

Uganda

## Copyright Act Chapter 215

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# Uganda

## Copyright Act

### Chapter 215

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*[Repealed by Copyright and Neighbouring Rights Act, 2006 (Act 19 of 2006) on 4 August 2006]*

**An Act to make provision for copyright of literary, musical and artistic works, cinematograph pictures, gramophone records and broadcasts, and other purposes connected therewith.**

## General

### 1. Interpretation

- (1) (a) In this Act, unless the context otherwise requires—
- "**artistic work**" means, irrespective of artistic quality, any of the following or works similar to them—
- (i) painting, drawings, etchings, lithographs, woodcuts, engravings and prints;
  - (ii) photographs not comprised in a cinematograph film;
  - (iii) maps, plans and diagrams;
  - (iv) works of sculpture;
  - (v) works of architecture in the form of buildings or models; and
  - (vi) works of artistic craftsmanship;
- (b) "**author**", in the case of a cinematograph film or gramophone record, means the person by whom the arrangements for the making of the film or record were undertaken or, in the case of a broadcast transmitted from within any country, means the person by whom the arrangements for the making of the transmission from within that country were undertaken;
- (c) "**broadcast**" includes a sound or television broadcast of any material not broadcast by the use, whether direct or indirect, of—
- (i) a gramophone record, copies of which have been issued to the public; or
  - (ii) a cinematograph film, copies of which have been issued or exhibited to the public, and a broadcast by diffusion over wires;
- (d) "**building**" includes any structures;
- (e) "**cinematograph film**" includes the material first embodying the recording of a sequence of visual images capable by the use of that material—
- (i) of being shown as a moving picture; or

- (ii) of being recorded on other material by the use of which it can be so shown, and material first embodying the recording of a sound track associated with the film;
  - (f) "**copy**" means a reproduction in written form, in the form of a recording or film, or in any other material form, so, however, that an object shall not be taken to be a copy of an architectural work unless the object is a building or model;
  - (g) "**copyright**" means copyright under this Act;
  - (h) "**gramophone record**" means the material first embodying the recording of a sequence of sounds capable, by the use of that material, of being automatically reproduced aurally, but does not include a sound track associated with a cinematograph film;
  - (i) "**licensing body**" means an organisation which has as its main object, or one of its main objects, the registration or granting of licences in respect of copyright works;
  - (j) "**literary work**" means, irrespective of literary quality, any of the following or works similar to them—
    - (i) novels, stories and poetical works;
    - (ii) plays, stage directions, film scenarios and broadcasting scripts;
    - (iii) textbooks, treatises, histories, biographies, essays and articles;
    - (iv) encyclopaedias, dictionaries, directories and anthologies;
    - (v) letters, reports and memoranda;
    - (vi) lectures, addresses and sermons;
  - (k) "**musical work**" includes any musical work, irrespective of musical quality, and words composed for musical accompaniment;
  - (l) "**performance**" includes, in addition to a live performance or delivery, any mode of visual or acoustic presentation;
  - (m) "**prescribed**" means prescribed by regulations made under [section 15](#);
  - (n) "**qualified person**" has the meaning assigned to it by [section 4\(1\)](#);
  - (o) "**work of joint authorship**" means a work produced by the collaboration of two or more authors in which the contribution of each author is inseparable from the contribution of the other author or authors.
- (2) The following provisions shall apply with respect to publication—
- (a) a work shall be taken to have been published if, but only if, copies have been issued in sufficient quantities to satisfy the reasonable requirements of the public;
  - (b) where in the first instance a part only of a work is published, that part shall be treated for the purposes of this Act as a separate work;
  - (c) a publication in any country shall not be treated as being other than the first publication by reason only of an earlier publication elsewhere, if the two publications took place within a period of not more than thirty days.

## 2. Application

This Act shall apply in relation to works made before the commencement of this Act as it applies in relation to works made after its commencement, so, however, that this section shall not be taken to render an act done before the commencement of this Act an infringement of copyright under [section 13](#).

### 3. Works eligible for copyright

- (1) Subject to this section, the works specified in the First Schedule to this Act shall be eligible for copyright.
- (2) A literary, musical or artistic work shall not be eligible for copyright unless—
  - (a) sufficient effort has been expended on making the work to give it an original character; and
  - (b) the work has been written down, recorded or otherwise reduced to material form whether with or without consent.
- (3) An artistic work shall not be eligible for copyright if at the time when the work is made it is intended by the author to be used as a model or pattern to be multiplied by any industrial process.
- (4) A work shall not be eligible for copyright by reason only that the making of the work or the doing of any act in relation to the work involved an infringement of copyright in some other work.

### 4. Copyright by virtue of nationality or residence

- (1) A copyright shall be conferred by this section on every work eligible for copyright of which the author or, in the case of a work of joint authorship, any of the authors is at the time when the work is made a qualified person, that is to say—
  - (a) an individual who is a citizen of, or is domiciled or resident in, Uganda or any country specified in the Second Schedule to this Act; or
  - (b) a body corporate which was incorporated under the laws of Uganda or any such country.
- (2) The term of copyright conferred by this section shall be calculated according to the table set out in the Third Schedule to this Act.
- (3) Where a literary, musical or artistic work is first published after its copyright as an unpublished work has expired, a new term of copyright shall begin on first publication and expire on the date indicated by paragraph 2 of the table set out in the Third Schedule to this Act.
- (4) In the case of a work of joint authorship, references in the Third Schedule to this Act to the death of the author shall be taken to refer to the author who dies last, whether or not he or she is a qualified person.

### 5. Copyright by reference to country of first publication

- (1) A copyright shall be conferred by this section on every work, other than a broadcast, which is eligible for copyright and which—
  - (a) is first published in Uganda or any country specified in the Second Schedule to this Act; and
  - (b) has not been the subject of a copyright conferred by [section 4](#).
- (2) A copyright conferred on a work by this section shall have the same duration as is provided for by [section 4](#) in relation to a similar work.

### 6. Copyright in works of Government and international bodies

- (1) A copyright shall be conferred by this section on every work which is eligible for copyright and which is made by or under the direction or control of the Government or a prescribed international body.
- (2) A copyright conferred by this section on a literary, musical or artistic work—
  - (a) if the work is not published during the period ending fifty years from the end of the year in which it was made, shall subsist until the end of that period and shall then expire; or

- (b) if the work is published during that period, shall subsist until the expiration of fifty years from the end of the year in which it is first published and shall then expire.
- (3) A copyright conferred by this section on a film, record or broadcast shall have the same duration as is provided for by [section 4](#) in relation to a similar work.
- (4) Sections [4](#) and [5](#) shall not be taken to confer copyright on works to which this section applies.

## Nature of copyright

### 7. Literary, musical and artistic works

- (1) Subject to this section, a copyright in a literary, musical or artistic work shall be the exclusive right to control the doing in Uganda or any other country of any of the following acts—
  - (a) the distribution of copies;
  - (b) the public performance for payment; and
  - (c) the broadcasting, of the whole or a substantial part of the workeither in its original form or in any form recognisably derived from the original.
- (2) A copyright under subsection (1) shall not include the right to control—
  - (a) the doing of any of the acts set out in subsection (1) by way of fair dealing for purposes of criticism or review, or the reporting of current events, if any public use of the work is accompanied by an acknowledgment of its title and authorship except where the work is incidentally included in a broadcast;
  - (b) the doing of any of the acts set out in subsection (1) by way of parody, pastiche or caricature;
  - (c) the distribution of copies, or the inclusion in a film or a broadcast, of an artistic work situated in a place where it can be viewed by the public;
  - (d) the incidental inclusion of an artistic work in a film or broadcast;
  - (e) the distribution of a collection of literary or musical works which includes not more than two short passages from the work in question if the collection is designed for use in educational institutions and includes an acknowledgment of the title and authorship of the work;
  - (f) the broadcasting of a work if the broadcast is intended to be used for purposes of instruction in educational institutions;
  - (g) the distribution of sound recordings of a published literary or musical work, if fees are paid to the owner of the copyright in accordance with regulations made under [section 15](#).
- (3) A copyright in a work of architecture shall include the exclusive right to control the erection of any building which reproduces the whole or a substantial part of the work either in its original form or in any form recognisably derived from the original insofar as the copyright in any such work does not include the right to control the reconstruction of a building in the same style as the original.

### 8. Films

A copyright in a cinematograph film shall be the exclusive right to control the doing in Uganda or any other country of any of the following acts—

- (a) the distribution of copies;
- (b) the public exhibition for payment; and

- (c) the broadcasting, of the whole or a substantial part of the film either in its original form or in any form recognisably derived from the original.

## 9. Records

A copyright in a gramophone record shall be the exclusive right to control the distribution in Uganda or any other country of copies of the whole or a substantial part of the record either in its original form or in any form recognisably derived from the original.

## 10. Broadcasts

- (1) Subject to subsection (2), a copyright in a broadcast shall be the exclusive right to control the doing in Uganda or any other country of any of the following acts—
  - (a) the distribution of copies;
  - (b) the public communication; and
  - (c) the rebroadcasting, of the whole or a substantial part of the broadcast either in its original form or in any form recognisably derived from the original.
- (2) A copyright in a television broadcast shall not include the right to control the distribution or rebroadcasting of still photographs taken from the broadcast if done by way of fair dealing for purposes of criticism or review or the reporting of current events.

## Ownership of copyright

### 11. First ownership

- (1) A copyright conferred by [section 4](#) or [5](#) shall vest initially in the author.
- (2) Where a work other than a broadcast—
  - (a) is commissioned by a person who is not the author's employer; and
  - (b) not having been so commissioned is made in the course of the author's employment,the copyright shall vest initially in the person who commissioned the work or the author's employer, as the case may be.
- (3) A copyright conferred by [section 6](#) shall vest initially in the Republic of Uganda or the international body in question, as the case may be.
- (4) This section shall apply subject to the provisions of [section 12\(8\)](#).

### 12. Assignments, licences and testamentary dispositions

- (1) Subject to this section, a copyright shall be transmissible by assignment, by testamentary disposition or by operation of law as a movable property.
- (2) An assignment or testamentary disposition may be limited so as to apply to some only of the acts which the owner of the copyright has the exclusive right to control or a part only of the period of the copyright.
- (3) A purported assignment of a copyright shall be void if it is not in writing signed by or on behalf of the assignor.
- (4) Any document purporting to confer an exclusive licence to do an act falling within a copyright shall be construed as a total or partial assignment of the copyright, as the case may require.

- (5) Subject to subsection (4), a licence to do an act falling within a copyright may be written or oral, or may be inferred from conduct and may be revoked at any time.
- (6) A licence granted by contract shall not be revoked either by the person who granted the licence or his or her successor in title, except as the contract may provide, or by a further contract.
- (7) An assignment or licence granted by one copyright owner shall have effect as if granted by his or her co-owners also, and, subject to any contract between them, fees received by the grantors shall be divided equitably between all the co-owners.
- (8) An assignment, licence or testamentary disposition may be effectively granted or made in respect of a future work or an existing work in which copyright does not yet subsist; and the prospective copyright in any such work shall be transmissible by operation of law as a movable property.
- (9) A testamentary disposition of material on which a work is first written or otherwise recorded shall, in the absence of any contrary indication, be taken to include the disposition of any copyright or prospective copyright in the work which is vested in the deceased.
- (10) For the purposes of this section, persons shall be deemed to be co-owners—
  - (a) if they share a joint interest in the whole or a part of a copyright;
  - (b) if they have interests in the various copyrights in a composite production, that is a production consisting of two or more works made in collaboration.

### 13. Infringement

- (1) A copyright is infringed by any person who does, or causes any other person to do, an act falling within the copyright without the licence of the person in whom is vested either the whole of the copyright or, where there has been a partial assignment or partial testamentary disposition, the relevant portion of the copyright.
- (2) The remedies available for infringement of a copyright shall be the following—
  - (a) damages limited to the loss, if any, incurred by reason of the infringement, together with such additional sum as may be just having regard to the flagrancy of the infringement, the benefit, if any, gained by the infringer and such other matters as may be relevant;
  - (b) an injunction to restrain further infringements or, where no infringement has yet occurred, to restrain any infringement;
  - (c) an injunction requiring the delivery up to the court and destruction or other disposal, as the court may direct, of copies of the work in question, or other articles, which have been, or may otherwise be, used for purposes of infringement.
- (3) No injunction shall be issued in proceedings for infringement of copyright which requires a completed or partly-built building to be demolished or prevents the completion of a partly-built building.

### 14. Licences of right

Whenever the Minister is satisfied that a licensing body—

- (a) is unreasonably refusing to grant licences in respect of copyright; or
- (b) is imposing unreasonable terms or conditions on the granting of such licences,

he or she may, by statutory instrument, order that, as respects the doing of any act specified in the instrument in relation to the work in which the licensing body is concerned, a licence shall be deemed to have been granted by the copyright owner provided the appropriate fees prescribed by the instrument are paid or tendered before the expiration of the prescribed period after the act is done.



## Miscellaneous

### 15. Regulations

The Minister may, by statutory instrument, make regulations prescribing anything which under this Act may be prescribed or otherwise providing for procedure under this Act.

### 16. Amendment of Second Schedule

- (1) When any country other than Uganda becomes or ceases to be a party to the Universal Copyright Convention, the Minister shall, by statutory instrument, amend Part I of the Second Schedule to this Act by inserting or deleting the name of that country, as the case may require.
- (2) The Minister shall not be required to insert the name of the country if, before the convention has come into force in respect of that country, the Government has given notice that it declines to recognise the accession of that country.
- (3) The Minister may, by statutory instrument, amend Part II of the Second Schedule to this Act by inserting the name of any country which is not a party to the convention or by deleting the name of any country.
- (4) An instrument made under this section may contain such transitional and consequential provisions as the Minister thinks necessary.

## First Schedule (Section 3(1))

### Eligible works

Literary works	Cinematograph films
Musical works	Gramophone records
Artistic works	Broadcasts

## Second Schedule (Section 4(1))

### Copyright countries

#### Part I - Parties to the Universal Copyright Convention

Andorra	Holy See	Paraguay
Argentina	Iceland	Philippines
Austria	India	Portugal
Belgium	Ireland	Rwanda
Brazil	Israel	Spain
Burundi	Italy	Sweden
Cambodia	Japan	Switzerland
Canada	Kenya	United Kingdom (and Fiji, Gibraltar, Isle of Man and Sarawak of the United Kingdom)
Chile	Laos	United States of America (and Guam, Panama Canal Zone, Puerto Rico and the Virgin Islands of the United States of America)
Costa Rica	Lebanon	
Cuba	Liberia	
Czechoslovakia	Liechtenstein	
Denmark	Luxembourg	
Ecuador	Mexico	
Federal Republic of Germany (and Land Berlin)	Monaco	

Finland	Nicaragua
France	Nigeria
Ghana	Norway
	Pakistan
	Panama

## Part II - Other countries

Guinea

Mali

**Third Schedule (Section 4(2))****Term of copyright**

<b>Type of work</b>		<b>Date of expiration of copyright</b>
1.	Unpublished literary, musical or artistic work	Fifty years after the end of the year in which the author dies.
2.	Published literary, musical or artistic work	The later of the following—
		(a) the end of the year in which the author dies;
		(b) fifty years after the end of the year in which the work was first published.
3.	Unpublished cinematograph film or gramophone record	Fifty years after the end of the year in which the work was made.
4.	Published cinematograph film or gramophone record	If first published before the date of expiration mentioned in paragraph 3 of this Schedule, forty-five years after the end of the year in which the work was first published.
5.	Broadcast	Fifty years after the end of the year in which the broadcast was made.