



PARLIAMENT OF UGANDA

**REPORT OF THE SECTORAL COMMITTEE ON LEGAL AND
PARLIAMENTARY AFFAIRS ON THE COPYRIGHT AND NEIGHBOURING
RIGHTS (AMENDMENT) BILL, 2025**

OFFICE OF THE CLERK TO PARLIAMENT

PARLIAMENT BUILDINGS

KAMPALA-UGANDA

SEPTEMBER, 2025

1.0. BACKGROUND

On 13th May, 2025, a Bill entitled "The Copyright and Neighbouring Rights (Amendment) Bill, 2025" was read for the first time and was in accordance with Rule 135 of the Rules of Procedure, referred to the Committee on Legal and Parliamentary Affairs for scrutiny.

2.0. OBJECTIVES OF THE BILL

The object of the Bill is to amend the Copyright and Neighbouring Rights Act, Cap. 222 to

(a) domesticate the Copyright Treaties of the World Intellectual Property Organisation such as-

(i) Berne Convention for the Protection of Literary and Artistic Works (1886), which is the foundational international agreement on copyright protection. The Berne Convention establishes the principle of "national treatment," meaning that foreign authors receive the same protection as domestic authors. It also provides for automatic protection of works without the need for formal registration, and it outlines the minimum term of protection, moral rights, and the scope of exclusive rights granted to authors. Domestication of this convention ensures that Ugandan law aligns with these global principles, thereby safeguarding Ugandan creators' works abroad and granting foreign creators reciprocal rights within Uganda;

(ii) the World Intellectual Property Organization (WIPO) Copyright Treaty (1996). This treaty addresses the challenges posed by the digital environment, particularly the protection of works and the rights of authors in the context of digital communications. It sets out obligations concerning technological protection measures and rights management information-two areas essential for combating digital piracy and ensuring that authors receive fair remuneration in the online marketplace.

(iii) The WIPO Performances and Phonograms Treaty (1996) which strengthens the rights of performers and producers of phonograms, especially in relation to their works in the digital space. It grants them exclusive rights to authorise reproduction, distribution, and

making available of their performances and recordings, both offline and online. It further imposes obligations on member states to provide adequate legal protection and effective legal remedies against the circumvention of technological measures used by right holders.

(iv) **the Beijing Treaty on Audiovisual Performances (2012)** grants performers in audiovisual works-such as actors and musicians in films and television-economic rights over the use of their performances, as well as moral rights to be credited and to object to distortions that prejudice their reputation. This represents an important expansion in the recognition of performers' rights in Uganda.

(v) the **Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (2013)** which requires member states to provide exceptions to copyright rules, allowing the production and cross-border exchange of accessible format copies of works. Its domestication will enable Ugandan institutions and organisations to legally reproduce books and other literary works in accessible formats without infringing copyright, thereby promoting inclusion and access to information;

(vi) the **Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)**, which forms part of the World Trade Organization framework. TRIPS sets comprehensive minimum standards for the protection and enforcement of intellectual property rights, including copyright and related rights, and mandates that member states adopt enforcement procedures that are fair, equitable, and not unnecessarily complicated or costly.

By incorporating these treaties, the Bill not only brings Uganda into full compliance with its international obligations but also positions the country as a reliable partner in global intellectual property protection. This alignment is likely to foster cross-border trade in creative works, attract foreign investment in Uganda's creative industries, and enhance the competitiveness of Ugandan creators in international markets.

- (b) provide for the protection of copyright and Neighbouring rights in their use and exploitation through the internet, online services, and other technological means;
- (c) provide for the management and exploitation of orphan works;
- (d) provide for the regulation of exploitation contracts;
- (e) streamline the registration of collecting societies with the Registrar.

3.0. METHODOLOGY

In the process of analyzing the Bill, the Committee

- a) interacted and received memoranda from;
 - i. The Ministry of Justice and Constitutional Affairs;
 - ii. The Office of the Attorney General
 - iii. The Ministry of Gender, Labour and Social Development
 - iv. Uganda Registration Services Bureau (URSB).
 - v. Law Development Centre
 - vi. Centre for Law and Emerging Technologies
 - vii. Uganda Communication Commission (UCC)
 - viii. National Information Technology Authority (NITA-U)
 - ix. Uganda Law Society
 - x. Hon Kiyaga Hillary, MP of Mawokota North Constituency
 - xi. Hon Rachel Magoola, Woman MP, Bugweri District
 - xii. Uganda Performing Rights Society (UPRS)
 - xiii. Uganda National Musical Federation (UNRF)

- b) reviewed the following relevant documents;
 - (i) The Copyright and Neighbouring Rights Act, Cap. 222
 - (ii) The World Intellectual Property Organisation Copyright Treaty, 1996.
 - (iii) The Court Rulings

4.0. NEED FOR THE BILL

Copyright is a form of intellectual property right that protects original works of authorship including literary, scientific and artistic works. A functioning copyright law facilitates creativity and innovation, which fosters access to knowledge and information, technology transfer, development of culture industries and job creation.

The Copyright and Neighbouring Rights Act, Cap. 222 is the law that governs the recognition and protection of copyright and neighbouring rights in Uganda. The Copyright and Neighbouring Rights Act commenced in August, 2006 and was enacted to replace the previous Copyright Act, Cap. 215 (2000 Revised Edition, Laws of Uganda).

The Act protects creators of original works by granting them the sole right to produce or reproduce any substantial part of the work in any form, to perform the work in public or, if the work is unpublished, to publish the work or any substantial part of it. Copyright protects only the form of expression of ideas, not the ideas themselves. Ideas, concepts, procedures, methods or other things of a similar nature are not be protected by copyright and neighbouring rights Act.

Copyright gives the owner of works both economic and moral rights. Economic rights allow right owners to derive financial reward from the use of their works by others. Moral rights allow authors and creators to take certain actions to preserve and protect their link with their work. However, these rights are subject to certain exemptions and limitations. These limitations include fair use, public benefit works, compulsory licence and access by persons who are blind, visually impaired, or otherwise print disabled

Due to the passage of time, technological advancements and innovation, changes have occurred in the mode of content creation, distribution and exploitation which were not envisaged in the present Act. This has made the provisions in the Copyright and Neighbouring Rights Act to be inadequate. For instance-

- (a) the Act does not provide for the enforcement mechanisms against online piracy and unauthorised exploitation, modes of remuneration of performers in addition to the one-off payment and the regulation and administration of Collecting Societies. These inadequacies have increased the piracy of copyright protected works and discouraged innovation and creativity in the copyright industry.
- (b) The Act has been affected by advancement in technology and innovation which has changed the mode of content creation, distribution and exploitation which is not adequately provided for in the Act;
- (c) The Act is not aligned with Uganda's international obligations as provided in international treaties acceded to by Uganda relating to copyright under 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.

(d) Whereas the current law has provisions against piracy of protected works, the law does not provide adequately for regulation or control of online exploitation, online piracy, or unauthorized distribution of works over the internet, social media, or streaming platforms.

(e) the current copyright law does not provide nor empower the Registrar to issue take-down orders, blocking or obstruction, among other measures of infringing online content. Further, the Registrar of Copyright does not have adequate enforcement powers against infringement, especially online infringement;

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(f) Whereas the current law provides for mandatory written contracts for exploitation of rights, assignments or licenses; registration of these contracts, assignments or licenses is not mandatory. The non-mandatory registration of contracts, assignments or licenses has led to grossly unfair terms, exploitation of rights holders, and challenges in tracking ownership.

(g) Whereas owners of rights are entitled to remuneration for their works under the current law, digital revenue streams from their works such as caller ring-back tones are unregulated, with no standard remuneration model;

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(h) Whereas the Registrar of Copyright is the regulator of Collecting Societies, the Registrar has limited authority to intervene in disputes or governance failures involving collecting societies because these disputes are referred to the arbitration and conciliation fora, which the Registrar is not able to offer. These societies handle significant sums of money collected from users of rights but often lack transparency, governance structures, and accountability to their members;

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(i) Further, enforcement of copyrights and neighbouring rights through civil remedies under the current law is restricted to instituting civil proceedings

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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;

5.0. CHANGES PROPOSED IN THE BILL

The Copyright and Neighbouring Rights (Amendment) Bill, 2025 intends to address the problems identified above, in order to ensure rewards to creativity and innovation; compliance with international legal obligations; enhance economic benefits including employment opportunities within the intellectual property value chain; foster innovation, creativity, education, knowledge and access to information; and improve the regulation of the sector and market Uganda on the global space.

The Copyright and Neighbouring Rights (Amendment) Bill, 2025 broadly makes provision for the following general matters-

- (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 disabilities;
- (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;
- (e) provide for better compensation beyond the model of "one off payments" and create systems for equitable sharing of revenue

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generated from the use of their work, particularly in the digital realm; and

- (f) 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.
- (g) prohibits measures that are aimed at circumventing technological protection measures and penalises any person who bypasses digital locks or distributes circumvention tools.
- (h) Expands the exceptions to fair use under section 14 of the principal Act to include the transcription of works into accessible formats and use of 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.

- (i) Makes additional regulation on reprographic copying under the fair use exceptions by limiting reprographic copying of passages from published literary or musical work to no more than five per cent of the published literary or musical work at any one time or within a period of three months except where a licensing scheme exists.

The provision also declares terms of licenses that restrict reprographic copying to less than 5% to have no legal effect.

Specifically, the Bill introduces the following new matters-

- (a) Introduces new definitions such as “accessible format copy,” “anonymous work,” “beneficiary person,” “orphan works,” and “technological protection measures.”; **see clause 1**
- (b) Introduces new categories of literary works such as novels, stage directions, and encyclopaedias. Further, works such as translations, adaptations, and expressions of folklore are to be explicitly recognised as derivative works, ensuring protection for traditional knowledge as their own form of intellectual property aside from copyright; **see clause**

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- (c) Expands the duration of copyright protection for computer programmes and photographic works from fifty years to the life time of the author and another 50 years like all other protected works; **see clause 4**
- (d) Introduces a requirement for the registration of transactions involving assignments, licences and transfers with the Registrar of Copyright within sixty days of signing such contracts. The provision further requires that non-registration renders the transaction voidable and such transactions to be in writing ; **see clause 5**
- (e) Imposes a maximum duration for licence, assignments and contracts at 20 years and Introduces a requirement for the reversion of the author's rights at the end of the transfer or assignment period; **see clause 6 , proposed section 13A**
- (f) The Bill introduces an additional pay to producers and performers of a sound recording or audio-visual fixation for every commercial use of such works including broadcasting and public performances. **See clause 9**
- (g) The Bill introduces a requirement for all contracts relating to the exploitation of the rights, such as publishing, public performance, and broadcasting, be in writing and registered with the Registrar of Copyright. Non-registration renders the contracts voidable. **See Clause 10**
- (h) The Bill introduces fixed remuneration rates for caller ring-back tones, ensuring fair compensation and distribution among authors, performers, telecom operators, and aggregators. This will address the remuneration gaps that exist in the exploitation of caller ring-back tones, ensure fair remuneration for the owners of the copyright content. **See clause 11, the proposed section 39A**
- (i) The Bill enhances the powers of the Registrar of Copyright to entertain and settle disputes in copyright registration, contract and collecting societies. This will ensure effective regulation and administration of copyright and neighbouring rights by the Registrar of Copyright. **See clause 12 of the Bill**

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- (j) The Bill specifies 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. **See clauses 13 and 19**
- (k) The Bill enhances 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 being proposed for various offences. The proposed amendment is intended to provide for deterrent penalties for copyright infringement and piracy. **See clauses 14, 15, 16 and 18**
- (l) The Bill seeks to enhance the protection of rights and copyright works in the digital environment, empower the Registrar of Copyright to issue take-down orders to online platforms that host infringing content and ensure compliance by digital platform operators. **See clause 17, the proposed section 49A**
- (m) The Bill provides that a person convicted of infringement of copyright works bears the costs of seizure, storage and destruction of infringing materials. **See clause 18**
- (n) The Bill provides that a person alleging infringement of copyright works produces a certificate of registration for the works. **See clause 17, the proposed section 49A**
- (o) The Bill streamlines the registration of collecting societies with the Registrar of Copyright by reducing the number of members required to register a collection society from 30 to 2; **see clause 20 of the Bill**
- (p) The Bill expands the functions of collecting societies to include the mandate to collect and pay royalties to its members or any other owner. **See clause 21 of the Bill**
- (q) The Bill provides for the holding of annual general meeting of collecting societies with a view to promote transparency, accountability and good governance among the collecting societies. **See clause 25 of the Bill**

6.0. OBSERVATIONS, FINDINGS AND RECOMMENDATIONS

This part of the report considers the provisions being amended, the proposed amendments made to the provisions, the effect of the amendments, including the provisions' legality, effect and effectiveness in light of other provisions of the principal Act, if any, Court decisions, the mischief it intends to cure and views and memoranda received from stakeholders. The part is classified in thematic areas the Bill proposes to amend, after which a recommendation is stated.

6.1. Introduction of new definitions

Clause 1 inserts the following new definitions under section 2 of the Copyright and Neighbouring Rights Act, Cap 222. (Act) "accessible format copy," "anonymous work," "beneficiary person," "orphan works," and "technological protection measures."

Justification

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.

Whereas this amendment is essential, in the definition of the phrase "circumvent a technological measure", there is need to enhance the understanding of the phrase "circumvent a technological protection measure" by defining what amounts to "technological protection measure".

It is understood from common usage that a technological measure is any effective technology that, either controls access to a copyright-protected work, or restricts the reproduction or sharing of a copyright-protected work. This definition should be inserted for ease of understanding. In the same vein, for consistency and to harmonise the definition of the phrase "circumvent a technological measure" with its usage in the proposed section 13A, there is need to delete the word "effective" because it is subjective and insert the word "protection" between the words "technology" and "measure" wherever the phrase "circumvent a technological measure" is used.

Furthermore, there is need for clarity as to whether orphan works include works published by an anonymous person or under a pseudonym in the definition of the phrase "orphaned works. It should be noted that section 12 (4) of the

principal Act allows and offers protection to a person who publishes any works by an anonymous person or under a pseudonym.

The Bill defines "orphan works" to mean works protected by copyright but whose author or copyright owner cannot be identified or found. By inference, a person who publishes any works anonymously or under a pseudonym falls squarely within the definition of orphan works as proposed in the Bill since that person cannot be identified. This begs the question as to whether the definition of Orphan work includes a person who publishes any works anonymously or under a pseudonym.

Recommendation

The Committee recommends that the definitions proposed in the Bill be aligned with the manner in which the words and phrases are used in the Bill and the principal Act.

6.2. Duration of protection of computer programmes and photographic works

Clause 4 of the Bill 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.

Currently, section 12 provides different duration for protection of copyright between computer programmes and photographic works and other works. section 12 (1) protects the economic rights of the author of works for the duration of the life time of the author and for fifty years after his or her death, computer programmes and photographic works are protected under subsection 6 and 7 of section 12. In the case of computer programmes, it's 50 years from the date of making the computer programme available to the public and in the case of photographic works, for 50 years from the date of making the work.

The deletion of section 12 (6) and (7) will therefore harmonise the protection offered for protected works as required by 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.

The Committee was informed by Uganda Parliamentary Forum for Creative Industries that the provisions of section 12 (5) are no longer an international and industry practice and ought to be amended. The provision in question relates to the protection granted to sound recordings wherein section 12 (5), the duration of protection is 50 years from the date the recording is made public. According to the Uganda Parliamentary Forum for Creative Industries, the period of protection in most countries is 70 years and this is the standard in 73 countries.

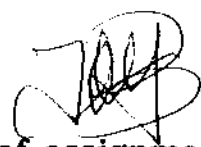
The AG and URSB rejected the proposal to have the term of protection increased from 50 years to 70 years, reasoning that increasing the period of protection will deter development by delaying the free use of copyright in sound recording. The URSB opined that under international treaties, each country is empowered to determine its level of protection, depending on its level of development.

The Committee has considered the proposal to increase the term of protection to 70 years and agrees with the reasoning of the AG and URSB for rejecting the proposal. The Committee found countries like the United Kingdom, Australia, USA, New Zealand and Canada offer protection for 70 years for sound recordings. The Committee notes that all the countries that have 70 year protection are all developed. No African country protects sound recordings for 70 years, meaning that the proposal for 70 years has not yet attained wide spread application to be deemed an international best practice.

Recommendation

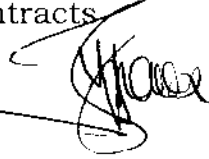
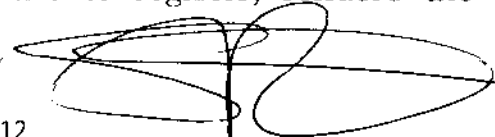

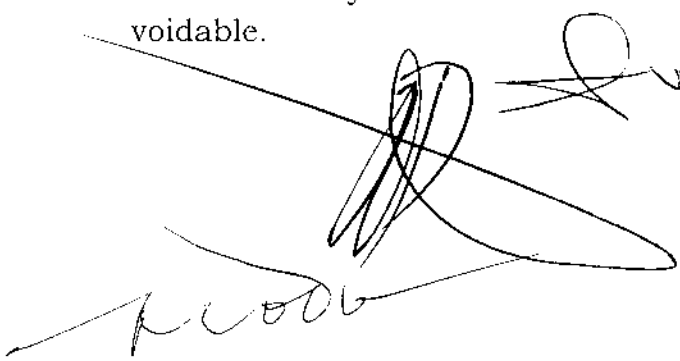


In light of the above, clause 4 do stand part of the Bill without amendment. The Committee further recommends that the proposal to increase the protection granted to sound recordings from 50 years to 70 years should be rejected and instead, Government should study the proposal further in order to address the concerns of sound recorders and producers.

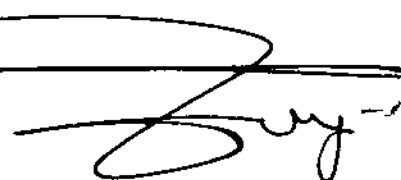




6.3. Requirement to register contracts of assignment, transfer or licence

Clauses 5 and 10 of the Bill seek to amend sections 13 and 34 of the principal Act with a provision that imposes an obligation to have all contract of assignment, licence or transfer to be in writing and registered with the Registrar, within 60 days of execution and failure to register, renders the contracts voidable.



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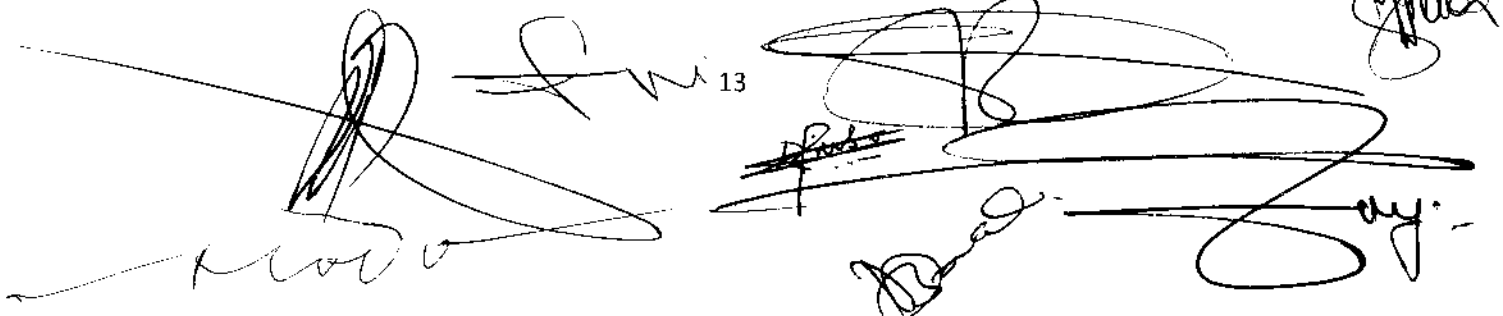
According to the Minister and Uganda Registration Services Bureau, the amendment is intended to remedy the unfair exploitation of rights holders in the creative industry and it will further foster the commercialisation of copyright and neighbouring rights.

The stakeholders who presented views and memoranda on the Bill, including the Uganda Parliamentary Forum for Creative Industries, the National Culture Forum, Uganda Reproduction Rights Organisation, Uganda Performing Rights Society, Uganda Federation of Movie Industry, rights holders Association, Hon. Magoola and Hon. Kiyaga, all objected to the proposal for registration of contracts and assignments agreements for reasons that-

- (a) the provision is impractical especially where the rights are contracted to a foreign entity which uses on-line and standard forms contracts such as those provided by Tik Tok, YouTube and other platforms where on-line content is distributed which provide virtual contracts. In such a matter, the provision will affect the contracting and assignment of rights, thereby shutting Uganda off from international investors and the online commercialisation of the creatives.
- (b) The Bill contravenes the provisions of article 5 (2) of the Bern Convention and article 20 of the World Intellectual Property Organisation Performances and Phonograms Treaty 1996, which the Bill seeks to domesticate, that prohibit the imposition of formalities on both the enjoyment and enforcement of copyright works.
- (c) The Bill contravenes section 3 (2) of the principal Act which provides that the protection of works of the author shall not be subject to any formality.

The stakeholders who objected to the proposals in clauses 5 and 20 proposed that-

- (a) the requirement for mandatory registration should be removed;
- (b) Registration should be voluntary and incentives must be provided to encourage registration.
- (c) Contracts of assignment or licence that are not registered should not be voidable.
- (d) Courts and the registrar should be empowered to reject to register or enforce contracts that contain unfair or unconscionable terms.



The Committee has examined the proposal and the views expressed by the stakeholders and finds that there is need for balancing of rights to ensure adequate protection of the authors from exploitation.

The Committee observes that the requirement to register agreements is in itself not an infringement of intellectual property organisation frameworks. The Committee finds that the requirement to register contracts of assignment, license or transfer does not contravene the Berne Convention as alleged by various stakeholders. The Berne Convention, especially Article 20 of the World Intellectual Property Organisation Performances and Phonograms Treaty only provides for the Protection and enjoyment of copyright as an automatic right, which principle is maintained in the provision.

The Committee finds that there is no international treaty that regulates contracts in copyright and countries are free to devise means of protecting the performing arts. The proposal in the Bill is therefore one such proposal intended to protect the copyright owners. The Committee finds that the requirement to register contracts of assignment, license or transfer should be supported since it will protect stakeholders from abuse and will create a comprehensive database for rights determination protecting all parties involved and increasing the viability of copyright for commercialisation.

Recommendation

In light of the above, the Committee recommends that registration of contracts of assignment, transfer or licence should be maintained as proposed in the Bill.

6.4. Reversion of copyright to author

Clause 6 inserts a new section 13A in the principal Act to provide for reversion of rights after 20 years back to the author.

The provision requires that an author can assign, license or transfer his rights to any person for a period of 20 years and after that period, the rights will revert back to the author. This proposal is intended to protect authors of copyright works from the consequences of their inadvertent transfer of rights through fraudulent assignments.

The Committee notes that whereas this provision is well intentioned, the stakeholders the Committee interacted with, including the Uganda

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Parliamentary Forum for Creative Industries, the National Culture Forum, Uganda Reproduction Rights Organisation, Uganda Performing Rights Society, Uganda Federation of Movie Industry, rights holders Association, Hon. Magoola and Hon. Kiyaga, all objected to the provision on the following grounds-

- (a) The provision will frustrate freedom of contract and unlawfully deprives copyright owners the full utilisation of their rights;
- (b) The provision risks fragmenting the rights owned by the individual rights owners in copyright works and will deny each party the right, on their own, to individually license and fully utilise its rights in the copyright.
- (c) the provision will curtail investments in the creative industry since some creatives, such as film, music and television, the investors can only get a return on investment after a long period of time through licensing and syndication, sometimes even after 20 years. In some creatives, the copyright gains more value as it ages. Therefore, capping the period at 20 years may mean that investors will not be able to recoup their investments in the statutory period prescribed in the Bill.

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The Committee observes that whereas there is need to curtail exploitation of copyright owners through unfair contractual terms, the proposal to cap any contract of assignment or licensing at 20 years will adversely affect the industry as indicated by the industry players.

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The Committee finds that the exploitation suffered by copyright owners is not limited to only the term of the agreement but can also relate to unfair contractual terms. These terms, which are often hidden or unclear, can lead to a significant imbalance in rights and obligations, potentially causing financial or other detriment to the weaker party. Understanding what constitutes an unfair term and the relevant legal protections is crucial for both creators and users of copyrighted material. Unfair terms are contractual provisions that place one party at a significant disadvantage, going against the principles of good faith and fairness.

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The Committee has therefore considered this matter and finds that capping the term of agreement, licence or assignment will not in itself remedy the exploitation embedded in the industry. The Committee finds that there is need in every contract of assignment, license or transfer to imply a term that the economic rights of the author shall revert back to the author on specified grounds instead of capping the period of license or assignment arbitrarily at 20 years. The

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grounds may include where the contract is terminated, upon expiry of the term of the contract of assignment, license or transfer, if the holder of the economic rights contract of assignment, license or transfer becomes insolvent or bankrupt and can no longer meet the contractual obligations to the author or where the contract of assignment, license or transfer covers the right of publication, the work goes out of print or becomes unavailable for a reasonable time.

Recommendation

The Committee recommends that clause 6 stands part of the Bill albeit with amendments to the proposed section 13A to remove the mandatory capping of the duration of the contract of assignment, license or transfer as proposed in the Bill.

6.5. Orphan works

Clause 8 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.

The provision among others allows the Minister to license a person to exploit orphan works and once the Minister has licenced such a person, the licensee can exploit all the economic rights of the author.

The Committee has examined the provision and agrees with the principle set out in the provision. The Committee however observes that there is need to harmonise the provision with the definition of the word orphan works as proposed in clause 1 of the Bill. The Committee observes that the proposal in clause 8 of the Bill restricts the exercise of the Minister's discretion to only persons who cannot be identified yet the definition of orphan works as proposed in clause 1 includes persons who cannot be found as well as those who cannot be identified. There is therefore need to harmonise the use of the word and the manner of its definition in the interpretation section.

Recommendation

In light of the above, the Committee recommends that the provision stands part of the Bill albeit with amendment to harmonise clause 8 with clause 1 in relation to the definition of the word orphan works.

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6.6. Blocking, take-down and obstruction of infringing content

Clause 17 of the Bill introduces section 49A in the principal Act to empower the Registrar of Copyright or an owner of copyright works to issue a notice for 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.

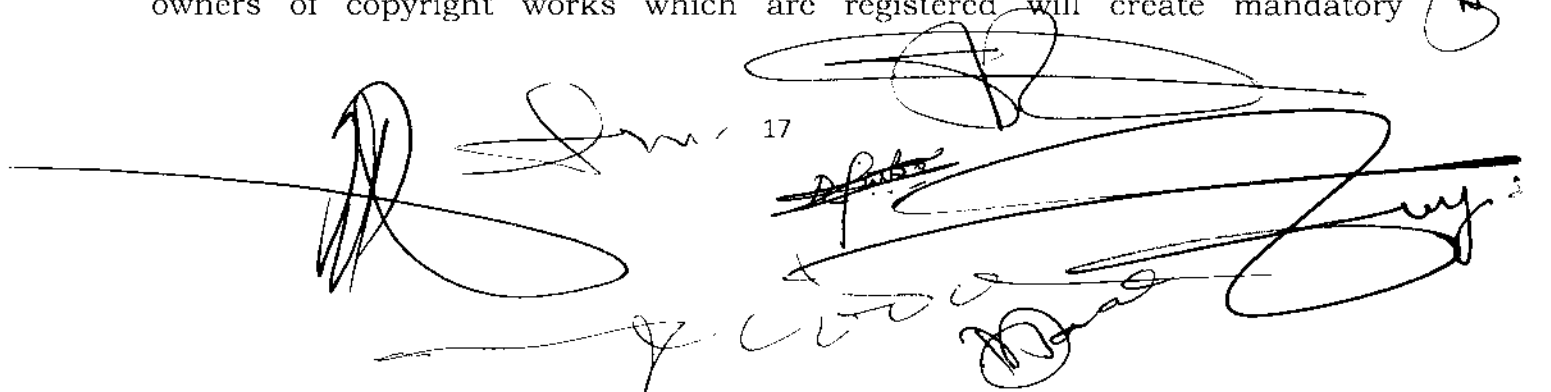
Blocking, take down and obstruction of infringing content is used to protect copyrighted works by requesting online service providers to remove or disable access to infringing material. This process allows copyright holders to address unauthorized use of their work, such as copyrighted images, songs, or videos, without resorting to lengthy legal battles.

The stakeholders who presented views and memoranda on the Bill, including the Uganda Parliamentary Forum for Creative Industries, the National Culture Forum, Uganda Reproduction Rights Organisation, Uganda Performing Rights Society, Uganda Federation of Movie Industry, rights holders Association, Hon. Magoola, Hon. Kiyaga and the Law Reform Commission, noted that whereas the proposal in the Bill is noble and will enhance the protection of protected works, the introduction of clause 49A (4) will have a negative effect on copyright protection in Uganda. The proposed subsection (4) requires that 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.

The stakeholders reasoned that the requirement to have proof of ownership as a ground for issuing blocking, taking down or obstructing of an infringing content will go against known principles of copyright protection such as the principle of automatic Protection which grants copyright protection automatically upon creation and fixation of the work, without the need for registration.

The Committee notes that section 3 (1) of the principal Act grants blanket protection to any works that is original and reduced in material form and further in subsection (2) requires such works to be protected without any formality. By implication, copyright protection is automatic upon the creation of an original work, regardless of whether it's officially registered. The Committee finds that registration is merely a voluntary process that can offer additional benefits, but it's not a prerequisite for copyright protection itself.

The Committee finds that the proposal in the Bill to only offer protection to only owners of copyright works which are registered will create mandatory



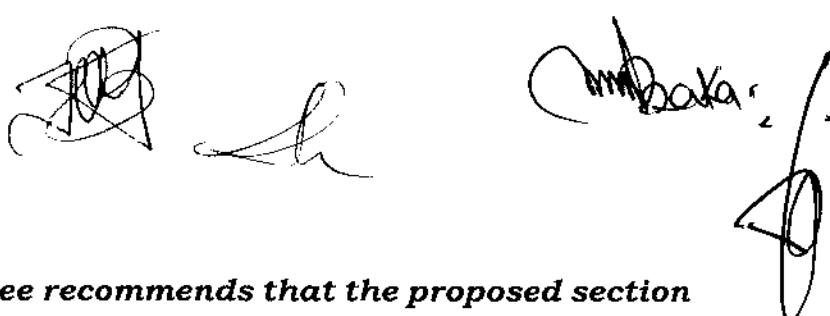
registration of copyright in Uganda, thereby infringing on the protection of creatives in situations where the same are not registered.

The Committee observes that section 45 provides guidance as to when protected works are deemed to have been infringed. Section 45 guides that infringement of copyright or neighbouring rights occurs where, without a valid transfer, licence, assignment or other authorisation, a person deals with any work or performance contrary to the permitted free use and in particular where that person does or causes or permits another person to—

- (a) reproduce, fix, duplicate, extract, imitate or import into Uganda otherwise than for his or her own private use;
- (b) distribute in Uganda by way of sale, hire, rental or like manner; or
- (c) exhibit to the public for commercial purposes by way of broadcast, public performance or otherwise.

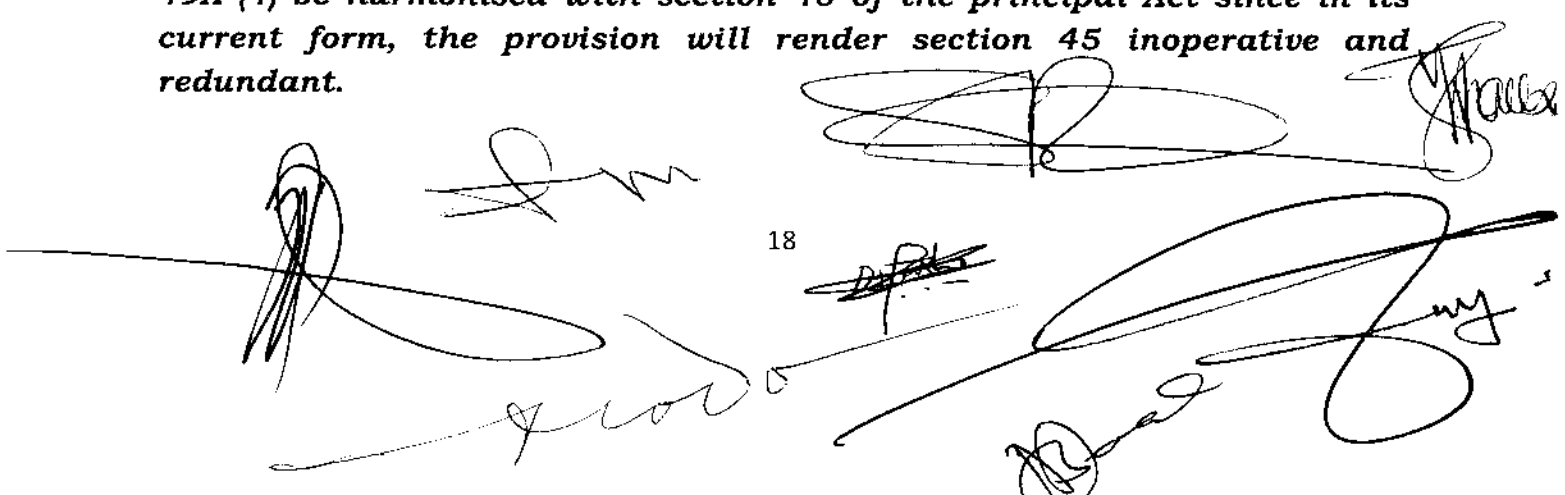
The Committee notes that in proving infringement as guided by section 45 of the Act, the certificate of registration is insufficient to prove the infringement. One needs to adduce the copyright works for comparison with the works that is alleged to be infringed upon. The requirement for a certificate of registration would therefore render the provisions of section 45 inoperative. The Committee therefore finds that there is need to harmonise the proposals contained in section 49A with the requirements of section 45 of the principal Act by obligating a person who alleges that his or her copyright works have been infringed upon to adduce evidence to provide the infringement as required in section 45 of the Act.

The Committee finds that it is therefore erroneous to require a certificate as proof of infringement of copyright works. A certificate is merely proof of registration of copyright works and not a description of the actual work that has been infringed upon.



Recommendation

In light of the above, the Committee recommends that the proposed section 49A (4) be harmonised with section 45 of the principal Act since in its current form, the provision will render section 45 inoperative and redundant.



6.7. Sufficient evidence in pirate incidents

Clause 19 of the Bill seeks to amend section 55 of the principle Act to among others, prescribe the nature of sufficient evidence. The Bill proposes that a certificate of registration may be adequate proof of infringement of copyright.

Currently section 55 (1) empowers a right owner who has reasonable grounds to believe that the importation of pirated goods may take place to lodge a complaint in the commercial court for the suspension of the release of the goods into circulation. Subsection (2) empowers a person who has initiated proceedings for infringement of copyright works to present evidence to the satisfaction of court that there is infringement of copyright and to supply detailed description of goods to make them readily recognisable by customs.

The provision allows the person to present any evidence to prove his case. The bill in clause 19 seeks to provide the type of evidence to be presented to include a registration certificate.

The stakeholders who presented views and memoranda on the Bill, including the Uganda Parliamentary Forum for Creative Industries, the National Culture Forum, Uganda Reproduction Rights Organisation, Uganda Performing Rights Society, Uganda Federation of Movie Industry, rights holders Association, Hon. Magoola and Hon. Kiyaga, all objected to the proposal for the reasons that-

- (a) The requirement to specify the registration certificate as evidence that may be presented may be interpreted as giving the registration certificate superiority over all other evidence that a person may rely on in proving his or her case. This will inadvertently create a mandatory obligation to register copyright works in total disregard of the provisions of section 3 of the principal Act which bars any formality in the protection of copyright works.
- (b) Certificate of ownership isn't the only conclusive evidence of ownership since copyrights owners can prove ownership of copyright works through presenting original work files, metadata, publishing agreements, licenses or other evidence of ownership.

The Committee has examined the proposal in the Bill and the objection by stakeholders and finds that the provision is a veiled attempt to introduce mandatory registration of copyright works contrary to the provisions of section 3 (1) and (2) of the principal Act and article 5 (2) of the Bern Convention and article 20 of the World Intellectual Property Organisation Performances and Phonograms Treaty 1996, which the Bill seeks to domesticate

The Committee also observes that the proposal in the Bill will limit courts discretion to admit any evidence it sees fit and is an unnecessary requirement in light of section 45 (1) and (2) of the principal Act which requires that "Infringement of copyright or neighbouring rights occurs where, without a valid transfer, licence, assignment, or other authorisation a person deals with any work or performance contrary to the permitted free use and in particular where that person does or causes or permits another person to-

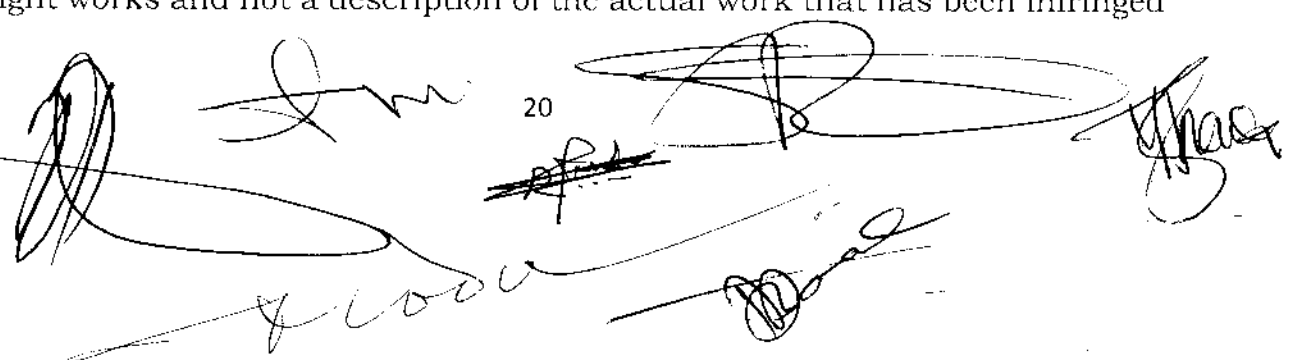
- (a) reproduce, fix, duplicate, extract, imitate, or import into Uganda otherwise than for his or her own private use;
- (b) distribute in Uganda by way of sale, hire, rental, or like manner;
- (c) exhibit to the public for commercial purposes by way of broadcast, public performance, or otherwise.

The Committee finds that, as guided in section 45, the requirement to prove infringement is to adduce evidence that shows that the person dealt with copyright works without authorisation. The certificate alone does not prove that there was infringement.

The Committee is aware that courts in Uganda have dealt with the matter of determining whether copyright works have been infringed upon and guided that the infringing works and the original works must be compared in order to find any similarities between them, if any. The Committee is aware that in the case of **Zeenode Limited versus The Attorney General and, 2 Others, Miscellaneous Application No.0347 of 2021**, Mubiru J, held that "The general test for copyright infringement is whether the accused work is so similar to the applicant's work that an ordinary reasonable person would conclude that the respondent unlawfully appropriated the applicant's protectable expression by taking out of it, material substance and value." The learned judge further explained that the two works would be regarded as substantially similar, if the ordinary observer, unless he or she set out to detect the disparities, would be disposed to overlook them and regard their aesthetic appeal as the same.

Furthermore, in the case of **Gloria Akech Vs Brookside Ltd and 2 others Civil Suit No. 1065/ 2022**, court held that a claimant would typically rely on similarities between the works coupled with evidence that the defendant had access and opportunity to copy the copyrighted work."

The Committee finds that it is therefore erroneous to require a certificate as proof of infringement of copyright works. A certificate is merely proof of registration of copyright works and not a description of the actual work that has been infringed upon.

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Recommendation

In light of the above, the Committee recommends that the proposed section 55 (3) under clause 19 be deleted since it has the effect of introducing mandatory registration of copyright works in contravention of the provisions of section 3 (1) and (2) of the principal Act and article 5 (2) of the Bern Convention and article 20 of the World Intellectual Property Organisation Performances and Phonograms Treaty 1996, which the Bill seeks to domesticate.

6.8. Private Copy Remuneration

During consideration of the Bill by the Committee, the Committee received memoranda from the Uganda Parliamentary Forum for Creative Industries, the National Culture Forum, Uganda Reproduction Rights Organisation, Uganda Performing Rights Society, Uganda Federation of Movie Industry, rights holders Association, Hon. Magoola, Hon. Kiyaga and Ministry of Gender, who all advocated for the creation of a private copy remuneration. According to the stakeholders, private copy remuneration is a system where creators and rights holders are compensated for the private, non-commercial copying of their works. This typically involves a levy on devices or media that can be used for copying, like smartphones or blank storage media. The aim is to provide fair compensation to creators for the loss of revenue due to private copying, which is generally permitted under copyright law for personal use.

According to stakeholders, section 14 of the principal Act allows for private use of copyright works under what is called fair use. The fair use doctrine permits the unlicensed use of copyrighted works in certain situations. It's an exception to copyright law, allowing for the use of copyrighted material without permission for purposes of news reporting, teaching, scholarship, research or by persons with disabilities etc. While private copying is generally permitted, it still impacts the income of creators and rights holders. For example, someone buying a blank CD to copy music means one less CD purchased from the artist. To address this, private copy remuneration systems aim to provide compensation for this "lost" revenue.

An example of one of the common methods of implementing the private copy remuneration is to impose a levy on the sale of recording devices (like smartphones, tablets, blank media) and the proceeds are shared between Government and the artists directly or through collection societies.

According to the stakeholders who appeared before the Committee, this matter was brought to attention of Government during the Bills formulation process but was rejected. The same matter was presented to the AG during the Committee's interaction with the AG who advised against implementing the private copy remuneration, reasoning that it will affect the adoption and uptake of technology gadgets by the masses. It is also disproportionate since it applies to gadgets and other devices such as phones which may not be primarily used for consumption of copyright material by majority of Ugandans.

On their part, the stakeholders averred that implementing the private copy remuneration is now an international best practice which is adopted in most commonwealth countries such as Nigeria, Ghana, South Africa, Malawi, Morocco, Tunisia, and Cape Verde . The West African Economic and Monetary Union (UEMOA) is also working towards implementing a directive on private copying levies across its member states (Benin, Burkina Faso, Ivory Coast, Guinea Bissau, Mali, Niger, Senegal, and Togo). Many European Union member states, including Germany, France, Spain, Italy, Belgium, and the Netherlands, and other countries such as Canada have a private copying levy system. Some countries in Asia, like Japan and South Korea, have also implemented such systems, though they are less prevalent in the Asian region.

The stakeholders also averred that implementing the private copy remuneration will ensure the creative industries remain sustainable drivers of jobs and GDP growth in Uganda. It will fuel growth in related sectors like telecoms and gadgets sales by motivating artists to create more quality works and content.

The Committee has considered this matter and agrees that Uganda should implement the private copy remuneration due to its benefits to artists and the country. Apart from the Country earning income from enhanced content production and levies on gadgets and devices, this innovation will fight against poverty amongst artists and copyrights holders by granting them income for allowing the fair use of their works by the public as provided in section 14 of the Principal Act.

The Committee however notes the legal impediment imposed under article 93 (a) (i) on private members proposing legislation that has the effect of imposing a tax or the alteration of taxation otherwise than reduction. The Committee notes that the proposal will require imposing a levy or an additional levy or requiring URA to remit a percentage of the tax collected from computers, cassette recorders, digital video discs, compact discs, machines or devices used for duplicating digital video discs or compact discs, printers and any other devices used for

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storage of information to copyright owners or collecting societies. The imposition of a levy or tax is not a matter that the Committee can on its own undertake except where such a proposal is brought on behalf of or conceded to by Government due to the limitations under article 93 of the Constitution.

In the circumstances, whereas the proposal from stakeholders is noble, the committee is unable to grant the same due to the limitations imposed under article 93 of the Constitution.

Recommendation

In light of the above, the Committee recommends that Government studies this matter and proposes appropriate legislative intervention to address the concern.



6.9. Limited AI and Emerging Technology Provisions

Various stakeholders such as the LDC, the Ministry of Gender, labour and Social Development and the Uganda Parliamentary Forum for Creative Industries all criticised the Bill for not addressing critical issues relating to copyright ownership, authorship, and liability for works generated or assisted by artificial intelligence.

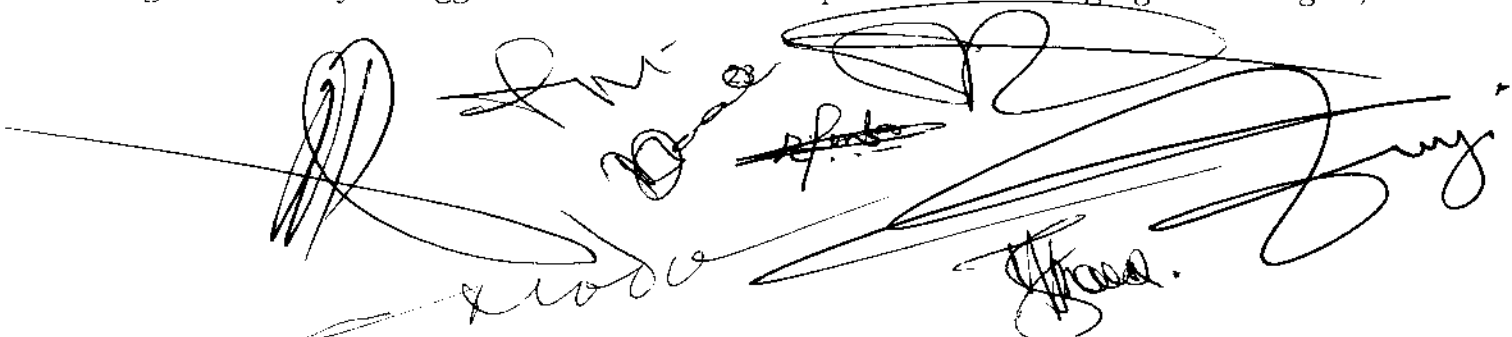


The stakeholders the Committee interacted with including Uganda Communication Commission, The Centre for Law and Emerging Technologies led by Advocate Robert Kirunda, LDC, NITA-U and others observed that although artificial Intelligence technologies increasingly contribute to the creation, modification, and distribution of creative works, the absence of explicit provisions leaves uncertainty over who holds the rights, how such works should be protected, and who bears responsibility in cases of infringement.

The stakeholders also observed that the Bill lacks regulatory guidance on the lawful use of AI tools in content creation, adaptation, and dissemination. This gap may lead to legal ambiguities, hinder enforcement, and necessitate frequent amendments as technology continues to evolve. While the Bill includes provisions for technological protection measures, it does not establish a dynamic framework for managing AI-created content, automated licensing systems, or AI-driven enforcement mechanisms.



The stakeholders emphasised that without such forward-looking provisions, the legislation may struggle to address the complexities of emerging technologies,



including automated content generation, block chain-based rights management, and algorithmic enforcement. This omission increases the likelihood that the law will require frequent amendments to keep pace with technological advancements, potentially leading to regulatory uncertainty and gaps in protection or enforcement.

The Committee has examined the proposals made by the stakeholders and finds that as AI becomes more deeply integrated into the creative field, the distinction between human-created works and machine-generated ones is becoming increasingly important yet copyright laws are currently designed for human creatives rather than creatives made through artificial intelligence. Advances in computing and computational power have enabled AI systems to learn and replicate artistic styles from vast datasets, mimicking human creations with growing accuracy.

The ability of AI to generate creative works presents complex challenges in the realm of intellectual property. With sufficient computational power and training data, the Committee notes that there are challenges in distinguishing between content created by humans and that produced by machines. This scenario forces us to reconsider existing legal frameworks and decide what kind of protection, if any, AI-generated works should receive, especially when human intervention is minimal or nonexistent.

The Committee notes that currently, copyright law maintains the criterion of originality, and only natural persons are recognized as copyright holders. Additionally, there is debate over whether AI-generated works should be considered derivative of the software owner—who develops and trains the AI system, the user who provides the prompts to generate the content, or the copyright holders of the works used to train the AI.

The Committee notes various countries, especially in Europe and America have issued policy directives and amended their legislations to cater for AI in the field of copyright protection. The Committee agrees with the stakeholders that Uganda must amend its intellectual property laws to address the issues and challenges presented by AI in the field of copyright.

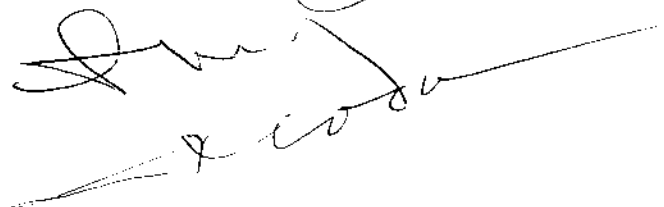
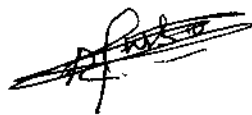
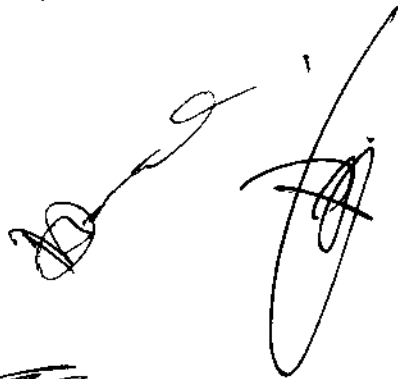
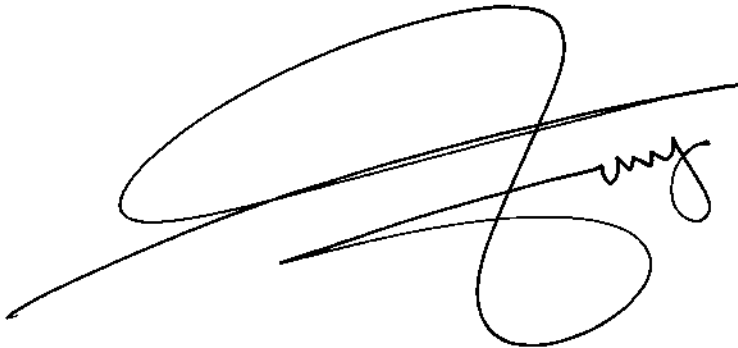
Recommendation

The Committee recommends that the intellectual property laws be amended to cater for Artificial intelligence.

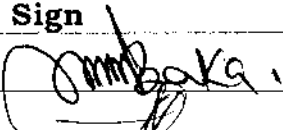
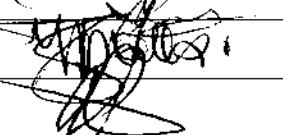
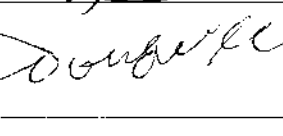
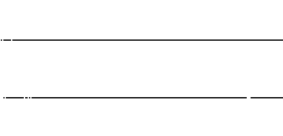
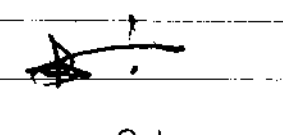
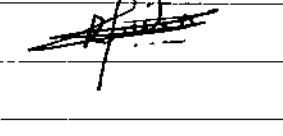
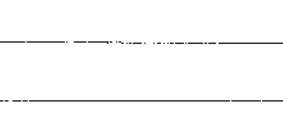
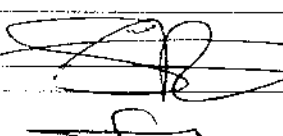
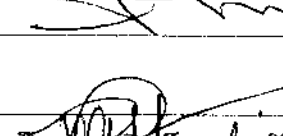
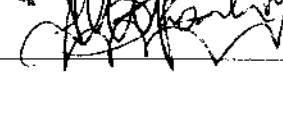
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7.0. CONCLUSION

The Committee recommends that the Bill be passed subject to the proposed amendments attached hereto



SIGNATURES OF MEMBERS ENDORSING THE REPORT OF THE COMMITTEE ON LEGAL AND PARLIAMENTARY AFFAIRS ON THE COPYRIGHT AND NEIGHBOURING RIGHTS (AMENDMENT) BILL, 2025

No	Name	Constituency	Sign
1	Hon. Baka Mugabi	Bukooli North	
2	Hon. Teira John	Bugabula North	
3	Hon. Nkwasiibwe Zinkuratire Henry	Ruhaama	
4	Hon. Werikhe Peter Christopher	Bubulo West	
5	Hon. Fox Odoi Oywelowo	West Budama Northeast	
6	Hon. Lokkii Peter Abrahams	Jie County	
7	Hon. Pamela Nasiyo Kamugo	DWR-Budaka District	
8	Hon. Kamusiime Caroline	DWR-Rukiga	
9	Hon. Achayo Juliet Lodou	Ngora	
10	Hon. Okiror Bosco	Usuk	
11	Hon. Oseku Richard Oriebo	Kibale	
12	Hon. Okia Joanne Aniku	DWR-Madi Okollo	
13	Hon. Musinguzi Yona	Ntungamo Municipality	
14	Hon. Remegio Achia	Pian	
15	Hon. Malende Shamim	DWR Kampala	
16	Hon. Lubega Medard Ssegona	Busiro East	
17	Hon. Ssekitoleko Robert	Bamunanika County	
18	Hon. Patrick Nsanja	Ntenjeru South	
19	Hon. Alum Santa Sandra O	DWR Oyam	
20	Hon. Asuman Basalirwa	Bugiri Municipality	
21	Hon. Niwagaba Wilfred	Ndorwa East	
22	Hon. Katuntu Abdu	Bugweri County	

23	Hon Barnabas Tinkasiimire	Buyaga West	
24	Hon Zijjan David Livingstone	Butembe	
25	Hon Lumu Richard Kizito	Mityana South	
26	Hon John Baptist Nambeshe	Manjiya County	
27	Hon James Mugira	UPDF	
28	Hon Jonathan Odur	Erute South	
29	Hon. Najjuma Sarah	DWR, Nakasckwe	
30	Hon Odoi Bernard	Youth MP, Eastern	

**PROPOSED AMENDMENTS TO COPYRIGHT AND NEIGHBOURING RIGHTS
(AMENDMENT) BILL, 2025**

CLAUSE 1: AMENDMENT OF CAP 222

Clause 1 is amended-

(a) In paragraph (a)-

- (i) In the definition of "broadcasting", by inserting immediately before the word "wireless", the word "wire or";
- (ii) in the definition of "orphan works, by inserting immediately after the word "found", the words "or is unknown";
- (iii) in the definition of "sound recording", by inserting immediately after the word "thereof", the words "whether as a standalone fixation or as incorporated or used in other media after the initial fixation";
- (iv) in the definition of "circumvent a technological protection measure", by inserting the following phrase at the end of the provision-

"without the authority of the copyright owner;"

- (v) by inserting the following definitions in their appropriate order in the bill-

"artificial intelligence work" means work generated by an artificial intelligence system through human creative input, direction, supervision or substantial modification to qualify for copyright protection under this Act."

"collecting society" means an organisation approved and authorized by the Registrar of Copyright, which has as its main object or one of its main objects, the negotiating for the collection and distribution or royalties and the granting or licenses in respect or the use or copyright works or neighbouring rights";

"reprographic copying" means the process of reproducing documents, drawings or other materials using technical, mechanical or electronic means";

"technological protection measure" means technology, device, product or component that is, in the ordinary course of operation, incorporated into copyright works and is designed to prevent or inhibit the infringement of any copyright or related rights"

"training Dataset" means the dataset, including copyrighted works, used to train an Artificial Intelligence model or system;

(vi) by inserting immediately after paragraph (c), the following-

"in the definition of "derivative work", by inserting immediately after the words "original work", the words "including work generated by an artificial intelligence system".

Justification

- *The amendment to the phrase "circumvent a technological protection measure" is intended to harmonise the definition with the manner the phrase is used under the World Intellectual Property Organization (WIPO) framework.*
- *The amendment proposed to the definition of the phrase "orphan works" is to harmonise the definition with the manner the phrase is used in clause 6, the proposed section 13A and to further create a distinction between the use of the phrase and copyright works owned by anonymous persons or under a pseudonym.*
- *The definition of the phrase "Technological protection measure" is to enhance the understanding of the phrase since it is used in the definition of the phrase "circumvent a technological protection measure.*
- *To define the phrase "reprographic copying" since the phrase is used numerously in the Bill.*

- To define the word "collecting society" since the word is used numerously in the Bill and in the principal Act with definition.
- The amendment of the word "sound recording" is to ensure that the rights in pre-existing sound recordings are not affected by their inclusion in an audiovisual work.
- The definition of the words "artificial intelligence work", "training Dataset", "artificial intelligence and "derivative work", is to incorporate artificial intelligence aspects in the Bill and principal Act.

INSERTION OF NEW CLAUSES IMMEDIATELY AFTER CLAUSE 3

The Bill is amended by inserting immediately after clause 3, the following-

"Insertion of section 4A in principal Act

The principal Act is amended by inserting immediately after section 4, the following-

"4A. Artificial intelligence work to be protected

- (1) Works generated by an artificial intelligence system shall be eligible for copyright protection if the works-
- (a) has been supervised, directed or substantially modified by a natural person ; and
 - (b) is original.
- (2) A developer or user who intends to develop any work using an artificial intelligence system shall –
- (a) obtain the consent of the author of the work to be used in training dataset; and
 - (b) maintain publicly accessible records of the general categories and sources of content used in training dataset.

(3) A developer shall implement technical safeguards to prevent the reproduction of training data and shall provide clear usage guidelines to users for the use of the artificial intelligence tools.

(4) The Minister may, by statutory instrument-

(a) regulate the use of copyright works in artificial intelligence systems; and

(b) prescribe the criteria to be applied to works generated using artificial intelligence systems to determine whether the work is original.

Justification

- *To provide for works which are eligible for copyright protection and the use of copyright material in artificial intelligence systems*
- *To empower the Minister to prescribe the criteria to be applied to works generated using artificial intelligence systems to determine whether the work is original.*

CLAUSE 5: AMENDMENT OF SECTION 13 OF PRINCIPAL ACT

Clause 5 is amended in the paragraph (b), by substituting for subsection (4), the following-

"(4) A contract of assignment, licence or transfer to do an act falling within a copyright shall be in writing".

Justification

- *For completeness, to harmonise the provision with the headnote by including the assignment and transfer of a contract in the proposed subsection (4).*

CLAUSE 6: INSERTION OF SECTIONS 13A AND 13B IN PRINCIPAL ACT

Clause 6 is amended-

(a) by substituting for the proposed section 13A, the following-

“13A. Reversion of economic rights in copyright to author

(1) In a contract of assignment, license or transfer, there is an implied term that the economic rights in a copyright shall revert to the author-

(a) upon termination of the contract of assignment, license or transfer;

(b) upon expiry of the term of the contract of assignment, license or transfer;

(c) if the holder of the economic rights in the contract of assignment, license or transfer becomes insolvent or bankrupt and can no longer meet the contractual obligations to the author;

(d) where the contract of assignment, license or transfer covers the right of publication, the work goes out of print or becomes unavailable for a reasonable time;

(e) five years before the expiry of the duration of protection of the copyright works under this Act; or

(f) for any other reason as may be prescribed by the Minister, by statutory instrument.

(2) The Minister may, by statutory instrument, prescribe the procedure of reverting the assignment, license or transfer of copyright to the author.

(b) in the section 13B (1)-

(i) in the proposed paragraphs (a) and (b), by deleting the word “effective”, wherever the word appears in the provision;

- (ii) in the proposed paragraph (b), by inserting immediately after the word "technological", wherever the word appears, the word "protection".

Justification

- *the proposed section 13A is replaced since the provision as proposed in the Bill will frustrate freedom of contract and unlawfully deprives copyright owners the full utilisation of their rights;*
- *to adopt international best practices that allow the reversion of the rights of an author under specific circumstances.*
- *To empower authors who have assigned their rights in a copyright works for the life of the copyright prior to the commencement of the Copyright and Neighbouring Act to claim back their rights, five years before the statutory protection of the rights end.*
- *The amendments proposed in 13B are intended to-*
 - *Delete the word "effective" since the word is redundant and subjective.*
 - *To insert the word "protection" in order to harmonise the provision with the usage of the word under the World Intellectual Property Organization (WIPO) framework.*

CLAUSE 7: AMENDMENT OF SECTION 14 OF PRINCIPAL ACT

Clause 7 is amended in paragraph (b), in the proposed paragraph (l), by inserting immediately after the word "museum", the words "for use by a beneficiary person, other than for commercial use."

Justification

- *The amendment will protect rights owner's interests by limiting access to their works by beneficiary persons as required in the Marrakesh Treaty to Facilitate Access to Published Works by Persons who are Blind, Visually Impaired or Otherwise Print Disabled, 2013.*

CLAUSE 8: INSERTION OF SECTIONS 14A AND 14B IN PRINCIPAL ACT

Clause 8 is amended in the proposed section 14B (2), by inserting immediately after the word "found", the words "identified or is unknown."

Justification

- *To harmonise the provision with the definition of the phrase "orphan works" in clause 1 of the Bill.*

CLAUSE 11: INSERTION OF SECTION 39A IN PRINCIPAL ACT

Clause 11 is amended in the proposed section 39A-

(a) in subsection (2),

- (i) by substituting for paragraph (a), the following-

“(a) author, thirty per cent (30%);

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

“performer, thirty per cent (30%);”

(b) by inserting immediately after subsection (2), the following new subsections-

“The remuneration to be paid under subsection (2) shall be computed on the net revenue earned by the person exploiting the works of the author or performer as caller ring back tone after payment of any applicable taxes;

A contract for exploiting the works of the author or performer as caller ring back tone in existence before the commencement of this Act shall continue in existence as if the same was made under this Act except that the remuneration under the contract shall be the rate prescribed under subsection (2).”

Justification

- *To assign the author and performer separate entitlements since each has individual rights in the copyright over caller ring back tones.*
- *To extend the validity of contracts for caller ring back tones and require the payment of rates prescribed under the Bill*
- *To specify, for clarity, that the remuneration is based on the net revenue, after tax.*

CLAUSE 17: INSERTION OF SECTION 49A IN PRINCIPAL ACT

Clause 17 is amended in the proposed section 49A, by substituting for subsection (4) the following-

"(4) The Registrar shall not issue an order or notice for blocking, taking down or obstructing of infringing content unless the owner of the copyright proves that an infringement of copyright works has occurred as required in section 45."

Justification

- *To harmonise the proposed subsection (4) with section 45 of the principal Act which describes when an infringement of copyright and neighbouring rights is deemed to take place.*
- *The certificate of ownership is not proof of infringement since it does not contain the copyright alleged to have been infringed.*
- *The proposed sub section (4) is amended since it has the effect of introducing mandatory registration of copyright works in contravention of the provisions of section 3 (1) and (2) of the principal Act and principles prescribed under the World Intellectual Property Organization (WIPO) framework which grants blanket protection to any copyright works without any formalities such as registration.*

CLAUSE 19: AMENDMENT OF SECTION 55 OF PRINCIPAL ACT

Clause 19 is amended by deleting paragraph (b).

Justification

- *The proposed section (3) is redundant in light of section 45 of the principal Act which describes when an infringement of copyright and neighbouring rights is deemed to take place.*
- *The proposed sub section (3) is deleted since it has the effect of introducing mandatory registration of copyright works in contravention of the provisions of section 3 (1) and (2) of the principal Act and article 5 (2) of the Bern Convention and article 20 of the World Intellectual Property Organisation Performances and Phonograms Treaty 1996, which the Bill seeks to domesticate, which prohibit the imposition of formalities on both the enjoyment and enforcement of copyright works.*

CLAUSE 20: SUBSTITUTION OF SECTION 56 OF PRINCIPAL ACT

Clause 20 is amended in the proposed section 56-

(a) In subsection (1), by substituting for the words "a group of persons", the words "any thirty or more people";

(b) in subsection (2), by inserting immediately after paragraph (a), the following new paragraphs-

"a copy of the articles and rules of the collecting society,"

"a copy of the certificate of incorporation as a company limited by guarantee without share capital, issued by the Registrar of Companies;"

(c) by substituting for subsection (3), the following-

"(3) The Registrar shall not register more than two collecting societies in respect of the same bundle of rights and category of works.

Justification

- *To group of persons as used in the Bill is ambiguous and will face enforcement challenges since it is not certain as to how many people are required to establish a collection society.*

- *To harmonise the provision with section 58 of the Act which require a collecting society to have 30 people as a minimum.*
- *To require Collecting Societies be incorporated by the Registrar of Companies and regulated by the Registrar of Copyright in order to separation incorporation of collecting societies and the regulation of their operations.*
- *To require collecting societies to be not for profit organisations.*
- *To restrict the registrar to only register not more than 2 collecting societies for each bundle or rights*

CLAUSE 21: AMENDMENT OF SECTION 57 OF PRINCIPAL ACT

Clause 21 is amended in paragraph (a), by inserting immediately after the proposed paragraph (ba), the following-

"(bb) in consultation with its members, to prescribe fees for accessing copyright works owned by its members;"

Justification

- *To enable collection societies set fees for accessing copyright works owned by its members.*