



# **COPYRIGHT IN GHANA**

A presentation by

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# Introduction

- ◆ Work on Act started long ago
  - It became evident in 1996 when it was clear PNDC Law 110 was obsolete
- ◆ Meetings/workshops were held before Act 690 was passed
- ◆ Persistent controversy before, during and after passage of bill into law



# Events leading to New Copyright Law

- ◆ Copyright Act 85 of 1961 had become ineffective even allowing private initiatives to spring up in the 70's to attempt to collect and distribute royalties to publishers and composers
- ◆ Copyright Act 85 of 1961 was repealed and replaced by PNDC Law 110



# Events leading to New Copyright Law

...cont'd

## ◆ PNDC Law 110

- Was expanded to cover literary, artistic, musical works, etc
- Established the copyright office to oversee copyright industry
- COSGA established by LI with monopoly to oversee royalties for right holders

# Events leading to New Copyright Law

...cont'd

## Role of MUSIGA in COSGA

- ◆ MUSIGA in conflict with others (authors, etc) over COSGA's ownership
- ◆ COSGA hijacked by MUSIGA, all other rights owners thrown out
- ◆ PNDC Law not strong enough to give copyright needed legal backing.
  - Piracy perpetuated with little check
  - Right owners resigned helplessly to their fate

# Events leading to New Copyright Law

...cont'd

- ◆ Oversight committee of COSGA (now solely MUSIGA members) took over the responsibility for the bill and first draft signed by AG and Minister of Justice in 2000
- ◆ Same year all stakeholders were invited to submit comments on draft. WIPO, International Publishers Association (IPA), International Phonogram Industry (IFPI) submitted comments too.
  - *Librarians not invited*
- ◆ Meeting held by AG (2001)
  - to synthesize comments on bill and six other intellectual property bill
  - *Librarians invited only to help find ways of getting users to pay for photocopies made from published works*
  - Idea mooted for levies on all devices capable of copying



# Events leading to New Copyright Law

...cont'd

- ◆ Later other intellectual property bills passed without copyright bill
- ◆ Intervention of COCCA
  - Two more retreats organized in July 2003 and February 2004
  - Parliament organized a final forum of stakeholders on Dec. 16, 2004



# Issues to note

## Before the bill

- ◆ Channels of redress by complainants beset with problems
- ◆ Punishment for infringement too small that enforcing it did not merit the trouble
- ◆ Underdevelopment of payment system for royalties made authors forget about going for it





# The New Copyright Law

- ◆ Act 690 of 2005
- ◆ Has nine (9) Sections
  - Copyright
  - Duration of copyright
  - Permitted uses of copyright
  - Copies of sound recordings, mechanical reproduction rights of composers
  - Enforcement provisions
  - Protection for performers and broadcasting organisation
  - General provisions
  - National Folklore Board
  - Administration, the copyright office and miscellaneous matters



# The New Copyright Law cont'd

- ◆ Library mentioned under the 3<sup>rd</sup> section,  
*permitted uses of copyright sub-section 21*  
*permitted uses of copyright work by library*  
*and archive*



# Reactions to the bill

- ◆ **To date no reactions from Librarians! ! !**
- ◆ COCCA objected to the following
  - The section under **Enforcement Provision**, section 5- individuals cannot protect their rights
  - **Folklore being under the State**. Subsection 4 of section 1 under copyright
  - **The powers of the copyright office**. The office is responsible for the administration of copyright



# Reactions to the bill cont'd

- ◆ 9 Associations of major copyright stakeholders response
  - MUSIGA
  - Association of Phonogram industry
  - Ghana Association of Record Manufacturers
  - Ghana Actors Guild
  - Film Video Producers Association of Ghana
  - Ghana Association of Writers
  - Ghana Book Publishers Association
  - Film Video Distributors Association of Ghana
  - Reprographic Rights Association of Ghana

# The Aftermath

- ◆ In this air of controversy the law was passed with very little input from Librarians
- ◆ Copy Ghana and incorporation of copyright fees in students fee structure
- ◆ Reaction from students – books not by Ghanaians authors so “Yentua Slogan”
- ◆ News report silent about increase in protection period
  - *From life +50years to life + 70years*
  - *Copyright Administrator and Chairman of Copy Ghana say it is international standard*



# Conclusion

- ◆ Rewarding system in Ghana not as developed and therefore author, musicians etc do not make money out of their creative efforts as pertains in the developed countries
- ◆ If authors, composers, etc are not protected, they will not be motivated to create more works
- ◆ **Librarians should not be seen as media for collecting money.** It's unfortunate though that librarians had no knowledge to effectively contribute to this all important debate
- ◆ Copyright Administrator has agreed to meet us after Uganda workshop. We hope to have information to counter his arguments



# End of Presentation