

Uganda Steps Up Copyright & Related Rights Protections

On 28 January 2022, Uganda ratified and accede to four key copyright treaties – the Berne Convention, the WIPO Copyright Treaty, the WIPO Performances and Phonograms Treaty, and the Beijing Treaty on Audiovisual Performances.

The Berne Convention protects the rights of authors in their “literary and artistic works¹”. Protection is afforded to authors who are citizens of signatory countries or to authors whose works are first published in a signatory country. The WIPO Copyright Treaty added to the Berne Convention by including computer programs to the definition of literary works and providing Berne protection for databases to the extent that such databases constitute intellectual creations. This treaty also deals with digital services by providing creators with a right to communicate to the public by wire or wireless means. The WIPO Performances and Phonograms Treaty provides for the protection of the rights of performers and sound recording producers. The Beijing Treaty on Audiovisual Performances addresses the rights and protections afforded to performers in their audiovisual performances such as movies and television shows.

The four treaties combine to provide creatives with the kind of rights needed to protect and benefit from their works. Generally, creators have exclusive rights to publish, reproduce, perform, broadcast, communicate the work to the public, among others.

These rights are also provided for under Uganda's Copyright and Neighbouring Rights Act, 2006. However, the accession to the four treaties serves to protect Ugandan creators or creators who first publish their works in Uganda in all the countries that are signatory to these treaties.

The widespread adoption of the internet as a medium through which to access or consume creative content has opened up exciting possibilities for creatives. Their content can easily be distributed worldwide, and hefty profits should follow. However, the scale and sophistication of international piracy has also arisen as a result of the same technology, the internet.

The four treaties therefore serve to protect works in all states that are signatory. The same level of protection is afforded to works created by Ugandans or first published in Uganda in other territories. As a result, creatives are better placed to earn through downloads, streaming, or such other avenues for monetizing of content that the internet makes possible. Creatives are also able to act against pirates and protect their revenue streams as member countries are obligated to enforce their rights.

The accession to the four treaties comes on the back of the adoption of the Kampala Protocol on Voluntary Registration of Copyright and Related Rights on 28 August 2021 which governs the contracting states in the voluntary registration and notification of copyright and related rights. The Protocol provides for a simple and effective means to establish ownership of rights in states party to the Protocol. It shall also aid in creating a

¹ includes every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression, such as books, pamphlets and other writings; lectures, addresses, sermons and other works of the same nature; dramatic or musical works; choreographic works and entertainments in dumb show; musical compositions with or without words; cinematographic works to which are assimilated works expressed by a process analogous to cinematography; works of drawing, painting, architecture, sculpture, engraving and lithography; photographic works to which are assimilated works expressed by a process analogous to photography; works of applied art; illustrations, maps, plans, sketches and three-dimensional works relative to geography, topography, architecture or science

repository of works as it provides for the establishment of an ARIPO database on which data on copyright and related rights registered under the Protocol is entered and kept.

This international approach to copyright protection is especially important in determining copyright disputes as copyright protection is not conferred by formalities and on account of the borderless nature of the internet through which lots of creative content is shared, sold or otherwise distributed.