Economic rights include having exclusive right to reproduction, translation, adaptation, arrangement, rental, communication to the public, public performance, broadcasting and distribution to the public of originals or copies of the work by way of first sales or other first transfer of ownership; and the commercial rental to the public of originals or copies of the work.* (Art. 199-202)	Moral rights and economic rights. Economic rights include having exclusive right to reproduction, translation, adaptation, arrangement, rental, communication to the public, public performance, broadcasting and distribution to the public of originals or copies of the work by way of first sales or other first transfer of ownership; and the commercial rental to the public of originals or copies of the work.* (Art. 199-202)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/Parameter	Ghana	Kenya	Botswana	Uganda	Sierra Leone	Rwanda	Tanzania	Malawi	Namibia	São Tomé and Príncipe
Permitted Uses of Copyrights	Various exceptions permitted to the copyright Specific exceptions for Computer Programs highlighted. (S.19)	Various exceptions permitted to the copyright Specific exceptions for Computer Programs highlighted. (S.26(1))	Various exceptions permitted to the copyright with specific exceptions applying to Computer Programs. (S.12-21)	Fair use of copyrighted works is permitted. The Act cites what is considered as fair use. (S.15)	Various exceptions permitted to the use of copyright including private reproduction for personal purposes, temporary reproduction, reproduction in the form of quotation, reproduction for teaching, etc. (Art. 203-215; 247-249)	Various limitations to economic rights provided for including private reproduction for private purposes, temporary reproduction, free reproduction for teaching, for archives and libraries, etc. (Art. 203-215; 247-249)	Various exceptions permitted to the copyright Specific exceptions for Computer Programs highlighted. (S.86)	Various exceptions permitted to the copyright Specific exceptions for Computer Programs highlighted. (S.12)	Various exceptions permitted to the copyright Specific exceptions for Computer Programs highlighted. (S.12)	Various exceptions permitted to the copyright Specific exceptions for Computer Programs highlighted. (art. 222)
Notable lacunas and inclusions on permitted uses										
	No express exceptions for works targeting the Blind and other Visually Impaired Persons.	No express exceptions for works targeting the Blind and other Visually Impaired Persons.	No express exceptions for works targeting the blind and other VIPs.	Fair use includes transcribing work into braille or sign language for educational purposes of persons with disabilities (S. 15(L)(k))	No mention of exceptions to use for works with purpose of targeting the blind and other VIPs	Provides for free use of work for visually impaired persons. No need for authorisation of the author to reproduce and distribute work for visually impaired persons (Art. 215)	No mention of exceptions to use for works with purpose of targeting the blind and other visually impaired people	Reproduction of a work for people with disabilities (s.49)	No mention of exceptions to use for works with purpose of targeting the blind and other visually impaired people	Reproduction of a work for people with disabilities (art 80)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/Parameter	Ghana	Kenya	Botswana	Uganda	Sierra Leone	Rwanda	Tanzania	Malawi	Namibia	São Tomé and Príncipe	
Public domain	Works with expired terms of protection; works by authors who have renounced their right; foreign works that do not enjoy protection in the republic (S.38)	Works whose term of protection has expired; Works in respect of which authors have renounced their rights; Foreign works which do not enjoy protection in Kenya (S.45)	No express mention of public domain works.	No express mention of treatment of works in the public domain	Works with expired terms of protection, by authors who have renounced their rights; and foreign works that do not enjoy protection in Sierra Leone belong to the public domain. (S. 48)	All works in the public domain are treated as Rwanda's heritage and culture. (Art. 202)	No express mention of public domain works.	Works and related subject matter in the public domain Covered (S.84)	No express mention of public domain works.	No express mention of public domain works.	Express mention of use of works in the public domain (art 38)
Use of works in public domain											
	Subject to payment of such fees as may be determined by minister in relation thereto, a work which has fallen into the public domain may be used without restriction (S. 38(3))	Subject to payment of such fees as may be determined by minister in relation thereto, a work which has fallen into the public domain may be used without restriction (S. 45(3))	No mention of use of works in the public domain	No express mention of use of works in the public domain	Subject to payment of a fee to be prescribed by the Registrar a work that has fallen into the public domain may be used without restriction. The fees will be used for the promotion of institutions which operate for the advancement of authors, performers, producers of sound recording, translators and arts in general (S.48)	Any use for commercial purposes is made in return for payment of royalties in the conditions determined by the empowered authority. (Art. 202)	No express mention of use of works in the public domain	When a work is in the public domain the provisions of the Copyright Act shall not prevent or limit its use. (s.84)	No express mention of use of works in the public domain	Express mention of use of works in the public domain (art 38)	

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Ghana	Kenya	Botswana	Uganda	Sierra Leone	Rwanda	Tanzania	Malawi	Namibia	São Tomé and Príncipe	
Infringement	Any doing of the act reserved for the author, performer, and broadcasting organisations without the license of the owner. (S.41)	Any doing of the act reserved for the author, performer, and broadcasting organisations without the license of the owner. (S. 38)	Any act contravening the provisions of the Act shall be guilty of an offence. (S. 31)	Dealing with any work or performance without a valid transfer, licence, assignment or other authorisation an act contrary to permitted free use and in manner prejudicial to the honour or reputation of author. (S. 46- 49)	Doing of any acts that are contrary to the provisions of the Act. (S. 71- 79)	Any infringement of copyright or related rights protected under the law, committed wilfully or by gross negligence, by any third person for profit-making purposes and without owner's consent shall constitute an act of forgery. (Art. 261)	Any person who infringes a copyright or any other right protected by this Act, the injured party may bring an action in court for injunctive relief requiring the wrongdoer to cease and desist if there is a danger of a repetition of the acts of infringement was intentional or the result of negligence (S.37)	Infringement of copyright shall be actionable by the owner of the copyright. (s.114)	No mention of Anton Pillar orders but similar provisions exist	Infringement and Protection of Copyright and Related Rights (Title IV)	
Anton Pillar Orders	No express mention of Anton Pillar Orders but similar provisions exist (S. 47(2))	Provides for Anton Pillar Orders (S. 37)	No express mention of Anton Pillar Orders	No express mention of Anton Pillar but similar provisions exist in the Act. (S. 53-54)	No mention of Anton Pillar Orders Or similar provisions	No mention of Anton Pillar orders but similar provisions exist	No mention of Anton Pillar orders but similar provisions exist	No mention of Anton Pillar orders but similar provisions exist	No mention of Anton Pillar orders but similar provisions exist	No mention of Anton Pillar orders but similar provisions exist	
Penalties	Payment of fine not exceeding or under stipulated units or a term of imprisonment or both. Under the act, maximum imprisonment term is not more than three years. (S. 43)	Payment of fine not exceeding specific amount set in shillings or set number of years of imprisonment or both. Under the act, maximum imprisonment term is ten years. (S. 38)	First time offenders liable to a fine of P20,000 or prison term of maximum 10 years or both.	For infringing rights of producers, sound recordings, etc, fine not exceeding 25 currency points or imprisonment not exceeding one year or both. (S. 47-50)	A person who infringes a right under the Act wilfully, or by gross negligence and for profit-making purposes commits an offence and is liable on conviction to a fine not exceeding le60,000,000 or	Act provides a detailed list of criminal penalties for each specific offence related to copyright and related rights. (Art. 41)	Act provides a detailed list of criminal penalties for each specific offence related to copyright and related rights. (Art. 264)	Act provides a detailed list of criminal penalties for each specific offence related to copyright (S.111-114)	Act provides a detailed list of criminal penalties for each specific offence related to copyright and Neighbouring rights (S. 42)	Act provides a detailed list of criminal penalties for each specific offence related to copyright and Neighbouring rights (S. 197)	term of imprisonment maximum three years= and a fine of 150 to 250 days Of three years Penalty of a Fine 150 to 250 days (S.197)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Ghana	Kenya	Botswana	Uganda	Sierra Leone	Rwanda	Tanzania	Malawi	Namibia	São Tomé and Príncipe
Penalties (...continued)			Second or subsequent offenders shall be fined a minimum of P30,000 and P5,000,000 or imprisoned for a term not exceeding 10 years or both. (S. 29-33)		no more than imprisonment term of three years or to both the fine and imprisonment. The court shall also fix the amount of profits, taking into account the defendant's profits attributable to the infringement. In repeat offenders within 5 years of a previous conviction, upper limits of the penalties may be doubled. In offences related to folklore, individuals are liable on conviction to payment of a fine not exceeding Le20,000,000 or imprisonment for a term not exceeding twelve months or both fine and imprisonment; and Corporate bodies to a fine of Le60,000,000 (S. 71- 77)					

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/Parameter	Ghana	Kenya	Botswana	Uganda	Sierra Leone	Rwanda	Tanzania	Malawi	Namibia	São Tomé and Príncipe
Civil Remedies	Regardless of outcome of criminal proceedings, rights owner may initiate civil proceedings with the High Court (S. 47)	There is no express mention of civil remedies in the Act except in one section where the act mentions that infringing articles may be destroyed or surrendered to owner of copyright. (S. 38.8)	The Act provides for the granting of civil remedies including destruction or other reasonable disposal of infringing copies and articles. There is a fine of a fixed amount or jail term for failure to adhere to court orders regarding civil remedies. (S. 30)	The Act provides for civil remedies including destruction or reasonable disposal of infringing copies and equipment. (S. 50)	The Act provides for civil remedies. Owner of infringed rights is entitled to payment for damages suffered and expenses caused by infringement including legal costs. (S. 72, 77)	Competent authority may: Provide for Cease and Desist orders; and grant damages and any other compensation to an alleged infringer provided for by Rwandan civil and commercial legislation. (Art. 265)	The injured party may bring an action in court for injunctive relief requiring the wrongdoer to cease and desist if there is a danger of repetition of acts of infringement was intentional or the result of negligence (S.37)	The Act doesn't provide for remedies civil destruction or reasonable disposal of infringing copies and equipment	The injured party may require the destruction of copies that may require the destruction of copies that have been unlawfully manufactured s.38-(1)	Civil liability arising from the infringement of the rights in this Code is independent of any criminal Proceedings from infringement
Restitution and forfeiture	Court may order payment of sum arising out of the offence to the person entitled under the act to those sums (S. 46(a))	There is no mention of financial restitution to the person entitled under the act (S. 38.8)	Court May order payment of any damages suffered, including any profits enjoyed by the infringing party, that are attributable to the infringement. (S. 30)	In addition to punishment imposed by the court, the offender may be ordered to pay to the person entitled all sums of money arising out of the offence and received by the offender. (S. 50)	In addition to punishment by the court, the court may order that the sums of money arising out of the offence be paid to the person entitled to the sums under the act; (S. 77)	Upon request of owner, competent tribunal may order disposal of the implements, instruments or materials outside the channel of commerce that are used to commit or continue to commit acts of infringement, to the right owner (Art. 259)	In lieu of damages the injured party may recover the profits by the infringer from the acts of infringement together with a detailed accounting (S.37)	Infringement of copyright shall be actionable by the owner of the Copyright Profit awarded to plaintiff (s.114)	Infringement of Copyright shall be actionable by the owner of the Copyright Profit awarded to plaintiff s.36	Income made from profit of Infringer can be Claimed from the Proceeds (art 49)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/Parameter	Ghana	Kenya	Botswana	Uganda	Sierra Leone	Rwanda	Tanzania	Malawi	Namibia	São Tomé and Príncipe
Restitution and forfeiture (...continued)	The implement or device used in infringement and the copies thereof be forfeited and disposed of as direct, having regard of to the circumstances relating to the infringement. ((S. 46(b))	Any article which is an infringing copy or an article used or intended for use in making infringing copies in the possession of the charged person to be destroyed, delivered up to the owner of the copyright in question or otherwise dealt with as the court may think fit. (S. 38.8)	In addition to civil remedies, the court shall have authority to order the destruction or the other reasonable disposition of infringing copies and their packaging outside the channels of commerce. Where there is suspicion that implements may be used for further offences, the court shall order their destruction or disposition outside the channels of commerce. (S. 30)	All reproductions, duplication, translation, extracts, imitations and all other materials involved in the infringement to be forfeited and disposed of as the court may see fit. (S. 50)	That the reproductions, duplications, extracts, imitations and other materials involved in the infringement, and implements or devices used in the infringement be forfeited and disposed of as the court may direct having regard to the circumstances relating to infringement. (S. 77)	Upon request of owner, competent tribunal may order the detention, impoundment and destruction of copies of infringing works. (Art. 259)	The injured party may require the destruction of copies that have been unlawfully manufactured or unlawfully distributed which are intended for unlawful distribution (S.37)	All reproductions, duplication, translation, extracts, imitations and all other materials involved in the infringement to be forfeited and disposed of as the court may see fit. (s.94)	The injured party may require the destruction of copies that have been unlawfully manufactured or unlawfully distributed or which are intended for unlawful distribution (Art 49)	No mention of a special team for enforcement of rights afforded by Act.
Special Enforcement	Copyright Monitoring Team composed of Police Officers, Representatives of copyright owners, and officers of the Copyright Office (S. 50)	Inspectors appointed by the Board for enforcing act. (S. 39)	No mention of a special team for copyright enforcement outside the normal law enforcement procedures	Copyright inspectors in the URSB. Or any authorised staff of a collecting society. (S. 52)	No mention of a special team for enforcement of rights afforded by Act.	There is mention throughout the Act of a competent tribunal	No mention of a special team for enforcement of rights afforded by Act.	No mention of a special team for enforcement of rights afforded by Act.	No mention of a special team for enforcement of rights afforded by Act.	No mention of a special team for enforcement of rights afforded by Act.

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Countries/Parameter	Ghana	Kenya	Botswana	Uganda	Sierra Leone	Rwanda	Tanzania	Malawi	Namibia	São Tomé and Príncipe
Dispute Settlement	Provides for dispute settlement through Copyright Administrator or Court of competent jurisdiction (S. 48)	Appointment of competent authority by Minister to handle disputes. (S. 49)	Appointment by Minister of Copyright Arbitration Panel for the settlement of disputes under the Act. (S. 33A)	Settlement of Disputes referred to an arbitrator or arbitrators under the Arbitration and Conciliation Act. (S. 79)	Three step dispute settlement procedure which begins with negotiation between parties followed by mediation through Registrar and then judicial settlement. Matter may be resolved at any one of the three stages, but follows through steps. (S. 78)	Any appeals against the competent tribunal shall be subject to an appeal in accordance with Rwandan legislation (Art. 272)	The minister may in Consultation with the relevant Ministry, Department or Institution appoint from among citizens of Tanzania a person qualified and in matters related to Copyright and Neighboring Rights to be members of the Board of societies	Any dispute arising in the exercise of the rights under the Copyright act shall be resolved by way of arbitration conducted according to the arbitration Act (s.58)	Settlement of Disputes referred to an arbitrator or arbitrators under the Arbitration and Conciliation Act. (S.47)	Settlement of Disputes referred to an arbitrator or arbitrators in good faith (art 18)
Collective Administration	Copyright owners may form Collective Administrative societies and the minister may by Legislative instrument make regulations for the formation, operation and administration of societies. (S. 49)	Board approves organisations seeking to operate as Collecting Societies upon application and meeting conditions. (S. 46)	There shall be established, for the various categories of works protected under the Act, a collective administration body to be known as Copyright Society of Botswana. (S. 36A)	The Registrar of companies registers Collecting Societies which have applied for registration, meet requirements and do not duplicate the work of an existing society. (S. 57-78)	The Act establishes the Collecting Society of Sierra Leone which will exist into perpetuity and acts on behalf of all categories of works covered by the copyright. The Act also establishes a board for the society. (S. 54-70)	Use and management to be entrusted to one or more independent companies of collective management of copyrights and related rights. (Art. 253)	Collective Administration of copyright Neighbouring Rights Stated in (S 46)	Collective Administration of copyright Rights Stated in *	Collective Administration of copyright Neighbouring Rights Stated in s.47	Collective work of copyright Related Rights Stated in A. 19

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/Parameter	Lesotho	Liberia	Kingdom of Eswatini	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Title	Copyright Order, 1989 (Order No. 13 of 1989) Copyright Regulations, 2015	Intellectual Property Act 2016	Copyright and Neighboring Rights Act 2018	Law No. 4/ 2001 Copyright	Copyright and Neighbouring Rights (Protection) and Literal and Artistic works Act of 2013.	Copyright Act, 2004	The Copyright and Performances Rights (Act No. 44 of 1994) Read together with Copyright and Performance Rights (Amendment) Act, 2010. (Act 25 of 2010)	Copyright and Neighbouring Rights Act (Chapter 26:05)
Administration	Registrar (S. 34:35)	Liberian Intellectual Property Office (S.4.1)	Copyright Office S.73-74	Copyright Office Ministers is competent to regulate the implementation of the subject matter provided for in the law. (Art. 77)	The National Council for Copyright and Neighbouring rights and the Literal and Artistic works "The Council" (S. 50)	The National Centre for Arts and Culture, "The Centre" (S. 56)	Registrar of Copyright (S. 54)	Registrar of Copyright, Copyright Office (S. 87- 90)
Protected works	General The Act clearly outlines the works included under each category as well as definitions of specific items (S. 2)	General The Act clearly outlines the works under each category as well as definitions of specific terms. (S. 9.1)	General The Act clearly outlines the works under each category as well as definitions of specific terms. (S. 2)	General The act provides a detailed list of works protected, including definitions of specific terms (Art. 3. Annex)	General The Act provides a list of works protected, and those not protected, including definitions of specific terms (S. 5- 6)	General The Act clearly outlines the works under each category as well as the definitions of specific terms. (S. 2)	General The Act clearly outlines the works under each category including definitions of specific terms. (S2-4, 7-9)	General The Act clearly outlines the works under each category including definitions of specific terms. (S. 2- 13)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Kingdom of Eswatini	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Protected works (...continued)	Literary, artistic and scientific works, regardless of their form and purpose of expression and creation and Derivative works. (S. 3; 4) Act cites works not protected, including any idea, procedure systems, political speeches, news of the day (S.9.4)	A literary and artistic work that is original intellectual creation is protected S.9.1(a) (b) Act cites works not protected including any idea, procedure systems, political speeches, news of the day (S.9.4)	Literary, dramatic, musical and artistic works. (S. 3)	Written works, including computer programs, musical works, photographic works, works of architecture, Audio-visual work, Choreographic work, Derivative work, Computer software or programmes. (Art. 4)	Written works, works of fine arts, dramatic and dramatic-musical works, audio-visual works, photographic works, works of architecture, computer programs, electronic databanks, all kinds of maps, other works known or unknown. Derivative works also protected (S. 5)	Literary, Artistic, Musical work, Sound recordings, Audio-visual work, Choreographic work, Derivative work, Programme Carrying Signals. (S. 4)	Literary, Artistic and Musical works, Computer programs, Compilations, Audio-visual works, sound-recordings, broadcasts, cable programs, typographical arrangements of literary works. (S. 8)	Literary, musical, artistic, audio visual works, sound recordings, broadcasts, programme-carrying signals, published editions. (S. 10) Details works that are not eligible for copyright.
	NB: Use of expressions of folklore is provided for and the Act outlines works that fall under folklore (S. 19; 21-23) Includes exceptions to use of folklore (S. 20; 23)	Provides protection of Traditional Cultural Expressions (S.9.34)	Provides for Protection of Expressions of folklore (s 65)	NB: Expressions of Folklore are protected (Art. 4)	Protection of folklore expressions (Chapter VI)	NB: Expressions of folklore recognised and protected (S. 8)	NB: No mention of expression of folklore in the Act.	NB: Provides for works of folklore including how such works are handled. (S. 80- 86)
	NB: No mention of computer programs in the Act	Computer programs (S. 9.1 (b)x)	Provides for Computer programmes in the Act (S.29)	NB: Computer programs included under written works (Art. 4)	NB: Computer programmes and electronic data banks are protected (S. 5)	Computer programmes included under literary works (S. 2)	Computer programs protected but have to be recorded in writing or in some other form. (S. 8)	Computer programs protected but have to be reduced to writing, recorded or another form (S. 10)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Kingdom of Eswatini	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Protected works (...continued)	Act provides for protection of neighbouring rights. (S. 24)	Act provides for protection of artistic works. (S. 9.1 (a))	Act provides for neighbouring rights Part VIII	The Act provides for protection of artistic works. (Art. 1) Act provides for works not protected including news of the day, simple facts and data, ideas, processes, operational methods or mathematical concepts, official texts. (Art. 5)	Act provides for works not protected including Public domain works, official documents, daily news, ideas, methods, state emblems (S. 6)	Act provides for protection of performers, broadcasting organisations, sound recordings and audio-visual producers. (S. 38- 46)	The Act provides for protection of performers rights. (S. 44-53)	The Act provides for protection of related rights (S. 68- 79)
Formality requirements	Protection exists by the sole fact of creation of works. (S. 3) No mention of registration requirements	Provides for registration of works. (S. 9.24,9.25)	Provides for maintaining database on copyright matters and authors and their works and maintain a register of works, productions and associations of authors and performers S.76 (1)(b)(i)	Provides for registration of copyright though rights exist upon creation of works. (Art. 55; 56)	Provides for voluntary registration of works which serves as conclusive evidence in cases of legal proceedings though protection applies without fulfilment of any formality. (S. 38 (1))	Provides for registration of works (S. 49)	Provides for voluntary registration and transfers of copyright. (S. 39- 43)	The Act establishes a Copyright Office for the registration of copyright and other matters in terms of the Act (S. 87-90)
Rights Afforded	Economic and Moral Rights (S. 6; 7; 8)	Economic Rights and Moral Rights (S. 9.20)	Economic Rights Part III moral rights Part VII	Economic Rights and Non-Economic Rights. (Art. 6- 8)	Economic Rights and Moral Rights (S. 8; S.7 respectively)	Economic Rights (S. 9) Moral Rights (S. 10)	Economic Rights (No express mention of economic rights) Moral Rights (S. 24)	Economic Rights (Stated as Copyright S. 9-23, 68-79) Moral Rights (S. 61-67)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Kingdom of Eswatini	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
First ownership	Copyright vests in first instance in the author or authors who created the work, the authors in a joint work shall be co-owners, and in the absence of a contract stating otherwise, works created for other people or body corporate in the course of duties shall be deemed assigned to the employer of the author. (S. 14)	Copyright in a work protected under the Act vests initially in the author or authors of the work. Cites also ownership in works made for hire, collective works and jointly authored works. (S. 9.21)	The Author of a work shall be the first owner of the copyright therein. Exceptions cited. (S. 7)	The author of the work is the primary owner of the economic and non-economic rights in the work. Specific conditions to ownership apply to Works of Joint Authorship, Collective Works, Works of Folklore, Works created under contract of employment and Audio-visual works. (Art. 28- 33)	Copyright vests, in the first instance, in the physical person or persons who created the work. (S. 11)	The original owner of the economic rights is the author who created work. Exceptions cited in cases of joint-authorship, works created under employment, audio-visual works and collective works (S. 15)	The author of a work shall be the first owner of the copyright which subsists under the Act. Exceptions cited in works created under employment and under commission. (S. 10) Has provisions for assignment of Copyright which is expected to arise in the future (S. 11(3))	Ownership of copyright vests in the author of the work or the co-authors of the work in works of joint authorship. Also details other instances of ownership in various other types of work (S. 5, 14)
Duration of Copyright	Protected during the life of the author and fifty years after his death. (S. 13)	Protected during the life of author and fifty years after his death. (S. 9.20)	The protection of moral rights shall be forever. (S. 10(1))	Protection of non-economic rights is not limited in time and is not transferable inter vivos, but may be transferred by succession. (Art. 22; 33)	Protected during the life of author and fifty years after his death. (S. 21)	Protection of Moral rights shall expire on the death of the author or director. (S. 24)	Moral rights shall subsist in a work as long as copyright subsists in it. (S. 61- 66)	

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Kingdom of Eswatini	Mozambique	Sudan	Gambia	Zambia	Zimbabwe	
Duration of Copyright (...continued)	Economic Rights Life of author and for fifty (50) years after his death. (S. 13) Duration of neighbouring rights including producers of phonograms, broadcasts and performances shall last 20 years computed from end of year in which performance, broadcast or phonogram was made. (S. 24(5); 26(2; 29(2))	All Economic Rights Economic and moral rights in literary, musical and artistic works, other than photographic work, shall be protected during the life of the author and for fifty years after the year in which the author dies. (S.9.20(a))	Economic Rights Term of copyright shall be, unless otherwise stated, be the life of the author and a period of fifty (50) years after his death. (S. 9)	Economic Rights The economic rights shall expire 70 Years after the death of the author, even in the case of a work disclosed or published posthumously. (Art. 22)	Economic Rights Life of author and 50 years after his death. (S. 10(1) (b)) Duration of neighbouring rights including producers of sound and audio-visual recordings, broadcasting organisations and performances shall last 50 years computed from the date of the beginning of the Gorgorian year subsequent to the publish date of the recording/date of the sound fixture of the performance (S.24)	Economic Rights The economic rights shall be protected during the life of the author and for fifty (50) years after his death. (S. 21)	Economic Rights Copyright in literary, artistic or musical work or compilation expire at the end of the period of fifty (50) years from the end of the year in which the work was first published. (S. 15) Duration of protection of performances and recording rights such subsist in relation to a performance until the end of fifty years from the end of the calendar year in which the performance took place. (S. 75)	Economic Rights Copyright in literary, artistic or musical work or compilation expire at the end of the period of fifty (50) years from the end of the calendar year in which the author dies. (S. 12(1))	Economic Rights Copyright in literary, artistic or musical works shall be for 50 years from the end of the year in which the work was first published. (S. 15) Duration of protection of performances and recording rights such subsist in relation to a performance until the end of fifty years from the end of the calendar year in which the performance took place. (S. 75)
Joint Works	In works of joint authorship, the rights shall be protected during the life of the last surviving author and for 50 years after his death. (S. 13(2))	Joint works Economic and moral rights protected during the life of the last surviving author and for fifty years after his death. (S. 9.20(b))	Joint Works Copyright shall subsist during the life of the author who dies first and for a term of 50 years after his death, or during the life of the author who dies last, whichever period is the longer.	Joint Works The economic rights of a work of joint authorship are protected during lifetime of the last surviving author and for a further 70 years following his death.	Joint Works Joint work period shall start to run from the death of the last surviving author. (S.10(2)	Joint works Rights protected during the life of the last surviving author and for fifty years after his or her death. (S. 21(2a))	Joint Works In joint works, reference to the death of the author in general provision is read as reference to the death of the last to whose identity is known. (S. 12(4))	Joint Works Rights protected during the life of the last surviving author and for fifty years after his or her death. (S. 15(4))	

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/Parameter	Lesotho	Liberia	Kingdom of Eswatini	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Duration of Copyright (...continued)	Bodies Corporate In the absence of contract, presumption is that first ownership is with body corporate or employer. No mention to duration of such rights. (S. 14(4))	Government Works. Copyright is conferred by this section on any work eligible for copyright which is created pursuant to a commission from the Government or such international body or non-governmental body as prescribed by LIPO (S. 9.5)	Government Copyright to works produced under direction of Government or Government Department shall, subject to any agreement with the author, belong to the Government and protected for a period of 50 years from date of publication (S. 76)	Bodies corporate Law not explicit on copyright duration for Bodies Corporate as first assumption is that Author is person who created the work in the absence of a contract stating anything to the contrary. (Art. 32)	Bodies Corporate Economic right of the collective shall rest into the natural or corporate person who takes the initiative and responsibility for the creation of the collective work.	Bodies Corporate/ Government Copyright in works in which government or another convention body has first ownership shall expire at the end of the period of fifty (50) years from the end of the calendar year in which the work is made. (S. 12(2))	Government Works Copyright in works in which government or another convention body has first ownership shall expire at the end of the period of fifty (50) years from the end of the calendar year in which the work is made. (S. 12(2))	Government Works Copyright conferred on State or an international body has duration reserved for specific works according to set provisions in S. 15(1) and fifty years from end of the year in which the work was first published with respect to literary, musical or artistic. (S. 15(2))
	Anonymous/pseudonymous Works Rights protected until expiration of fifty years from date on which work was first lawfully published. If author's identity is revealed or no-longer in doubt before expiration, then provisions for authors and joint authors apply (S. 13(3))	Anonymous/Pseudonymous Works Economic and moral rights shall be protected for fifty years from the end of the calendar year in which the work was made or first made available to the public by authorised Publication. If authors identity is revealed or no longer in doubt provisions of subsection (a), (b) shall apply. (S. 9.20(e))	Anonymous Works No mention of works produced anonymously or pseudonymously	Anonymous works 70 Years from the date on which the work is legally published, made accessible or completed, or end of year of completion. If identity of author is revealed beyond doubt before expiration of the periods referred to, the provisions relating general economic rights for known authors shall apply. (Art. 24)	Anonymous Works The term shall last for fifty years after putting the work at the disposal of the public in a legitimate way, where the pseudonym name the author used leaves no room to doubt in specifying his character the duration shall be as provided for in S. 10(1)(b) i.e. author's life and fifty years after death. (S.10(1)(d))	Anonymous/Pseudonymous Works Fifty years from the date on which the work was made, first available to the public or first published, whichever date is the latest. Where the author's identity is revealed or is no longer in doubt before the expiration of that period, the terms for known authors shall apply. (S. 21(2c))	Anonymous Works The copyright in the work shall expire at the end of the period of fifty years from the end of the calendar year in which the work is first published unless the identity of the author of the work becomes known before that date. (S. 12(3))	Anonymous Works Shall subsist for 50 years from the end of the year in which the work is made available to the public with consent of the copyrighter or from end of year in which it is reasonable to presume that the author died whichever period is shorter. If identity of author is revealed before expiry the standard provisions apply (S. 15(3))

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/Parameter	Lesotho	Liberia	Kingdom of Eswatini	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Duration of Copyright (...continued)	Audio-visual works Protected until expiration of fifty years from date of making the work or making available to the public. (S. 13(4))	Audio-visual works and Sound Recordings Economic and moral rights shall be protected for fifty years from the end of the calendar year in which the work was made or first made available to the public by authorised publication or by any other means whichever date is the latest. (S.9.20(c))	Audio-visual works S.8(1)(a) Fifty years from end of the year in which work is made available to the public with the consent of the owner or fifty years from end of year in which the work was made.	Collective or Audio-visual works Protected 70 Years after the work is lawfully made public or after its completion. (Art. 25)	Audio-visual works Protection shall last for 50 years after the audio-visual works put at the disposal of the public with the consent of the author, where upon the expiry of the 50 years and the work has not put at the disposal of the public the protection shall come to an end. (S.10(1)(c))	Audio-visual works/ Sound Recordings Copyright expires at the end of fifty years from the end of the calendar year in which it is made or in which it is published. (S. 13)	Audio-visual works/ Sound Recordings Copyright expires at the end of fifty years from the end of the calendar year in which it is made or in which it is published. (S. 13)	Audio-visual works/ Collective Works/ Computer Programs Fifty years from end of year in which work is made available to the public or end of year in which work is made (S. 15(1))
	Work of Applied Art Both moral and economic rights exist for twenty five years from the making of the work. (S. 13(5))	Photographic Works Economic and moral rights protected until expiration of fifty years from end of the calendar year in which the work was made or first made available to the public by publication whichever is latest. (S. 9.20(g))	Photographic Works Provided under (S.8(1)(a))	Works of Applied Art Protected for 70 years from its completion (Art. 26)	Photographic work Protection shall last 25 years after the achievement of the work (S.10(1)(e))	Photographic Works Protected for fifty years from the making of the work. (S. 25)	Photographic Works Included under artistic works.	Photographic Works Fifty years from end of year in which work is made available to the public or end of year in which work is made (S. 15(1))
	Folklore No mention on duration of protection of copyright	Folklore Protection of traditional cultural expressions (S.9.34)	Folklore mention of folklore in the Act (s.65)	Folklore The protection of folklore is not limited in time. (Art. 50)	Folklore Protected under Chapter VI of the Act	Folklore Rights vest in Secretary of State on behalf of and in trust for the people of Gambia and exist in perpetuity (S. 26)	Folklore No mention of folklore	Folklore No mention of duration of protection of folklore

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Kingdom of Eswatini	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Duration of Copyright (...continued)	Cinematographic works Protected until expiration of fifty years from date of making the work or making available to the public. (S. 13(4))	Cinematographic works Protected until expiration of fifty years from date of publishing of the work, or if the work has not been published before fifty years from its making. (S. 2(20))	Performances / Cinematographic works Fifty years from date of making or making available to the public with consent of the author (S.8(1)(a))	Performances Protection to be granted is 50 years the end of year of the recording for performances recorded on a phonogram or end of year in which performance takes place for performances not recorded on a phonogram (Art. 51)	Cinematographic Films Economic rights of an audio-visual works shall last for fifty years after the audio-visual works put at the disposal of the public until the consent of the author, where upon the expiry of the fifty years and the work was not put at the disposal of the public the protection shall come to an end (S. 10(1)(c))	Programme carrying signals Fifty years from making the signal. (S. 24)	Cable Programs/ Performances Copyright shall expire at the end of fifty years from the end of the calendar year in which the cable was made. (S. 14) Duration of performer's right shall subsist for fifty years from the end of calendar year in which the performance takes place. (S. 47)	Program Carrying signals Fifty years from the end of the year in which the signal is first emitted to a satellite. (S. 15(1))
	Broadcasts Protection subsists for twenty years computed from end of year in which the broadcast took place. (S. 29(2))	Broadcasts Economic and moral rights shall be protected for fifty years from the end of the calendar year in which the broadcast took place. (S.9,20(d))	Broadcasts Protection subsists fifty years from the end of the year in which the broadcast first takes place S.8(1)(c)	Broadcasts The term of protection of a broadcast programme is 25 years from the end of the year in which the broadcast took place.	Broadcasts Continues for 20 years as from the first of the Gorgorian year subsequent to the year of the transmission. (S. 24(3))	Broadcasts Protected until expiration of fifty years from the date of making the work, making available to the public. (S. 22)	Broadcasts Copyright shall expire at the end of fifty years from the end of the calendar year in which the broadcast was made. (S. 14)	Broadcasts Fifty years from the end of the year in which the broadcast first takes place. (S. 15(1))

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Kingdom of Eswatini	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Copyright	Selected copyright works Subject to Government rights, author has rights to reproduce work, communicate to the public and make an adaptation, translation arrangement or other transformation of the work. (S. 7) Also has moral rights claim authorship of his work and object to certain uses of work including mutilation, distortion or other modification of work. (S. 8)		Copyright The sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever, perform, deliver or publish the work. (S. 3)	All copyright works The author has the exclusive right to authorise the following works: reproduction; translation; preparation of adaptation, arrangements and other transformations; making copies available for sale to the public or any other transfer of ownership, for rental and for public lending; presentation or performance of his work in public; import or export of his works; communication of his work to the public. Exceptions exist for computer programs. (Art. 6; 7) Non-economic rights to claim authorship, to remain anonymous or use a pseudonym and to object to any distortion, mutilation or other modification of his work. (Art. 6; 8)	All copyright works Moral and Economic rights to undertake specific actions related to their rights, including disclosing work to public, claiming authorship, to publish or make available his work and to authorize publication, reproduction, broadcasting, translation, exhibition, adaptation, public performance of the work (S. 7 and S.8) Specific rights relating to Neighbouring Rights of performers are outlined in Chapter III of the Act.	All copyright works The author has the exclusive economic right to do or authorise a number of actions including, reproduction, translation, rental, importation, broadcasting, public performance and any other communication to the public (S. 9) Also grants moral rights to claim authorship of his work and object to certain uses of work including mutilation, distortion or other modification of work. (S. 10)	All copyright works The owner of copyright shall have in accordance with the act the exclusive right to do or to authorise others to do, in Zambia or on any ship or aircraft registered in Zambia the things which the Act designates in relation to the work. (S. 17) Author has moral rights as specified under section 24, to be identified as author or director of the works; and to object to any distortion, mutilation or other derogatory action in relation to the work that would be prejudicial to his honour or reputation. (S. 24)	All copyright works Copyright is a real right which subsists in a work by virtue of the Act and which entitles its owner exclusively to and to authorise others to do in Zimbabwe and to authorise others to do in Zimbabwe the things which the Act designates in relation to the work. (S. 9; 17-23) Also grants moral rights to be or to refuse to be identified as author or director of work and other moral rights (S. 61-67) Details specific rights related to performances (S. 68-72)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/Parameter	Lesotho	Liberia	Kingdom of Eswatini	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Permitted Uses of Copyrights	Various free use options allowed. (S. 9) Specific limitations cited to author's rights with regards to translation, reproduction and right of recording musical works. (S. 10; 11; 12). Detailed schedules to support the above are added as annexes. Exceptions relating to Related Rights outlined in Section 30.	Various limitations to economic rights provided for including fair use, for archives and libraries and visual impaired persons etc. (S. 9.8, 9.9, 9.10, 9.11, 9.12, 9.13, 9.14, 9.15) The Act provides for visually impaired persons (S.9.16)	Act provides for various exceptions to infringement including fair dealing (S.16 & 21)	Various limitations to economic rights provided for, (Art. 9- 21). Specific permitted uses relating to related rights provided for under Article 47.	Exclusions and restrictions on copyrights and neighbouring rights provided in chapter IV (S. 25-37)	Various exceptions permitted to the use of copyright. Limitations to the exceptions also provided for works of Architecture, Computer programs, databases. (S. 27- 37)	Various exceptions permitted to the use of copyright including fair-dealing. (S. 21) Exceptions on performers rights included (S. 50)	Various exceptions permitted to the use of copyright including fair-dealing. (S. 24-44) Exceptions on performers rights included (S. 73)
Notable lacunas and inclusions								
	No express exceptions for works targeting the blind and other visually impaired persons.	The Act includes levy on copyright material (S.9.35) and royalties (S.9.36). Compulsory licence for translation and reproduction of certain works is included schedule one.	No express exceptions for works targeting the Blind and other Visually Impaired Persons.	No express exceptions for works targeting the Blind and other Visually Impaired Persons.	No express exceptions for works targeting the Blind and other Visually Impaired Persons Has provisions for works produced posthumously (S.9(1)	No mention of exceptions to use of works for the purpose of targeting the blind and other VIPs	No mention of exceptions to use of works for targeting the blind and other VIPs. Provides for copyright for typographical arrangements and the expiration of such is 25 years from the end of the calendar year in which the edition was first published (S. 8(g) and S. 16)	No mention of exceptions to use of works for targeting the blind and other VIPs

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/Parameter	Lesotho	Liberia	Kingdom of Eswatini	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Public domain	Works that are in the public domain are those whose term of protection has expired, whose authors have no successors in title, and whose owners have renounced copyright protection. (S. 18(2))	No mention of works in the public domain	Express mention of works in the public domain (s 62)	No express mention of public domain works.	Conditions for works to fall into the public domain include expiry of term of protection, where author dies and leaves no heir, and failure by heirs of author and other persons to exercise the rights vesting in them. Chapter II	Works with expired terms of protection, by authors who have renounced their rights; and foreign works that do not enjoy protection in The Gambia belong to the public domain. (S. 48)	There is no clear definition of works in the public domain though certain sections can be read to infer that works whose authors have died fifty or more years prior and whose copyright has expired are in the public domain.	There is no clear definition of works in the public domain though certain sections can be read to infer that works whose authors have died fifty or more years prior and whose copyright has expired are in the public domain.
Use of works in public domain								
	Only the registrar or a person duly authorised by him has the right to authorise use of works in the public domain (S. 18(1))	No mention of use of works in the public domain	Express mention of works in the public domain (s. 62)	No mention of use of works in the public domain	The works in the public domain may be freely used. Chapter II	Subject to payment of a fee specified by the Centre a work that has fallen into the public domain may be used without restriction. (S. 48(4))	The use of works that have unknown authors and whose copyright has expired or whose authors died more than fifty years prior to the date of such use is not considered an infringement. (S. 21(3))	No mention of use of works in the public domain

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Kingdom of Eswatini	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Infringement	Any act contravening the provisions of the Act constitutes the commitment of an offence. (S. 37)	A copyright and related rights is primarily to prevent an infringement from occurring and preserve relevant evidence in regard to alleged infringement including cultural or traditional expressions (S.15.1)	Copyright shall be deemed to be infringed by any person who, without the consent of the owner of the copyright, does anything the sole right to do which is by the Act conferred on the owner of the copyright (S. 40(1)(2)) and (S.45)	Infringement is committed by a person who fraudulently uses as being his own creation or performance a work, performance, phonogram or broadcast programme that is a total or partial reproduction of another's work or performance, whether disclosed or not, or so similar to it as to have no distinctive character of its own. (Art. 62- 64)	Any doing, knowingly and without permission of the author, of acts reserved for author and extracting, imitating, selling, hiring, distribution, importation or exportation for commercial purposes. (S. 62) (S. 64)	Doing of any acts that are contrary to the provisions of the Act. Also cites the exploitation of a work in a manner prejudicial to the honour or reputation of the author as an infringement to the rights of the author. (S. 50)	Doing of acts controlled by the act, importing infringing copies, and making or trading in articles for making infringing copies or transmission for the purpose of making infringing copies constitutes infringement. (S. 18-20) Specific acts related to infringement of performer's rights and recording rights cited. (S. 48- 49)	Copyright is infringed by any person who is not the owner of the copyright and who, without authority, does or causes any other person to do an act in Zimbabwe which the owner has the exclusive right to do or to authorise. (S. 51)
Anton Pillar Orders	No express mention of Anton Pillar Orders	No mention of Anton Pillar orders	Express mention of Anton Pillar orders (s.44)	No mention of Anton Pillar Orders	No mention of Anton Pillar Orders but provides for similar conditions (S.65)	No mention of Anton Pillar Orders	No mention of Anton Pillar but similar provisions exist (S. 33)	Provides for Anton Pillar Orders (S. 57)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Kingdom of Eswatini	Mozambique	Sudan	Gambia	Zambia	Zimbabwe	
Penalties	Without prejudice to civil remedies and sanctions, a person who commits an offence is liable on conviction to payment of a determined fine or to imprisonment or to both. Maximum jail term is 5 years. (S. 37)	The Act details out criminal penalties including fine S.19(a)(b)(c)(d)(e)(f)(h(i))	Payment of fine up to a maximum of E25000 and in cases of subsequent offences either such fine or to imprisonment for a term not exceeding 5 years. (S. 64), (S.45(5))	The crimes of usurpation and infringement referred to in the Act are misdemeanours and punishable in law by imprisonment and corresponding fine. (Art 65) Provides for penalties for authors who having wholly or partly disposed of their relevant rights or having authorised the use of his work, uses or exploits the said work directly and in a manner prejudicial to third party rights. (Art 65.4)	All crimes of infringement shall be punished with a fine as determined by the court or imprisonment or both. (S. 64, S. 65)	Payment of fine of not more than 500,000 Dalasis or no more than imprisonment term of three years or to both the fine and imprisonment. The court shall also fix the amount of profits, taking into account the defendant's profits. In repeat offenders, penalties may be doubled. Court may apply civil remedies in criminal proceedings if no decision has been taken in civil proceedings. (S. 51; 53)	Payment of fine of not more than 500,000 Dalasis or no more than imprisonment term of three years or to both the fine and imprisonment. The court shall also fix the amount of profits, taking into account the defendant's profits. In repeat offenders, penalties may be doubled. Court may apply civil remedies in criminal proceedings if no decision has been taken in civil proceedings. (S. 51; 53)	On first conviction, offenders are liable to payment of a penalty of fifty thousand penalty units or ten units for each infringing copy, whichever is greater, or to imprisonment for a term not exceeding five years or to both. On subsequent conviction, payment of one hundred thousand penalty units or twenty penalty units for each infringing copy, whichever is greater, or to imprisonment for a term not exceeding ten years or both. (S. 28) Penalties related to performance rights are detailed out in Sections 52 and 53.	A person guilty of an offence shall be liable to a fine not exceeding level ten or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment in respect of each article to which the offence relates. (S. 59)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Kingdom of Eswatini	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Civil Remedies	The Act provides for the granting of civil remedies including interdict, payment of damages including profits attributable to infringement. (S. 36)	The Act details damages, right holders expenses including attorneys fees, injunctions, equitable procedures. (S.16.1, 16.3, 16.4). The Act provides for provisional measures (S.17 (a)(b)(c)(d)(e)(f)(g))	The Act provides for civil remedies by way of interdict, damages, accounts and otherwise as may be conferred by law for the infringement. (S. 40-46)	Infringement is punishable under civil law. (Art. 60)	The copyright owner shall be entitled to request in a claim all the rights relating to financial compensation and such compensation shall include loss of earnings and prejudice to the reputation of the copyright owner. (S.65)	The Act provides for civil remedies to the owner including payment for damages suffered and expenses caused any infringement including legal costs. (S. 51; 52)	The Act provides for availability of all such relief by way of damages, injunctions, accounts, or otherwise to plaintiff as is available in all other property rights. Such injunction excludes destruction of buildings (S. 25- 26)	The Act provides for availability to plaintiff of all such remedies by way of interdict, attachment, the rendering of account, the delivery of infringing copies or articles used or intended to be used for making infringing copies (S. 52-56)
Restitution and forfeiture	The object which was made in violation of the Act and any receipts of the person violating it and resulting from such violations shall be forfeited by the state and disposed as it sees fit. Court May order payment of exemplary damages. (S. 36)	Court shall whenever this is adequate to create an effective deterrent to further infringement order seizure, forfeiture or disposal of the infringing goods and any materials used in commission of the offence (S.16.9)	All infringing copies of any work in which copyright subsists and all plates used or intended for use in infringement shall be deemed property of the owner of the copyright. (s. 40 -46)	Court may adopt precautionary measures to put an end to infringement. The copies of work confiscated shall remain the property of the party applying for confiscation. Provides for financial restitution. (Art. 69- 71)	Court may also order the delivery of such materials to the owner of copyright. (S. 65)	Where infringing copies exist, court may order destruction or other reasonable disposal of those copies and their packaging outside channels of distribution and in a manner that avoids harm to the rights owner. (S. 52)	Where a person is charged with an offence, and whether convicted or not, the court may order that any article in his possession which appears to be an infringing copy, or intended for making infringing copies be destroyed or delivered to owner of copyright or dealt with as court may see fit. (S. 25.4)	The owner of copyright shall be entitled to all remedies and rights in respect of infringing copies and any article designed for making infringing copies (S. 58)

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Countries/ Parameter	Lesotho	Liberia	Kingdom of Eswatini	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Restitution and forfeiture (...continued)			Whether alleged offender is convicted or not, court will order all infringing copies or plates to be destroyed or delivered up to the owner of copyright or disposed of as the court may see fit. (S. 40-46)	The equipment and instruments used in infringement shall revert to the State. (Art. 70.3) Destruction of infringing copies is permissible only if certain conditions are met. (Art. 68)	Court may order the confiscation and destruction of all infringing copies, and of materials devised or used in the commission of such offense. (S.65)	The Court may also order destruction of implements where there is a danger that they may be used to commit or continue to commit an act of infringement. (S.28(4)) Destruction not available for buildings.	The Court may also order destruction of implements where there is a danger that they may be used to commit or continue to commit an act of infringement. (S.28(4)) Destruction not available for buildings.	Interdict is not available in respect of the construction of a building. (S. 56)
Special Enforcement	There is no mention of a special enforcement team		There is no mention of a special enforcement team	There is no mention of a special enforcement team	There is no mention of a special enforcement	Mention of copyright inspectors for the Centre (S. 58)	There is no mention of a special enforcement team.	Provides for appointment of inspectors (S. 110B)
Dispute Settlement	There is no mention of dispute settlement guidelines	There is no mention of dispute settlement guidelines.	The Act provides for proceedings before registering officer and power of tribunal to rectify register (S.90-93)	Settlement of disputes that does not affect inalienable rights may be submitted for arbitration, mediation and conciliation, as provided by ordinary legislation. (Art. 75)	There shall be established a court of arbitration and settlement of disputes. (S.70)	Three step dispute settlement procedure which begins with negotiation. (S. 88)	Dispute settlement procedures provided for on disputes between Collecting Societies and people requiring licenses. (S. 23) No procedures for disputes between copyright owners and the authority managing copyright.	Act provides for appeals to a Tribunal established under the Act. (S. 117- 119)

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Countries/ Parameter	Lesotho	Liberia	Kingdom of Eswatini	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Collective Administration	Act provides for establishment of a non-profit Society of Authors and Artists and outlines its role in collective management (S. 31)	Act mentions National Collective Society in (S. 2(46)) though there are no provisions on collective administration mentioned.	Act establishes Copyright and Neighbouring Rights Society of Swaziland (S.78)	Copyright and related rights owners may create non-profit-making societies for collective management, promotion and defence of member interests and promotion of cultural goods. (Art. 74)	There shall be established an entity for the collective management of copyright and neighbouring rights. (S.42)	The Act establishes the Collecting Society of the Gambia, including how it will operate. (S. 66- 86)	The Act provides for the establishment and registration of collecting societies. (S. 22-23)	The Act provides for the establishment and registration of collecting societies (S. 91-95) Act establishes the Copyright and Neighbouring Rights Collecting Society of Zimbabwe, though not operational (S. 96- 110B)
Other		Act details out processes for recordance of transfers and other documents	Act provides for Right of Appeal to Tribunal against decisions of registering officer. (S.98-100)	Ratified international laws take precedence over the law provided the international law is deemed to provide better treatment for copyright owners. (Art. 76)		Act provides for protection of international works. (S. 5)	The Act Amendment provides for affixing of Technological Protection Measures, including holograms. Also provides for accreditation of importers and producers and establishment of a Technical Implementation Committee. (S. 38 Amendment)	The Act is read with other amendments. Act 22/2001(S. 4) and Act 32/2004

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OBSERVATIONS AND KEY FINDINGS

From the comparative study it goes without saying that the International Regime has recognized the importance of copyright and related rights hence coming up with the conventions, treaties and agreements to set an international system for the implementation of copyright and related rights. Through the World Intellectual Property Organization economic studies on the contribution of creative industries to the national economy have been undertaken in Kenya, Tanzania and Malawi among the ARIPO member states as at May 2016.

However, only Ghana did a study on the contribution of music to its national economy with the support of the Government of Ghana and the World Bank. The fourteen member states have recognized the importance of copyright and related rights and have put in place copyright laws to regulate the system in their respective countries.

Some of the observations made include:

1. Uganda and Sierra Leone are not party to the Berne Convention. Ghana has ratified the internet treaties (WCT & WPPT) while Botswana has acceded, Kenya has signed WCT & WPPT while the rest of the countries are not party to the treaties.
2. Rwanda and Liberia have provisions in its national law for visually impaired persons on free reproduction of the work for visually impaired persons though they did not sign, ratify or accede to the treaty. Uganda has a provision in its copyright law on fair use that includes the transcribing work into braille or sign language for educational purposes for persons with disabilities.
3. Beijing Treaty has been signed by Ghana, Kenya, Namibia, Uganda and Sierra Leone and ratified by Botswana. Rwanda is not a party to the treaty.
4. All the 17 countries except for Sudan are party to TRIPs.
5. Sierra Leone has an anomaly on duration of moral and economic rights in its law. In S.21(2) it is stated that subject to subsection (2) moral and economic rights of an author shall exist for 50 years after his death. Subsection (2) states that, moral rights shall last in perpetuity. There may be a need to undertake an in-depth review of Sierra Leone's copyright law to assess possible contradictions

in provisions for duration of moral right and economic rights.

6. Ghana's duration of protection is life of the author plus seventy (70) years after the author's death the rest of the countries is life of the author plus fifty (50) years after the author's death.
7. Registration procedures of copyrighted works are provided in all the countries.
8. Exceptions and limitations provisions are provided in the national laws but they need to be improved to accommodate new developments for example the exception of anti-circumventing Technological Protection Measure (TPM) for digital use in the case of Beijing Treaty for the protection of audio-visual performances and the Marrakesh Treaty.
9. Kenya, Kingdom of Eswatini and Zimbabwe has Anton pillar order while Ghana, Uganda and Rwanda have provisions that direct towards the Anton pillar order the rest of the countries need to include such a provision in their laws.
10. Civil and criminal remedies are provided in all the laws. Ghana, Kenya and Uganda penalty provisions use the words "not exceeding" a certain amount. This may be detrimental with time due to the economic situation in each country.
11. Liberia and Lesotho don't have a dispute settlement mechanism.
12. All countries have provision on the collective administration of copyright.
13. Uganda has resale rights provision while the rest do not have. The resale right is important to be included in the laws so as to benefit the visual artist in a subsequent sale of their products.
14. Public lending rights needs to be incorporated to benefit authors and publishers.
15. Private copying levy (Blank tape levy) is provided in Ghana copyright legislations, Botswana has technical device levy and Malawi has levy on storage devices.
16. All the laws recognize the protection of folklore. Sierra Leone and Ghana provide that the rights vest in the President on behalf of the citizens and exist in perpetuity.
17. There is little data on the economic contribution of creative industries. Only Malawi, Kenya, Tanzania undertook the study incorporation with WIPO while Mozambique, (with the help of the United Nations

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Conference on Trade and Development (UNCTAD)) have undertaken a creative industries survey. The following provides a brief view on the findings of the Mozambique survey:

- Results of the meetings with stakeholders and with relevant government ministries. The need for institution building and capacity building
 - The need to reinforce policy procedures and implement the policies through regulations and strategies.
 - Results ofthesectorswithhighpotential for growth among the creative industries. A differentiation can be made among sectors that have a high development potential nationally or in terms of exports. Examples of these sectors are, but not limited to, the Visual arts, Design, Music etc.
 - A Plan of Action proposed as a tool for the formulation of a comprehensive policy towards the enhancement of the creative economy in a long-term perspective. Budgetary constraints limited the Plan of Action but a strategy was laid out for: Reinforced institutional mechanisms and policy formulation for an enabling environment for creative. Industries; Developed publicity and visibility for programmein thecountry; Policy review on creativeindustries:identifiedkeyissues and policy recommendations; Strengthened capacities on trade and investment-related issues for policymakers and institutional stakeholders; and developed capacity of institutions and skilled artists in business management.
18. Uptake of international treaties is generally low in all countries under review though all have copyright and related rights laws.
 19. The Zambian Act Amendment has provisions targeting infringements for computer programs and other emerging issues.
 20. Little disparity was found in the provisions of the laws between member countries.
 21. The countries reviewed have registration provisions though copyright exist upon creation.

RECOMMENDATIONS

The following recommendations are therefore made:

1. Member States to ratify or accede and domesticate the

international instruments on copyright and related rights in their domestic laws for better and effective way of operation in the nation and the international arena.

2. Member States to be proactive by incorporating relevant provisions in the national legislations for the benefit of the right holders in observance of the international principles and norms on copyright and related rights.
3. Member States to review their laws to be in-line with the new developments on copyright and related rights.
4. Need to undertake an in-depth review of the reasons for the low uptake of international treaties by African countries.

CONCLUSION

This report presented findings of a desk research on member country copyright and related rights laws and International Instruments on copyright and related rights status. 18 countries of ARIPO Member States were reviewed excluding Somalia.

Member States are encouraged to ratify or accede to international treaties and conventions on copyright and related rights and domesticate in their national laws. Economic contribution of creative industries to be constantly undertaken and to explore the potential of value transference of copyrighted works for the benefit of the right holders by having good laws, administration, management, transparency, good governance and knowledgeable enforcement agencies on IP matters who are effective. Collaboration among all stakeholders will shape the IP landscape in Africa.

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