

innovation, changes have occurred in the mode of content creation, distribution and exploitation which were not envisaged in the present Act. The current law, as it is, lacks adequate provision on enforcement mechanisms against online piracy and unauthorised exploitation, clear modes of remuneration of performers and for the regulation and administration of Collecting Societies, among others.

Further, enforcement of copyrights and neighbouring rights through civil remedies under the current law is restricted to instituting civil proceedings in the Commercial Court (section 44 (1) of the Act) which limits the scope of the adjudication mechanism for the enforcement of copyrights and neighbouring rights. Thus, there is need to amend the Act to expand the jurisdiction for obtaining civil remedies to the High Court generally and to provide for quasi-judicial processes in dispute settlement related to copyright and neighbouring rights.

Lastly, Uganda is yet to domesticate the copyright treaties of the World Intellectual Property Organisation that is the Berne Convention for the Protection of Literary and Artistic Works (1886), the World Intellectual Property Organisation Copyright Treaty 1996, the World Intellectual Property Organisation Performances and Phonograms Treaty 1996, the Beijing Treaty on Audio-visual Performances (2012) and the Marrakesh Treaty to Facilitate Access to Published Works for Persons who Are Blind, Visually Impaired or otherwise Print Disabled (2013) so that the above treaties can have force of law in Uganda.

3. Remedies

The Copyright and Neighbouring Rights (Amendment) Bill, 2025 intends to address the defects identified above in order to ensure adequate rewards to creativity and innovation, compliance with international legal obligations and to foster innovation, creativity, education, knowledge and access to information.

Specifically, the following are some of the proposed remedies to deal with the defects in the existing law—

- (a) amend the Copyright and Neighbouring Rights Act, to strengthen the Act in light of technological advancements and global best practices;
- (b) domesticate international treaties acceded to by Uganda to ensure comprehensive global protection for works in the digital environment and protection for vulnerable groups like persons with disability;
- (c) strengthen enforcement mechanisms against infringement of copyrights and neighbouring rights, including online content, through criminalising unauthorised access, exploitation and piracy and enable mechanisms to identify and shut down infringing content;
- (d) enhance remuneration mechanisms for the creative industry, such as benefits from call back ring tones; provide for better compensation beyond the model of “*one off payments*” and create systems for equitable sharing of revenue generated from the use of their work, particularly in the digital realm; and
- (e) protect orphaned works whose owners are unknown, untraceable, or unavailable, while balancing the rights of the copyright holder and enabling access and exploitation of orphaned works.

4. Provisions of the Bill

The Bill consists of 31 clauses.

Clause 1 - This clause inserts new definitions under section 2 of the Copyright and Neighbouring Rights Act (Act) such as “accessible format copy,” “anonymous work,” “beneficiary person,” “orphan works,” and “technological protection measures.” The justification for inserting the new definitions is to align the Act with international treaties, such as the Marrakesh Treaty to Facilitate Access to

Published Works by Persons who are Blind, Visually Impaired and Otherwise Print Disabled, 2013 and the Beijing Treaty on Audiovisual Performances, 2012, to ensure broader accessibility and protection against infringement in the digital environment.

Clause 2- This clause seeks to amend section 3 (1) of the Act by substituting the words “reduced to” immediately after the words “where work is original” with the words “fixed in”. The justification is to align the Act with modern copyright terminology, ensuring clarity in defining works eligible for copyright protection.

Clause 3 - This clause seeks to amend section 4 (1) and (2) of the Act, by introducing new categories of literary works such as novels, stage directions, and encyclopedias. Further, works such as translations, adaptations, and expressions of folklore are explicitly recognised as derivative works, ensuring protection for traditional knowledge as its own form of intellectual property aside from copyright.

Clause 4 - This clause seeks to amend section 12 of the Act, by repealing subsections (6) and (7) to delete the duration of protection offered to copyrighted works and to streamline the duration of copyright protection for computer programmes and photographic works in line with the provisions of the World Intellectual Property Organisation Copyright Treaty, 1996. This Treaty emphasizes that such works shall be protected like all other copyright works, as opposed to the current provisions which limit the duration of protection for the same.

Clause 5 - This clause seeks to amend section 13 of the Act by substituting the short title with the words “assignment, licence or transfer of copyright”, and by inserting after subsection (7), new subsections (8), (9), (10) and (11) to provide for transactions involving assignments, licences and transfers by requiring their registration with the Registrar of Copyright within sixty days of signing such contracts, and to prescribe related penalties for non-compliance. The purpose of this amendment is to remedy the unfair exploitation of rights holders

in the creative industry. This amendment shall further foster the commercialisation of copyright and neighbouring rights.

Clause 6 - This clause seeks to amend the Act by inserting section 13A to provide for reversion rights, limit copyright assignments to twenty years before reverting to the author, ensuring fairer economic benefits. The proposed amendment is intended to protect authors of copyright works from the consequences of their inadvertent transfer of rights through fraudulent assignments.

Clause 6 also seeks to insert section 13B that prohibits circumvention of technological protection measures, penalises any person who bypasses digital locks or distributes circumvention tools. This provision intends to enhance the protection of rights and copyright works in the digital environment. Further, the clause domesticates the provisions of the World Intellectual Property Organisation Copyright Treaty, 1996 and the World Intellectual Property Organisation Performances and Phonograms Treaty, 1996, which obligate their respective signatories to implement technological protection measures in their copyright legislation.

Clause 7 - This clause seeks to amend section 14 (1) (k) of the Act to provide for exceptions to fair use to include the transcription of works into accessible formats and use in online learning environments, improving access for disabled individuals and educational institutions. The purpose of this amendment is to domesticate the Marrakesh Treaty to Facilitate Access to Published Works by Persons who are Blind, Visually Impaired or Otherwise Print Disabled, 2013.

Clause 8 - This clause seeks to amend the Act by inserting section 14A which places restrictions on the fair use exceptions by restricting reprographic copying to 5% of a published work within three months unless a licensing scheme is in place. The provision prohibits such copying of works especially where there is an existing licence for the literary works in question.

Clause 8 also provides for the insertion of section 14B which provides for a licensing framework for orphan works, ensuring that unidentified copyright works can be used legally while preserving the original owner's rights. This ensures equitable remuneration for the use of all copyright works and compensation to the authors of such orphan works in the event of their discovery.

Clause 9 - This clause seeks to amend section 30 (1) of the Act to ensure that producers and performers of a sound recording or audiovisual fixation are remunerated for every commercial use of such works including broadcasting and public performances. The amendment intends to enhance the remuneration rights of performers of audiovisual fixations such as film actors to ensure that in addition to the remuneration they receive for the recording of their performances, they are also remunerated for every use of such works. Further, this provision domesticates the provisions of the Beijing Treaty on Audiovisual Performances, 2012.

Clause 10 – This clause seeks to amend section 34 of the Act by substituting section 34 of the Act to provide for written contracts relating to publishing, public performance, and broadcasting and to require registration of contracts with the Registrar of Copyright. The amendment also provides for fair, reasonable and non-discriminatory terms which should be considered when such contracts are executed.

Clause 11 - This clause seeks to amend the Act by inserting a new section 39A to introduce fixed remuneration rates for caller ring-back tones, ensuring fair compensation and distribution among authors, performers, telecom operators, and aggregators. The purpose of this amendment is to address the remuneration gaps that exist in the exploitation of caller ring-back tones by ensuring that an artist, who creates or owns the copyright content being used, is fairly remunerated for such use.

Clause 12 - This clause seeks to amend section 41 of the Act to enhance the powers of the Registrar of Copyright to entertain disputes related to copyright registration, contract disputes and disputes involving collecting societies. The purpose of the amendment is to ensure effective regulation and administration of copyright and neighbouring rights by the Registrar of Copyright.

Clause 13 and 19 - These clauses seek to amend sections 44 and 45 of the Act to extend the jurisdiction for settlement of copyright disputes to the High Court, rather than limiting it to the Commercial Court. The purpose of the amendment is to empower the various circuits of the High Court in Uganda to hear and determine copyright related disputes.

Clauses 14, 15 and 16 – These clauses seek to amend sections 46, 47 and 49 of the Act to enhance the penalties for copyright infringement significantly, with fines not exceeding two thousand five hundred currency points and a term of imprisonment not exceeding ten years or both. The proposed amendment is intended to provide for deterrent penalties for copyright infringement and piracy.

Clause 17 - This clause seeks to amend the Act by inserting section 49A to enhance protection of rights and copyright works in the digital environment by empowering the Registrar of Copyright or an owner of copyright works to issue take-down orders to online platforms that host infringing content. The intention of the amendment is to ensure that digital platform operators comply with the law.

Clause 18 - This clause seeks to amend section 53 of the Act to streamline the operations of copyright inspectors during inspection of premises under the Act. The amendment further ensures that a person convicted of infringement bears the costs of seizure, storage and destruction of infringing materials.

Clause 20 - This clause seeks to amend the Act by substituting section 56 for purposes of streamlining the registration of collecting societies with the Registrar of Copyright, so as to ensure better regulation and supervision of collecting societies.

Clause 21 - This clause seeks to expand the functions of collecting societies under section 57 of the Act to include the mandate to collect and pay royalties to its members or any other owner. The purpose of the amendment is to promote equitable remuneration to content creators.

Clause 22, 23 and 24 - These clauses seek to repeal sections 59, 60 and 63 of the Act as consequential amendments, following the substitution of section 56 under clause 20 of the Bill.

Clause 25 - This clause seeks to amend the Act by inserting a new section 67A to provide for the annual general meeting of collecting societies. The purpose of this amendment is to promote transparency, accountability and good governance among collecting societies.

Clause 28, 29, 30 and 31 – Clauses 28, 29, 30 and 31 seek to amend Act to domesticate the Berne Convention for the Protection of Literary and Artistic Works (1886), the World Intellectual Property Organisation Copyright Treaty 1996, the World Intellectual Property Organisation Performances and Phonograms Treaty 1996, the Beijing Treaty on Audio-visual Performances (2012) and the Marrakesh Treaty to Facilitate Access to Published Works for Persons who Are Blind, Visually Impaired or otherwise Print Disabled (2013) so as to have force of law in Uganda.

NORBERT MAO,

Minister of Justice and Constitutional Affairs.

**THE COPYRIGHT AND NEIGHBOURING RIGHTS
(AMENDMENT) BILL, 2025****ARRANGEMENT OF CLAUSES**

Clause

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3. Amendment of section 4 of principal Act
4. Amendment of section 12 of principal Act
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6. Insertion of sections 13A and 13B in principal Act
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8. Insertion of sections 14A and 14B in principal Act
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15. Amendment of section 47 of principal Act
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21. Amendment of section 57 of principal Act
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A Bill for an Act

ENTITLED

**THE COPYRIGHT AND NEIGHBOURING RIGHTS
(AMENDMENT) ACT, 2025**

An Act to amend the Copyright and Neighbouring Rights Act, Cap. 222 to domesticate the Beijing Treaty on Audiovisual Performances of 2012, the Marrakesh Treaty to Facilitate Access to Published Works for Persons who Are Blind, Visually Impaired or otherwise Print Disabled of 2013, the Berne Convention for the Protection of Literary and Artistic Works of 1886, the World Intellectual Property Organisation Copyright Treaty of 1996 and the World Intellectual Property Organisation Performances and Phonograms Treaty of 1996; to provide for the protection of copyright and neighboring rights in the use and exploitation through internet and other technological means; to provide for the management and exploitation of orphan works; to provide for the regulation of exploitation contracts; to streamline the registration of collecting societies with the Registrar and to provide for related matters.

1. Amendment of Cap. 222

The Copyright and Neighbouring Rights Act, in this Act referred to as the principal Act, is amended in section 2—

(a) by inserting the following definitions in their appropriate alphabetical order—

“accessible format copy” means a copy of work in an alternative manner or form which gives a beneficiary person access to the work, including to permit the person to have access as feasibly and comfortably as a person without visual impairment or other print disability;

“anonymous work” means work where the identity of the author is unknown;

“beneficiary person” means a person who—

(a) is blind;

(b) has a visual impairment or a perceptual or reading disability which cannot be improved to give visual function substantially equivalent to that of a person who has no such impairment or disability and so is unable to read printed works to substantially the same degree as a person without an impairment or disability; or

(c) is otherwise unable, through physical disability, to hold or manipulate a book or to focus or move the eyes to the extent that would be normally acceptable for reading; regardless of any other disabilities;

“broadcasting” means the transmission by wireless means for public reception of sounds or images or both or the representations thereof, and includes transmission by satellite and transmission of encrypted signals where the means of decrypting are provided to the public by the broadcasting organisation or with its consent;

“bundle of rights” means a collection of rights relating to a particular category of works;

“caller ring back tone” means subscription music, sound or tone which is played by a telecommunication operator to an originator of the call;

“copyright owner” means an author entitled to the economic rights or a person who acquires the economic rights to a work by assignment or transfer of rights;

“circumvent a technological protection measure” means avoiding, bypassing, removing, deactivating, decrypting or otherwise impairing a technological measure;

“expressions of folklore” means a form, whether tangible or intangible, in which traditional culture and knowledge are expressed, appear or are manifested, and comprise the following forms of expressions or combinations-

- (a) verbal expressions, such as but not limited to stories, epics, legends, poetry, riddles and other narratives; words, signs, names, and symbols;
- (b) musical expressions, such as but not limited to songs and instrumental music;
- (c) expressions by movement, including dances, choreography plays, rituals and other performances; whether or not reduced to a material form; and
- (d) tangible expressions, such as productions of art, in particular, drawings, designs, paintings, including body-painting, carvings, sculptures, pottery, terracotta, mosaic, woodwork, metal ware, jewelry, basketry, needlework,

textiles, glassware, carpets, costumes; handicrafts; musical instruments; and architectural forms;

“orphan works” means works protected by copyright but whose author or copyright owner cannot be identified or found;

“service provider” means—

- (a) any public or private entity that provides to a user of its services the ability to communicate by means of a computer system; or
- (b) any other entity that processes or stores computer data on behalf of such communication service or users of such service;”
- (b) by substituting for the definition of “performance” the following—

““performance” means a presentation of any actors, singers, musicians, dancers or other persons who act, sing, deliver, declaim, play in, interpret or otherwise perform literary, dramatic, musical or artistic works or expressions of works of folklore, which is a live performance given by one or more individuals, and includes a performance of a variety act or any similar presentation;”; and

- (c) by substituting for the definition of “sound recording” the following—

““sound recording” means a fixation of sounds, or of the representations thereof, from which the sounds are capable of being reproduced, regardless of the medium on which the recording is made, or the method by which the sounds are reproduced;”.

2. Amendment of section 3 of principal Act

Section 3 of the principal Act is amended in subsection (1) by substituting for the words “reduced to”, the words “fixed in”.

3. Amendment of section 4 of principal Act

Section 4 of the principal Act is amended—

- (a) in subsection (1), by inserting immediately after paragraph (i), the following—

“(ia) novels, stories or poetic work;

(ib) plays, stage directions or broadcasting scripts;

(ic) textbooks, histories, biographies or essays;

(id) encyclopedias, dictionaries, directories or anthologies;
and

(ie) letters, reports or memoranda.”;

- (b) in subsection (2), by substituting for paragraph (a) the following—

“(a) translations, adaptations and other transformations of expressions of folklore or pre-existing works under subsection (1); and”.

4. Amendment of section 12 of principal Act

Section 12 of the principal Act is amended by repealing subsections (6) and (7).

5. Amendment of section 13 of principal Act

Section 13 of the principal Act is amended—

- (a) by substituting for the headnote, the following—

“Assignment, licence or transfer of copyright”;

- (b) by substituting for subsection (4) the following—

“(4) A licence to do an act falling within a copyright shall be in writing.”;

- (c) by inserting immediately after subsection (7) the following—

(8) A contract of assignment, licence or transfer made under this section, shall be registered with the Registrar within sixty days from the date of signing the contract, and failure to register the contract in accordance with this subsection shall render the contract voidable.

(9) The contract of assignment, licence or transfer shall take the form of a note or memorandum which shall contain all the terms of the contract including—

- (a) the date on which the contract was executed;
- (b) the amount of the remuneration to the parties and the mode of payment;
- (c) the duties and obligations of the parties;
- (d) the rights of exploitation or use conferred on the party; and
- (e) any other term as the parties may agree.

(10) A contract of assignment, licence or transfer to economic rights which does not comply with the requirements of this section shall not be registered by the Registrar.

(11) The Minister may, by regulations, prescribe the procedure for registration of a contract of assignment, licence or transfer made under this section.”

6. Insertion of sections 13A and 13B in principal Act

The principal Act is amended by inserting immediately after section 13 the following—

“13A. Reversion of copyright to author

(1) Subject to the contract of assignment, licence or transfer, the assignment, licence or transfer of economic rights in a copyright shall be valid for a period not exceeding twenty years from the date of the assignment, licence or transfer.

(2) Where the term of the assignment, licence or transfer of a copyright lapses under subsection (1), the economic rights in the copyright shall revert to the author.

(3) The reversion of an assignment, licence or transfer may be effected—

- (a) at any time during the five years prior to the lapse of the twenty years;
- (b) where the assignment or transfer covers the right of publication of the work, the period begins at the end of twenty-years from the date of publication of the work under the assignment, licence or transfer; or
- (c) at the end of twenty years from the date of execution of the assignment or transfer, whichever term ends earlier.

(4) The Minister may, by regulations, prescribe the procedure of reverting the assignment, licence or transfer of copyright.

13B. Technological protection measure

(1) A person shall not—

- (a) circumvent effective technological protection measures;
or
- (b) produce, import, distribute, sell, rent, advertise for sale or rental, or possess devices, products, components or services for commercial purposes that—
 - (i) are promoted, advertised or marketed for the purpose of circumventing effective technological measures;
 - (ii) have only a limited commercially significant purpose or use, other than circumventing effective technological measures; or
 - (iii) are primarily designed, produced, adapted or performed for the purpose of enabling or facilitating the circumvention of effective technological measures.

(2) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not exceeding two thousand currency points or for a term of imprisonment not exceeding seven years and the court may, in addition to any penalty imposed, order the person convicted under this section, to pay compensation to the victim.

(3) This section shall not apply to software, products, services or devices used to access copyright works—

- (a) for purposes of security, education or research and innovation; or
- (b) for a beneficiary person.”

7. Amendment of section 14 of principal Act

Section 14 of the principal Act is amended in subsection (1)—

- (a) by substituting for paragraph (k) the following—

“(k) any work that is transcribed into braille, sign language or any other accessible format copies for cross border exchange or use by beneficiary persons other than for commercial use;” and

- (b) by inserting immediately after paragraph (k) the following—

“(l) the work is used in an online learning environment by an education institution, library, archive or museum;”.

8. Insertion of sections 14A and 14B in principal Act

The principal Act is amended by inserting immediately after section 14 the following—

“14A. Restriction on reprographic copying

(1) Notwithstanding section 14, a person who carries out reprographic copying of passages from published literary or musical work shall not reprographic copy more than five per cent of the published literary or musical work at any one time or within a period of three months.

(2) The provisions of this section shall not apply where there is a licensing scheme for reprographic copying.

(3) Any term of a licence which purports to restrict the proportion of work which may be copied to less than that permitted under subsection (2), shall be of no effect.

14B. Orphan works

(1) A person who intends to exploit orphan works shall apply to the Minister for a licence to exploit the orphan works in accordance with regulations prescribed by the Minister.

(2) The Minister shall not licence a person to exploit orphan works unless the applicant has demonstrated to the Minister that the author of the work cannot be found.

(3) A person licensed to exploit orphan works shall pay an annual licence fee determined by the Minister by regulations.

(4) Where a person is licensed to exploit orphan works he or she shall be entitled to the economic rights of the author but where, before the expiration of the licence, the identity of the author is known the copyright shall revert to the author.

(5) The Minister may, by regulations, prescribe the criteria for determining orphaned works and the procedure for licensing a person to exploit orphan works.”

9. Amendment of section 30 of principal Act

Section 30 of the principal Act is amended by substituting for subsection (1), the following –

“(1) Where a sound recording or audio-visual fixation published for commercial advertisement purposes, or a reproduction of that sound recording or audio-visual fixation is used directly or indirectly for broadcasting or other communication to the public or is publicly performed, unless otherwise agreed, an equitable remuneration for the performer or performers and the producer of the sound recording or audio-visual fixation shall be paid by the user to the producer, for every use of the work.”.

10. Amendment of section 34 of principal Act

The principal Act is amended by substituting for section 34, the following—

“34. Contracts to be in writing

(1) For purposes of this part, a contract relating to publishing, public performance and broadcasting of works shall be in writing and signed or marked by the parties to the contract.

(2) A contract made under subsection (1), shall be registered with the Registrar within sixty days from the date of signing the contract and failure to register the contract in accordance with this subsection shall render the contract voidable.

(3) The contract shall take the form of a note or memorandum which shall contain all the terms of the contract including—

- (a) the date on which the contract was executed;
- (b) the amount of the remuneration to the parties and mode of payment;
- (c) the duties and obligations of the parties;
- (d) the rights of exploitation or use conferred on the party; and
- (e) any other term as the parties may agree.

(4) A contract to exploit author's rights or performer's rights which does not comply with the provisions of this section shall not be registered by the Registrar.”

11. Insertion of section 39A in principal Act

The principal Act is amended by inserting immediately after section 39 the following—

“39A Contracts relating to caller ring back tone

(1) Notwithstanding section 39, the remuneration to be paid to an author or performer by a person exploiting the works of an author or performer as caller ring back tone shall be at the rate prescribed in subsection (2).

- (2) The rate referred to in subsection (1) shall be as follows—
- (a) author or performer, sixty percent (60%);
 - (b) operator, including a telecommunication operator, thirty-one and five points percent (31.5%); and
 - (c) aggregator and any other person involved, eight and five points percent (8.5%).

(3) The Minister may, by notice, published in the Gazette revise the rates specified in subsection (2).”

12. Amendment of section 41 of principal Act

Section 41 of the principal Act is amended—

- (a) in subsection (1), by inserting immediately after paragraph (h), the following—

“(ha) exercise quasi-judicial powers under this Act to hear and settle disputes or complaints relating to registration of contracts for the exploitation of copyright of works, registration of copyright and disputes related to management of collecting societies;

(hb) keep and maintain a register of copyright and neighbouring rights and determine the mode of registration of the copyright;

(hc) amend or rectify any information on the register;

(hd) issue and enforce any orders of the Registrar made under this Act;”;

- (b) by inserting immediately after subsection (2) the following—

“(3) The Registrar shall not exercise the function under subsection (1) (ha) where the dispute is before court.

(4) A person aggrieved by the decision of the Registrar may appeal to the High Court.

(5) The Minister may, by regulations, prescribe the procedure for receiving and settling disputes or complaints between copyright holders, collecting societies and users of registered copyright works.”

13. Amendment of section 44 of principal Act

Section 44 of the principal Act is amended in subsection (1) by substituting for the words “Commercial Court”, the words “High Court”.

14. Amendment of section 46 of principal Act

Section 46 of the principal Act is amended—

- (a) in subsection (1), by substituting for the words “one hundred currency points or imprisonment not exceeding four years” the words “two thousand five hundred currency points or imprisonment not exceeding ten years”;
- (b) in subsection (1) (e), by deleting the words “were it work made in Uganda,”;
- (c) in subsection (2), by substituting for the words “twenty-five currency points or imprisonment not exceeding one year”, the words “two thousand currency points or imprisonment not exceeding seven years”;
- (d) in subsection (4) by substituting for the words “fifty currency points or imprisonment not exceeding one year”, the words “two thousand currency points or imprisonment not exceeding seven years”.

15. Amendment of section 47 of principal Act

Section 47 of the principal Act is amended in subsection (1) by substituting for the words “one hundred currency points or imprisonment not exceeding four years”, the words “two thousand five hundred currency points or imprisonment not exceeding ten years”.

16. Amendment of section 49 of principal Act

Section 49 of the principal Act is amended in subsection (1) by substituting for the words “fifty currency points or imprisonment not exceeding one year” with the words “two thousand five hundred currency points or imprisonment not exceeding ten years”;

17. Insertion of section 49A in principal Act

The principal Act is amended by inserting immediately after section 49 the following—

“49A Blocking, take-down and obstruction of infringing content

(1) The Registrar or an owner of copyright in a work, may issue a notice of infringement to the service provider, requesting the service provider to block, take down or obstruct access to the infringing content.

(2) The notice referred to under subsection (1), shall be in accordance with section 30 of the Electronic Transactions Act.

(3) Notwithstanding section 28 of the Electronic Transactions Act, a service provider who fails to comply with a notice issued under this section commits an offence and is liable, on conviction, to a fine not exceeding two thousand currency points or a term of imprisonment not exceeding seven years and court may in addition to any penalty imposed by it, order the person convicted, to pay compensation to the victim.

(4) The Registrar shall not issue an order or notice for blocking, taking down or obstructing of an infringing content unless the owner of the copyright work has a certificate of registration as proof of ownership.

(5) The Minister may, by regulations, prescribe the format of the notice and the procedure for blocking, taking down and obstructing infringing content.”

18. Amendment of section 53 of principal Act

Section 53 of the principal Act is amended—

- (a) in subsection (3), by inserting immediately after the word “work” the words “suspected of being infringing”;
- (b) in subsection (4) by substituting for the words “one hundred currency points or imprisonment not exceeding two years”, the words “two thousand five hundred currency points or imprisonment not exceeding ten years”;
- (c) by inserting immediately after subsection (4) the following—
“(5) The costs incurred by the inspector or Registrar under subsection (2) relating to seizure, storage or destruction shall be met by the person convicted under this Act.”

19. Amendment of section 55 of principal Act

Section 55 of the principal Act is amended—

- (a) in subsection (1) by substituting for the words “Commercial Court”, the words “High Court”;
- (b) by inserting immediately after subsection (2) the following—

“(3) The adequate evidence referred to in subsection (2), may include a certificate of registration.”

20. Substitution of section 56 of principal Act

The principal Act is amended by substituting section 56 with the following—

“56. Collecting societies

(1) A group of persons who intend to operate as a collecting society shall apply to the Registrar for registration in accordance with this Act.

(2) An application made under subsection (1) shall be accompanied by—

- (a) a copy of the constitution specifying the objectives of the society as specified under section 57;
- (b) evidence of payment of the prescribed fees;
- (c) proof of search and reservation of name with the registrar of companies; and
- (d) any other document as the Minister may determine by regulations.

(3) The Registrar shall not register another collecting society in respect of the same bundle of rights and category of works if there exists another collecting society that has already been registered.

(4) Where the Registrar is satisfied that the collecting society is suitable for registration, he or she shall issue a certificate of registration.

(5) Upon the issuance of a certificate of registration, the collecting society shall be a body corporate by the name under which it is registered.

(6) Any person operating as a collecting society or who causes any society or body to operate as a collecting society without a certificate of registration issued by the Registrar commits an offence and is liable on conviction to a fine not exceeding five thousand currency points or to a term of imprisonment not exceeding ten years or both.

(7) A collecting society in existence before the commencement of this Act shall comply with the provisions of this Act within twelve months from the date of its commencement.”

21. Amendment of section 57 of principal Act

Section 57 of the principal Act is amended—

- (a) by inserting immediately after paragraph (b), the following—

“(ba) collect royalties or any other entitlement from use of copyright or neighbouring rights to its members or any other owner;”

- (b) by substituting for paragraph (c) the following—

“(c) to pay royalties to its members or to any other owner of a copyright or neighbouring right who is the appropriate beneficiary;”;

- (c) by inserting immediately after the word “member” the words “or any other person entitled to a benefit” wherever the words appear.

22. Repeal of section 59 of principal Act

The principal Act is amended by repealing section 59.

23. Amendment of section 60 of principal Act

Section 60 of the principal Act is amended by repealing subsection (3).

24. Amendment of section 63 of principal Act

Section 63 of the principal Act is amended by repealing subsection (2) and (4).

25. Insertion of section 67A in principal Act

The principal Act is amended by inserting immediately after section 67, the following—

“67A. Annual general meeting

(1) Every collecting society shall hold an annual general meeting within three months after the end of the calendar year.

(2) Where a collecting society fails to comply with subsection (1), a member of the collecting society may petition the registrar to compel the collecting society to convene the annual general meeting, as the registrar may determine.

(3) Every member of the executive committee of a collecting society who fails to comply with the provisions of this section commits an offence and is liable, on conviction, to a fine not exceed two thousand five hundred currency points or imprisonment for a term not exceeding ten years or both.”

26. Amendment of section 74 of principal Act

Section 74 of the principal Act is amended—

- (a) in subsection (4), by deleting the words “in consultation with the executive committee”;
- (b) by inserting immediately after subsection (4) the following—

“(4a) The care taker manager appointed under subsection (4) shall be appointed on the same terms and conditions as the executive officer who has been suspended.”

27. Amendment of section 77 of principal Act

Section 77 of the principal Act is amended in subsection (3) by deleting the words “the Companies Act and”.

28. Amendment of section 80 of principal Act

Section 80 of the principal Act is amended—

- (a) by renumbering section 80 as subsection (1);
- (b) by inserting immediately after subsection (1) the following—

“(2) For avoidance of doubt, the protection referred to under subsection (1) shall include—

- (a) prosecuting any person contravening any of the provisions of this Act, regardless of whether the owner of the copyright or neighbouring right has filed a complaint; and
- (b) the right of the Registrar or collecting society to enforce the provisions of this Act on behalf of the owner of the copyright or neighbouring right.”

29. Insertion of section 80A in principal Act

The principal Act is amended by inserting immediately after section 80 the following—

“80A International treaties to have force of law in Uganda.

(1) The International treaties specified in Schedule 3 to this Act shall have force of law in Uganda.

(2) The Minister may by statutory instrument with the approval of Cabinet amend Schedule 3 to this Act.”

30. Amendment of Schedule 2 to principal Act

The principal Act is amended in Schedule 2—

- (a) in Part I, by repealing items 1, 2 and 3;
- (b) by substituting for Part II, the following—

“1. The Trade Related Aspects of Intellectual Property Rights Agreement (TRIPS Agreement) of 1994.

2. The Beijing Treaty on Audiovisual Performances of 2012

3. The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled of 2013

4. The Berne Convention for the Protection of Literary and Artistic Works of 1886

5. The World Intellectual Property Organisation Copyright Treaty of 1996

6. The World Intellectual Property Organisation Performances and Phonograms Treaty of 1996.”

31. Insertion of Schedule 3 in principal Act

The principal Act is amended by inserting immediately after Schedule 2 the following—

“Schedule 3*Section 80A***Conventions and Agreements having force of law in Uganda**

1. The Trade Related Aspects of Intellectual Property Rights Agreement (TRIPS Agreement) of 1994.
2. The Beijing Treaty on Audiovisual Performances of 2012
3. The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled of 2013
4. The Berne Convention for the Protection of Literary and Artistic Works of 1886
5. The World Intellectual Property Organisation Copyright Treaty of 1996
6. The World Intellectual Property Organisation Performances and Phonograms Treaty of 1996”

Cross References

Electronic Transactions Act, Cap. 99

Insolvency Act, Cap. 108