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STATUTORY INSTRUMENTS 2010 No.1.

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STATUTORY INSTRUMENTS 2010 No. 1.**The Copyright And Neighbouring Rights Regulations, 2010** (*Under section 82 of the Copyright and Neighbouring Rights Act, 2006, Act 19 of 2006*)

IN EXERCISE of the powers conferred upon the Minister by section 82 of the Copyright and Neighbouring Rights Act, 2006, on the recommendation of the Registrar of Copyright; and after consultation with the Collecting Societies, these Regulations are made this 20th day of August, 2009.

1. Title

These Regulations may be cited as the Copyright and Neighbouring Rights Regulations, 2010.

2. Interpretation

In these Regulations, unless the context otherwise requires-

"Act" means the Copyright and Neighbouring Rights Act, 2006;

"author" includes co-author;

"collecting society" means a society registered under regulation 13;

"copyright inspector" means an inspector appointed under regulation 27;

"currency point" has the value specified in Schedule 1;

"Minister" means the Minister responsible for justice;

"Registrar" means the Registrar of copyright appointed under section 41 of the Act;

"security device" means an adhesive label, banderol, International Standard Book Number (ISBN) or hologram.

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13. Application for registration of copyright or neighbouring right (1)

The owner of a copyright or neighbouring right may apply to the Registrar for registration of the copyright or neighbouring right for the purpose of-

- (a) keeping evidence of ownership of the right; (b) identification of works and authors; or
- (c) maintenance of record of the right.

(2) An application to the Registrar for registration under sub regulation (1) shall be made in Form 1 specified in Schedule 2 to these Regulations and shall be accompanied by-

- (a) a deposit consisting of copies or records representing the work for which registration is applied, whether the work is published or unpublished; and
- (b) a non refundable application fee specified in Schedule 3 to these Regulations.

4. Contents of application for registration of copyright or neighbouring right

The application for registration of copyright or neighbouring rights shall state the following-

- (a) the title of the work sufficient to identify the work, or if the work has been published as part of a larger work, the title of that larger work in addition to the title of the contribution;
- (b) a description of the nature of the work being registered as specified in section 5 of the Act, such as literary work, dramatic or musical works, audio visual and sound recording works and others;
- (c) the name and registered address of the author and owner of the copyright or neighbouring rights and his or her nationality;



- (d) the date of birth of author;
- (e) if the author is dead, the date of death;
- (f) the year in which creation of the work was completed; (g) the date and year of publication, if work is published;
- (h) the names and addresses of copyright claimants such as assignee, transferee or licensee, if any;
- (i) if the registration being applied for is for derivative work, state the pre-existing work; and
- U) the date and signature of the applicant.

5. Publication of application in Gazette

(1) Upon receiving an application for registration of a copyright or neighbouring right, the Registrar shall publish the notice of the application in the Gazette specified in FOIm 2 of Schedule 2.

(2) The fees for the publication of the notice shall be paid by the applicant.

(3) Where, after sixty days from the date of publication of the application in the Gazette, there is no objection lodged against the registration, and the Registrar is satisfied that all the necessary information has been provided by the applicant, the Registrar shall enter the name of the applicant in the register as the author or owner of the copyright or neighbouring right.

(4) Upon registration, the applicant shall be issued with a certificate of registration as proof of registration.

(5) The FOIm of the certificate of registration is specified in Form 3 of Schedule 2 to these Regulations.

6. Objection against registration of copyright or neighbouring rights

(1) A person who wishes to object to the registration of a copyright or neighbouring right may, by ordinary letter, lodge an objection against the registration with the Registrar within sixty days from the date of publication of the application in the Gazette.

(2) The letter of objection shall clearly spell out the reasons for the objection.

(3) Upon receipt of the letter of objection, the Registrar shall, as soon as practicable notify the applicant of the objection.

(4) The Registrar shall convene a meeting of both the applicant and the objector, or their agents, where the parties cannot attend in person, in order for the applicant to address the reasons for the objection.

(5) Where the Registrar is satisfied with the reasons for the objection, the registrar shall not register the copyright or neighbouring right.

(6) The Registrar may call upon any other person or demand for the production of any documents or articles to enable him or her make a decision under these Regulations.

7. Substitution of an applicant

Where the Registrar is satisfied that there is good reason for substitution of an applicant in respect of a copyright work, and where the parties agree to the substitution, the Registrar shall approve the substitution subject to such conditions as he or she thinks fit, and the Registrar shall notify the applicant of the substitution.

8. Application for registration of assignment or "transfer

(1) A holder of an assignment or transfer of copyright or neighbouring rights may apply to the Registrar for registration of the assignment or transfer for the purpose of-

(2) The application for registration of an assignment or transfer shall be in Form 4 specified in Schedule 2 to these Regulations.

(3) The application for registration of an assignment or transfer shall be accompanied by-

- (a) a copy of the instrument, if any, under which the title is claimed; and
- (b) an application fee prescribed in Schedule 3 to these Regulations.

(a) the name and registered address of the author and owner of the copyright or neighbouring rights;

(b) the name, trade or business and the description of the assignor or transferor of a copyright or neighbouring rights;

(c) particulars of the instrument, if any, under which the interest is claimed;

(d) the limitations in the assignment or transfer, and shall address issues on whether or not the assignment is limited to-

(5) Where, in the case of an application under sub regulation (1), the applicant does not claim under any document or instrument, proof of his or her entitlement to the copyright, the applicant shall accompany the application with a statutory declaration setting out the full particulars of facts upon which his or her claim to ownership of the work is based, showing that the work has been assigned or transferred to him or her.

(6) The certificate of registration of assignment shall be in Form 5 specified in Schedule 2 to these Regulations.

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17. Application for registration of a licence

(1) A holder of a licence for copyright or neighbouring rights may apply to the Registrar for the registration of the licence.

(2) The application for registration of a licence shall be made in Form 6 specified in Schedule 2 and shall be accompanied by a fee prescribed in Schedule 3 to these Regulations.

(a) state the name, address and nationality of the licensee;

(b) indicate full particulars of the instrument, if any, under which the interest is claimed;

(c) be accompanied by a statutory declaration made by the owner of the work stating-

(i) the particulars of the relationship between the owner and the licensee;

10. Entry in register

(1) Upon receiving an application for registration of a copyright, assignment, licence or transfer of a copyright or neighbouring rights, and on being satisfied as to the right of the person seeking to be registered, the Registrar shall cause the person to be registered as the owner or holder of the copyright work in respect of the work and shall issue the applicant with a certificate of registration as proof of registration.

(2) The Registrar shall enter in the register the following information-

(a) the name, trade or business address and description of the owner;



(c) statement showing the limitation, if any, to the scope of the assignment, licence or transfer; and

(d) the date of the publication or the date at which copyright protection begins.

(3) Where the Registrar is not satisfied as to the right of an applicant for registration of a copyright or neighbouring rights, the Registrar shall not enter the name of the applicant in the register and shall in writing, inform the applicant of the reasons for that particular decision.

11. Address for service

A person who applies to become a registered owner or holder of a copyright shall furnish the Registrar with an address for service in Uganda.

12. Method of service

Where notice, application or other document is required to be served on person under these Regulations, service may be effected by delivery of a copy of the notice-

(a) at the address for service furnished to the registrar under regulation 11;

(c) at the residence or place of business or employment of the person or to some responsible person residing or employed there.

13. Application for registration of collecting societies

(1) An application for registration of a collecting society shall be made to the Registrar and shall be in Form 7 specified in Schedule 2 to these Regulations.

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(2) The application for registration of a collecting society shall be signed by at least three members.

(3) The application shall be accompanied by-

- (a) three copies of the memorandum and articles of association of the society;
- (b) the constitution of the society;
- (c) a copy of the certificate of registration as a non government organization;
- (d) a fee prescribed in Schedule 3; and
- (e) such other information as the Registrar may require.

(4) The application shall contain the following information (a) the name and business address of the society;

(b) information relating to the legal status of the society;

(d) a schedule containing the names, addresses nationalities and qualifications of each of the management committee members;

(e) a statement of the financial position of the society;

(f) a declaration by the management committee of the society's ability to ensure the enforcement of the rights of the owners or holders of copyright or neighbouring rights; and

(g) a schedule of names and addresses of copyright owners or holders that the society has running contracts with.

14. Probationary registration of collecting societies

(1) Upon receiving an application for registration of a collecting society, the registrar where satisfied that the society has complied with all the requirements of the Act and these Regulations, shall register the society and its articles and rules on probation for a period of eighteen months.

(2) The registrar shall issue the society with a probationary certificate of registration in Form 8 specified in Schedule 2 to these Regulations.



15. Cancellation of probationary registration of society

(1) The Registrar may at any time during the probation period provided for under Regulation **14** or at the expiration of the probation period of eighteen months, cancel the probation period of the society, where he or she is not satisfied with the performance of the society.

(2) The Registrar shall by notice in writing cancel the probation period of the society.

(3) The notice of cancellation under sub regulation (2) shall state the reasons for the cancellation and shall be published in the Gazette.

(4) The notice shall be in Form 9 specified in Schedule 2 to these Regulations.

16. Full registration of society

Where, at the expiration of the probationary period, the registrar is satisfied with the functioning of the society, the registrar shall fully register the society and shall issue it with a certificate of registration in Form **10** specified in Schedule 2 to these Regulations.

17. Restoration of society on register

(1) A society which has been removed from the register of collecting societies may, within a period of one year from the date of removal, apply to the registrar for its restoration on the register and shall pay a fee as prescribed in Schedule 3 to these Regulations.

(2) The application under sub regulation (1) shall be accompanied by-

(a) a statutory declaration giving reasons for the society's non compliance with these Regulations or the Act, which resulted in its removal from the register;

(b) a document showing steps taken to comply with the Act and these Regulations; and

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18. Protection of sound recordings and audio visual recordings

A person shall not produce, reproduce, distribute, broadcast, make available to the public, sale or offer for sale, lease or rent out or make public performances or import for distribution sound recordings or audio visual recordings in Uganda except under a licence issued by the owner of the neighbouring rights or a collecting society.

19. Security device

A security device shall be affixed to each and every sound recording or audio visual recording which is distributed or otherwise exposed to the public for sale, hire or rental, within Uganda.

20. Collecting societies to issue security devices

The security device shall be issued by the collecting SOCIeties responsible for the interests of the producers after verification that the sound recording or audio visual has been produced or published in Uganda or imported into Uganda without infringing any copyright granted under the Act.

21. Security device to be registered by collecting society

The collecting society shall register the security device with the Office of the Uganda Registration Services Bureau.

22. Seizure of sound recording or audio visual recording

A sound recording or audio visual recording without a security device, which is either imported or distributed or offered or exposed to the public for distribution by way of sale, hire or rental within Uganda shall be considered as a copy infringing copyright and may be seized by an inspector appointed under regulation 27, a police officer or an officer of customs and excise.



23. Importation of pre-recorded sound recordings or audio visual recording works

(1) A person shall not import pre-recorded sound recordings or audio visual recording works into Uganda unless he or she has applied for and obtained clearance from the owner or a collecting society representing the interests of the copyright owner.

(2) The application to the owner or a collecting society for clearance under sub regulation (1) shall be in Form 11 specified In Schedule 2 to these Regulations.

(3) Where the owner or a collecting society is satisfied that the recordings will be produced in conformity with the Act and these Regulations, the owner or the collecting society shall issue an authentication certificate and the certificate shall be in Form 12 specified in schedule 2 to these Regulation.

(4) A customs officer shall, on application by a collecting society, seize, impound or retain a sound recording or audio visual recording imported into Uganda exceeding a quantity of two copies of the recording until the importation has been consented to or verified and authenticated by a collecting society.

24. Protection of performers' rights

(1) A person shall not, without the express consent of a performer or a collecting society representing the interests of a performer, carry out the following-

- (a) fix a performer's live performance not previously fixed on a physical medium;
- (b) broadcast or communicate to the public a performer's unfixed performance;

20.

- (d) distribute or make available to the public the original or copies of a fixation of a performer's performance through sale or other transfer of ownership;
- (e) make available to the public a fixation of a performer's performance by wire or wireless or internet in such a way that members of the public may access it from a place and time individually chosen by them; or
- (f) conduct a public performance.

(2) The consent referred to in sub regulation (1) shall be by way of a contract entered into with a performer or a collecting society representing the rights of the performer, setting out the terms and conditions that the performer may wish for the use of the performance or the fixation by the other party to the contract.

Broadcasts

25. Protection of broadcasters' rights

(1) A person shall not, without the express consent of a broadcaster perform any of the following acts-

- (a) broadcast a broadcaster's broadcast; (b) fix a broadcast; or
- (c) reproduce a fixation of a broadcast.

(2) The consent referred to in sub regulation (1) shall be by a contract entered into with the broadcaster setting out the terms and conditions that the broadcaster may wish for the use of the broadcast or the fixation by the other party to the contract.

PART V-GENERAL PROVISIONS RELATING TO PROTECTION OF COPYRIGHT AND NEIGHBOURING RIGHTS

26. Application to owner or collecting society of copyright for grant of licence

(1) A person who wishes to use or perform another person's work or who causes work to be used or performed in public for gain shall apply to the owner or the collecting society for a licence to do so.



21.

(2) The owner or collecting society may grant a licence and shall, in respect of any grant, charge such licence fees as the owner or the collecting society may determine.

(3) The application for a licence is specified in Form 13 of Schedule 2 to these Regulations.

27. Appointment of copyright inspectors

(1) The Registrar may, in accordance with section 52 of the Act, by notice in the Gazette, appoint any officer of the Uganda Registration Services Bureau or a member of staff of a collecting society to be an inspector for the purposes of enforcing the Act and these Regulations.

(2) The notice under sub regulation (1) is specified in Form 14 of Schedule 2 of these Regulations and shall be revised annually.

(3) A person appointed under sub regulation (1) shall be issued with a certificate of authority by the Registrar and shall perform all the functions of an inspector under the Act and these Regulations.

(4) A certificate of authority is specified in Form 15 of Schedule 2 to these Regulations.

28. Seizure of articles, substances, etc by inspector

(1) An inspector may seize and detain any substance which he or she has reasonable cause to believe has infringed or is about to infringe a copyright in a work.

(2) Where an inspector seizes a work under sub regulation (1), the inspector shall, in writing, notify the person from whom the items are seized of the fact of the seizure and the item seized.

(3) The seizure under this regulation shall remain pending for a period of sixty days, during which, the owner of the seized item may make objections against the seizure to the registrar.

(4) The Registrar shall expeditiously handle any objections filed under sub regulation (3) and where it is found that the seizure was made in error, the Registrar shall revoke the seizure.



(5) Where, after the objections, the owner of the seized items fails to convince the Registrar that the seizure was made in error, the inspector shall, by an application in writing seek a court order for the destruction of seized goods.

(6) The owner of the seized items shall be notified of the application and may file a reply to the application.

(7) Where a court is satisfied that the items were infringing a copyright, the court shall make an order for the destruction of the goods and the inspector shall make arrangements for the goods to be destroyed, the destruction shall be under the supervision of a court officer or a customs officer.

PART VI-MISCELLANEOUS

29. Fees

A document shall not be considered to have been lodged unless the fees prescribed in Schedule 3, have been paid.

30. Raising of funds by collecting society

Where a collecting society is desirous of raising funds, either by means of shares or debentures, the society shall apply to and obtain approval from the Registrar.

31. Audit, annual returns, accounts, etc, of collecting society The executive committee of a collecting society shall ensure-

- (a) that the society keeps proper books of accounts which shall be audited annually in accordance with section 69 of the Act;
- (b) that final accounts and balance sheets and any other statements and schedules relating to them are prepared in accordance with international accounting standards.

32. Amendment of Schedules by Minister

The Minister may, in consultation with the Minister responsible for finance amend Schedule 1 and 3 to these Regulations.

33. Offences and penalties

A person who contravenes regulations 18, 23, 24, 25 and 26 commits an offence and is liable on conviction to a fine not exceeding twenty currency points or to imprisonment for a term not exceeding six months or both.

SCHEDULE I

Regulation 2

CURRENCY POINT

One currency point is equivalent to twenty thousand shillings.

23.

UGANDA REGISTRATION SERVICES BUREAU THE
COPYRIGHT AND NEIGHBOURING RIGHTS
REGULATIONS, 2010

FORM 1

APPLICATION FOR REGISTRATION OF COPYRIGHT OR
NEIGHBOURING RIGHTS

To: The Registrar of Copyright,
Uganda Registration Services Bureau
Kampala.

8 Name and address of copyright claimants such as assignee, transferee or
licensee, if any

9 If the registration being sought is for derivative work, state the pre existing work;



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REGULATIONS, 2010

NOTICE OF APPLICATION FOR REGISTRATION OF COPYRIGHT OR
NEIGHBOURING RIGHT

TAKE NOTICE THAT (*names of applicant*) of " (*address of applicant*) has lodged an application with the Registrar of Copyright for the registration of copyright / neighbouring rights for the following works: (briefly describe the works)

Any person intending to object to the application for registration of copyright or neighbouring rights may file a letter of objection with this office within 60 days from the date of this notice.

Dated thisday of20 . .

UGANDA REGISTRATION SERVICES BUREAU
THE COPYRIGHT AND NEIGHBOURING RIGHTS REGULATIONS, 2010
FORM 3
CERTIFICATE OF COPYRIGHT REGISTRATION

This Certificate issued under the seal of the Uganda Registration Services Bureau in accordance with section 43(6) of the Copyright and Neighbouring Rights Act, 2006 and the Copyright and Neighbouring Rights Regulations, 2010 attests, that the registration has been made for the work identified below.

The information on this certificate has been made part of the copyright office records.

- 1. Title of work
Nature of work
- 2. Name of Author|Performer|Producer|Broadcaster

Nature of authorship
Citizenship of author
Date of birth Date of death
- 3. Year of creation
Date of first publication (*if applicable*)
Country of first publication

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To: The Registrar of Copyright,
Uganda Registration Services Bureau
Kampala.

- (a) Name
- (b) Address

26.

6 Particulars of the instrument, if any, under which the interest is claimed i.e certified copy of assignment or transfer, contract or other document evidencing change of ownership (*specify*)

7 Limitations, if any, in the assignment or transfer, i.e. whether or not the assignment or transfer is limited to--



27.

THE COPYRIGHT AND NEIGHBOURING RIGHTS
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This Certificate issued under the seal of the Uganda Registration Services Bureau in accordance with section 43(6) of the Copyright and Neighbouring Rights Act, 2006 and the Copyright and Neighbouring Rights Regulations, 2010, attests that the registration has been made for the work identified below.

The information on this certificate has been made part of the copyright office records.



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To: The Registrar of Copyright.
Uganda Registration Services Bureau
Kampala.

6 Particulars of the instrument, if any, under which the licence is claimed i.e.
certified copy of contract or other document evidencing change of
ownership

30.

- (a) the proposed term of licence begins on and ends on or is without period;
- (b) The licence wi IV will not be an exclusive licence;

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FORM 7

APPLICATION FOR REGISTRATION OF COLLECTING SOCIETY

To: The Registrar of Copyright,
Uganda Registration Services Bureau
Kampala.

1.Name of collecting society

2.Legal status .

3.Formation/Incorporation date

4.Business address

5.Address for service (*if different from business address*)

6. Bundle of rights managed by collecting society

7. Attached hereto are: (*Tick appropriate box*)

- (a) Memorandum and Articles of Association
- (b) Statement of financial position of Society
- (c) Schedules of names and addresses of copyright owners that the society has running contracts with and dates of expiry of those contracts



- (d) A schedule containing names, addresses, nationalities and qualifications of management committee members
- (e) Declaration by the management committee of the society's ability to ensure the enforcement of the rights of the owners of copyright

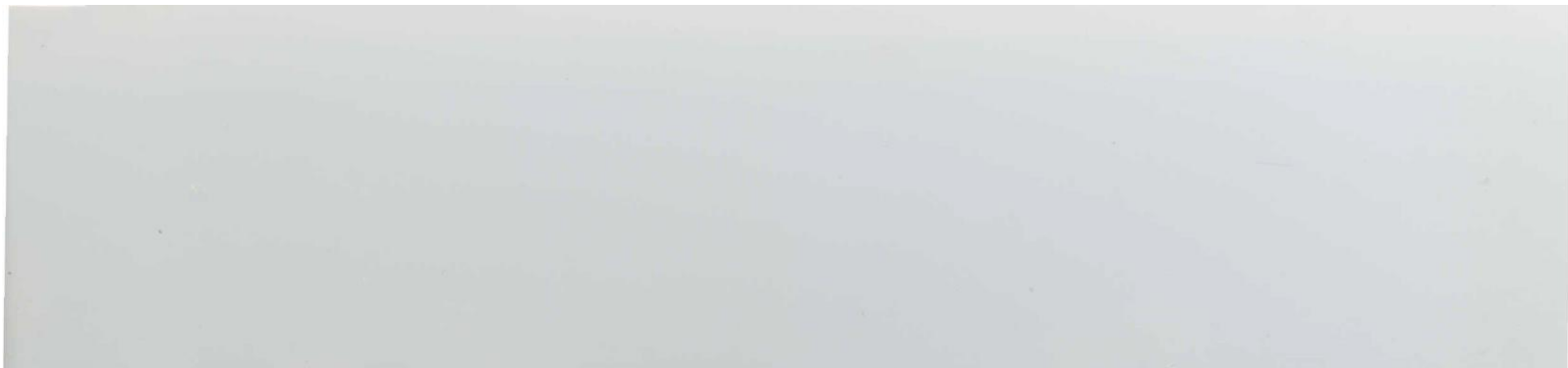
32.

THE COPYRIGHT AND NEIGHBOURING RIGHTS
REGULATIONS, 2010

FORM 8

PROBATIONARY CERTIFICATE OF REGISTRATION

The Registrar of COiJyright hereby certifies that
Collecting Society, having duly met the qualifications for registration has been
registered as a collecting society for a probationary period of six months
effective on theday of20 ..



UGANDA REGISTRATION SERVICES BUREAU

THE COPYRIGHT AND NEIGHBOURING RIGHTS
REGULATIONS, 2010

NOTICE OF CANCELLATION OF PROBATIONARY CERTIFICATE
OF REGISTRATION

TAKE NOTICE that (*nome of
collecting society*) which was registered as a collecting society on the
..... day of 20 .. has been deregistered as a collecting
society effective on theday of 20 ..for the following
reasons:

THE COPYRIGHT AND NEIGHBOURING RIGHTS
REGULATIONS, 2010

1

Registration Number

..... Collecting Society,
having satisfied the Registrar of Copyright with the performance of its functions during
the probationary registration period is now fully registered as
a collecting society effective on the day of
..... 20



THE COPYRIGHT AND NEIGHBOURING RIGHTS
REGULATIONS, 2010

APPLICATION FOR CLEARANCE OF IMPORTED AUDIO VISUAL
RECORDINGS FROM OWNER OR COLLECTING SOCIETY

To: " (*Name of Collecting
society*) of (*Address of society*)

6. Title of work for which clearance is sought.



11. Has the importer received authorization of the producer or his or her authorized representative to import the said work? Yes* No*

I/We
... declare that the information given above is true to the best of my/ our knowledge and that any misinformation provided by me/ us shall render my/our application void.

ote:

Importers must ensure that the imported materials are authenticated by the society of origin or by the copyright holder.

THE COPYRIGHT AND NEIGHBOURING RIGHTS
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UGANDA REGISTRATION SERVICES BUREAU THE
COPYRIGHT AND NEIGHBOURING RIGHTS
REGULATIONS, 2010

FORM 13

APPLICATION FOR GRANT OF LICENCE

To: The Owner of Copyright! Agent of Owner of Copyright
PO Box

2 Nature or category of work

3 Owner of the copyright or neighbouring rights, present on record / Agent of
Owner:

(a) Name

(b) Address

(c) Nationality

Applicant for Licence:

(a) Name

(b) Address

(c) Nationality

Purposes for which licence is sought:

THE COPYRIGHT AND NEIGHBOURING RIGHTS
REGULATIONS, 2010

*(Under section 52 of the Copyright and Neighbouring Rights Act, 2006 and regulation
27(2) of the Copyright and Neighbouring Rights Regulations, 2010)*

TAKE NOTICE THAT
*(Name of officer of Uganda Registration Services Bureau/ Staff of Collecting
Society) "* has been appointed an Inspector of Copyright for the period

THE COPYRIGHT AND NEIGHBOURING RIGHTS
REGULATIONS, 2010

This Certificate of Authority is issued to
..... of P.O. Box
being an officer of Uganda Registration Services Bureau! Staff of Collecting
Society* thisday of20

- (i) any substance or article appearing to be a work;
- (ii) any container or package appearing to be used or intended to be used to carry any work;
- (iii) any place, plant or equipment appearing to be used in connection with production, reproduction or to manufacture a work.



THE COPYRIGHT AND NEIGHBOURING RIGHTS
REGULATIONS, 2010

		<i>Fees</i>
1.	Application for registration of copyright or neighbouring rights	2.5 currency points
2.	Application for registration of assignment, transfer or licence	2.5 currency points
3.	Application for registration of a licence	10 currency points
4.	Application for registration of collecting society	10 currency points
5.	Application for restoration of society on Register	20 currency

RON. (DR.) E. KHIDDU MAKUBUYA (MP),
Attorney General and Minister of Justice and Constitutional Affairs.

