

**Comparative Study
on Copyright Laws of
ARIPO Member States
and their Adherence
to International
Instruments on
Copyright and
Related Rights**

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Volume 2

**COMPARATIVE STUDY
OF COPYRIGHT LAWS OF
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TO INTERNATIONAL
INSTRUMENTS ON
COPYRIGHT AND
RELATED RIGHTS**

Volume 2

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TABLE OF CONTENTS

Executive Summary.....	5
Acknowledgement.....	6
Acronyms & Abbreviations.....	7
I. BACKGROUND.....	8
II. COUNTRY PROFILES.....	9
(i) Lesotho.....	9
(ii) Liberia.....	9
(iii) Swaziland.....	10
(iv) Mozambique.....	10
(v) Sudan.....	10
(vi) The Gambia.....	11
(vi) Zambia.....	11
(vi) Zimbabwe.....	12
III. BENEFITS OF INTERNATIONAL INSTRUMENTS.....	13
International instruments on Copyright and Related Rights.....	13
Berne Convention.....	13
Rome, Phonograms & Brussels Convention.....	14
Marrakesh Treaty.....	15
WIPO Copyright Treaty (WCT).....	15
WIPO Performances and Phonogram Treaty (WPPT).....	16
Beijing Treaty.....	16
IV. STATUS OF ARIPO MEMBER STATES ON INTERNATIONAL INSTRUMENTS - COPYRIGHT & RELATED RIGHTS	17
Country Comparisons Treaties, Conventions and Agreement.....	17
Treaties uptake summary by the eight countries as at 05 July 2017.....	18
Lesotho.....	19
Liberia.....	19
Swaziland.....	19
Mozambique.....	19
Sudan.....	19
The Gambia.....	19
Zambia.....	19
Zimbabwe.....	19
V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON.....	21
Key Findings.....	37
Recommendations.....	37
Conclusion.....	37
References.....	37



EXECUTIVE SUMMARY

The Copyright and Related Rights mandate was included in 2002 to the African Regional Intellectual Property Organization (ARIPO). This called for ARIPO to develop and implement strategies through which it can promote and support growth and effectiveness in the administration, management and enforcement of copyright and related rights. As a result, this desk research was undertaken by ARIPO and represents the position on stated variables based on available literature. The report presents a comparative study of the ARIPO Member States, whose copyright and related rights laws were reviewed at length as part of the study forming the second phase. These are Lesotho, Liberia, Swaziland, Mozambique, Sudan, The Gambia, Zambia and Zimbabwe. The first phase covered Botswana, Ghana, Kenya, Uganda, Rwanda and Sierra Leone.

The study further looks on the adherence to international treaties related to copyright and related rights of the eight ARIPO Member States, mentioned above, as well as benefits of international treaties both at the broad level and on a country-specific level. This is one of the tools that could inform ARIPO, its Member States and the general public of the status of compliance to international treaties and the national laws on copyright and related rights. Such information will contribute towards advising Member States on policy issues, harmonising the laws and also improving the national legislations for the benefit of all stakeholders nationally and internationally so as to ensure growth and development in the copyright and related rights arena.

Fernando dos Santos
Director General



ACKNOWLEDGMENT

This desk research is a result of concerted efforts by the African Regional Intellectual Property Organization (ARIPO) in its quest to bring value and growth transformation within the Member States copyright and related rights legislations through the comparative study of their laws on copyright and related rights. Many thanks go to ARIPO Anderson Ray Zikonda Library for the favourable environment availed to conduct this desk research. We thank the Member States who gave their inputs to improve this study and all colleagues who assisted in one way or the other to make this work a success.

ACRONYMS & ABBREVIATIONS

ACRONYM

ARIPO African Regional Intellectual Property Organization

Act Copyright and Related/Neighbouring Rights Act

CMO Collective Management Organisation

GDP Gross Domestic Product

ICT Information and Communication Technology

IP Intellectual Property

ppp Purchasing Power Parity

PPP Public Private Partnership

PACRA Patents and Companies Registration Agency

Sq Km Square Kilometre

TPMs Technological Protection Measures

USD United States Dollars

SOMAS Associação Moçambicana de Autores

ZAMCOPS Zambian Music Copyright Protection Society

ZARRSO Zambia Reproduction Rights Society

ZIMURA Zimbabwe Music Rights Association

ZIMCOPY Reproduction Rights Organisation of Zimbabwe

ZIPO Zimbabwe Intellectual Property Office



I. BACKGROUND

In implementing its mandate on Copyright and Related Rights, ARIPO undertook a comparative study on copyright laws of its Member States and their adherence to international instruments on copyright and related rights with the view to study the legal regimes on copyright and related rights. This includes: identification of provisions and gaps in the copyright laws and their compliance to international instruments on copyright and related rights. The study will contribute towards advising Member States on policy issues, harmonising the laws and also improving the national legislations for the benefit of all stakeholders nationally and internationally so as to ensure growth and development in the copyright and related rights arena.

The study has been done in two phases. Phase one of the study has been published as volume 1 and covered Botswana, Ghana, Kenya, Rwanda, Sierra Leone and Uganda while the phase two which is this study covers eight Member States: Lesotho, Liberia, Swaziland, Mozambique, Sudan, The Gambia, Zambia and Zimbabwe.

The following countries Malawi, Namibia and Tanzania are at an advanced stage of amending their copyright and related rights laws and hence cannot be part of this review. The copyright law of São Tomé and Príncipe is the Copyright Code (approved by Decree-Law No.46 980 of April 27, 1966) available in Portuguese. In the case of Somalia, it is not possible to obtain reliable response due to the prevailing political situation.

The study applied desk research on comparative study of the copyright and related rights regime in the eight countries.

II. COUNTRY PROFILES

(i) LESOTHO

Lesotho is situated in Southern Africa, surrounded by South Africa. The country has a total land size of 30,355 sq. km; a population of 1,942,008 (July 2014 est.); a GDP purchasing power parity of USD 4.265 billion (2013 est.) and a literacy rate of 89.6% of the total population.

The key economic drivers are the textile and Garment industry, Agriculture, Customs Duties and Other remittances and Diamond mining.



In Lesotho, there is an established intellectual property system. Industrial Property was initiated in Lesotho in 1989 and it operates under Industrial Property Order No. 5 of May 1989, covering the Patents, Trade Marks, Industrial Designs and Utility Model and is administered by the Registrar General in the Ministry of Law and Constitutional Affairs. The country has not undertaken a Creative Industry study and was not part of the survey on the status of CMOs in ARIPO Member States undertaken by ARIPO in cooperation with NORCODE because there was no CMO at that time. Copyright is administered under the Copyright Order No. 13 of May 1989 by the office of the Registrar General of the Ministry of Law and Constitutional Affairs for the Industrial Property. The role of the Registrar is to monitor operations of the Society of Authors and Artists, collect and distribute royalties and other remuneration accruing from expressions of folklore and implementation of the Copyright Order. Enforcement and dispute resolution is the responsibility of the High Court of Lesotho. The Act provides for the creation of a non-profit making Society of Authors and Artists whose role is to promote and protect the interests of authors, artists and performers who are its members through collection and distribution of royalties or other remuneration accruing to its members in respect of their rights and maintenance of a register of works, productions and associations of authors, artists and performers.

(ii) LIBERIA

Liberia is situated in West Africa, bordered by Sierra Leone, Guinea, Cote D'Ivoire and the North Atlantic Ocean. The

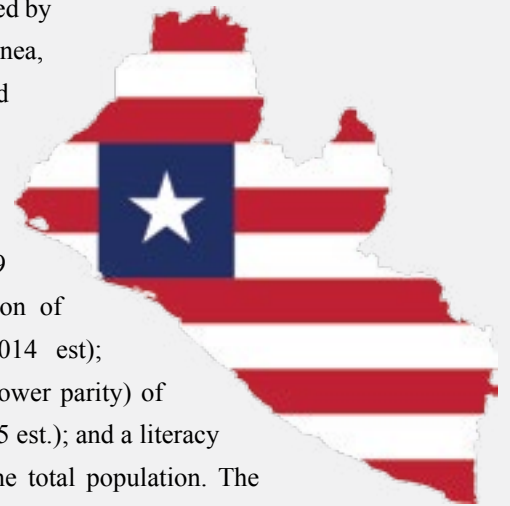
country has a total land size of 111,369

sq. km; a population of 4,092,310 (July 2014 est);

GDP (purchasing power parity) of USD 4 Billion (2015 est.); and a literacy

rate of 60.8% of the total population. The main contributors to the GDP according to

2002 estimates are agriculture (76.9%), industry (5.4%) and Services (17.7%). The main industries are mining, rubber processing, palm oil processing, timber and diamonds. The currency used in Liberia is the Liberian Dollar.



In the survey on the status of CMOs in ARIPO Member States undertaken by ARIPO in cooperation with NORCODE revealed that the Copyright Society of Liberia (COSLIB), though established, has not yet commenced the management of rights. Liberia has not yet undertaken a study on the contribution of creative industries The Copyright Act cited as "An Act Adopting a New Copyright Law of Liberia" which was approved in 1997 governs the management of copyright and has provisions for the registration of works. There is also an established intellectual property system.



II. COUNTRY PROFILES

(iii) SWAZILAND

Swaziland is situated in Southern Africa, bordered by Mozambique and South Africa. The country has a total land size of 17,364 sq. km; a population of 1,419,623 (July 2014 est); GDP (purchasing power parity) of USD 6.259 Billion (2013 est.); and a literacy rate of 87.8% of the total population. The main contributors to the GDP according to 2013 estimates are agriculture (7.6%), industry (47.8%) and Services (44.6%). The main industries are coal, wood pulp, sugar, soft drink concentrates, textiles and apparel. The currency used in Swaziland is the emalangeni.



Swaziland was not part of the survey on the status of CMOs in ARIPO Member States undertaken by ARIPO in cooperation with NORCODE as at that time there was no established CMO. Swaziland has not undertaken a creative industries study. The country has one of the oldest Copyright Acts on the continent, though a draft of the Copyright and Neighbouring Rights Bill of 2014 which will repeal the Copyright Act of 1912 is now before Parliament.

(iv) MOZAMBIQUE

Mozambique is situated in Southern Africa, bordered by Zimbabwe, Zambia, Malawi, Tanzania, Swaziland, South Africa and the Indian Ocean. The country has a total land size of 799,380 sq. km; a population of 24,692,144 (July 2014 est); GDP (purchasing power parity) of USD 28.15 Billion (2013 est.); and a literacy rate of 56.1% of the total population.



The main contributors to the GDP according to 2013 estimates are agriculture (28.7%), industry (24.9%) and Services (46.4%). The main industries are aluminium, petroleum products, chemicals (fertilizer, soap, paints), textiles, cement, glass, asbestos, tobacco, food and beverages. The currency used in Mozambique is the metical.

Mozambique has created an industrial property office run by the industrial property institute under the current Ministry of Industry and Commerce. It is responsible for Patents, Trade and Service marks, Industrial designs, Utility Model, Geographical Indications, Commercial Names and Denominations of origin and logo. The Copyright and Related Rights are under the Ministry of Culture Youth and Sports and Administered by the National Institute of Books and Records. The current copyright law was enacted in 2001 and the first CMO Associação Moçambicana de Autores- (SOMAS) was established in 2000. SOMAS manages Public Performance, Broadcasting and Audio-visual Rights and is composed of authors of literary works, composers, visual artists and photographers. The country has undertaken a creative industries study with the help of the United Nations Conference on Trade and Development (UNCTAD).

(v) SUDAN

Sudan is situated in North-Eastern Africa, bordered by the Red Sea, Egypt and Eritrea. The country has a total land size of 1,861,484 sq. km; a population of 35,482,233 (July 2014

est); GDP (purchasing power parity) of USD 89.97 Billion (2013 est.); and a literacy rate of 56.1% of the total population. The main contributors to the GDP according to 2013 estimates are agriculture (27.4%), industry (33.6%) and Services (39%).



II. COUNTRY PROFILES

The main industries are oil, cotton ginning, textiles, cement, edible oils, sugar, soap distilling's, shoes, petroleum refining, pharmaceuticals, armaments and automobile/light truck assembly. The currency used in Sudan is the Sudanese Pound.

Sudan has created an industrial property office run by the Registrar General of Intellectual Property under the Ministry of Justice. Copyright is governed by the Copyright and neighbouring rights (protection) and literal and artistic works Act of 2013. The country has not undertaken a creative industries study and was not part of the survey on the status of CMOs in ARIPO Member States undertaken by ARIPO in cooperation with NORCODE published in 2016. An IPRs survey published in 2013 concluded that findings “indicate the recognition of the importance of strengthening IPRs for achieving economic development objectives in Sudan and show that the important types of IPRs protection implemented in Sudan are industrial designs, trademarks, related rights to copyright, copyright, patents and invention and protection against unfair competition respectively.” The copyright act does not have provisions for CMOs.

assembly, woodworking, metalworking and clothing. The currency used in the Gambia is the Gambian Dalasis.

The Gambia has a functional industrial property office run by the Attorney Generals Chambers under the Ministry of Justice. Copyright is governed under the Copyright Act of 2004 which includes provisions for Related Rights and for the establishment of the Collecting Society of the Gambia, a CMO. The Society which was subsequently established in 2014 is responsible for all rights under the Copyright Act (Broadcasting, Public Performance, Reproduction, Related Rights), but according to the survey on the status of CMOs in ARIPO Member States undertaken by ARIPO in cooperation with NORCODE, it is yet to commence operations. The country has also not yet undertaken the creative industries survey. In an article on the Music in Africa website, Hassoum Ceesay notes that the challenges with copyright in the country include a lethargic collective management organisation and a clear lack of capacity in the sector with Gambia's creative industries still largely in their formative stages. Ceesay further notes that in the book publishing industry there are no book publishers - instead there are editors and printers who print on demand from authors and authors distribute the books themselves, while in the music industry, artists have a limited knowledge of copyright matters and require education on the subject and that the Copyright Office has limited resources, including staff and budget, to undertake its full responsibilities.

(vi) THE GAMBIA



The Gambia (Gambia) is situated in West Africa, bordered by the Senegal and the North Atlantic Ocean. The country has a total land size of 11,295 sq. km; a population of 1,925,527 (July 2014 est); GDP (purchasing power parity) of USD 3,678 Billion (2013 est.); and a literacy rate of 51.1% of the total population. The main contributors to the GDP according to 2013 estimates are agriculture (19.7%), industry (12.6%) and Services (67.7%). The main industries are processing peanuts, fish and hides, tourism, beverages, agricultural machinery

(vii) ZAMBIA

Zambia is situated in Southern Africa, bordered by Zimbabwe, Botswana, Namibia, Angola, Democratic



Republic of the Congo, Malawi, Tanzania and Mozambique. The country has a total land size of 752,618 sq. km; a population of 15,066,266

II. COUNTRY PROFILES

(2015 est.); GDP (purchasing power parity) of USD 62.71 Billion (2015 est.); and a literacy rate of 63.4% of the total population. The main contributors to the GDP according to 2015 estimates are agriculture (8.6%), industry (31.3%) and services (60%). The main industries are copper mining and processing, construction, foodstuffs, beverages, chemicals, textiles, fertilizer and horticulture. The country's currency is the Zambian Kwacha.

The country has a functional intellectual property system. Industrial Property is managed by the Patents and Companies Registration Agency (PACRA). Copyright is governed under the Copyright and Performances Rights (Act No. 44 of 1994) which is read together with Copyright and Performance Rights (Amendment) Act, 2010, (Act 25 of 2010), which includes provisions for Related Rights and for the establishment and monitoring of the collecting societies. Two collecting societies, Zambian Music Copyright Protection Society (ZAMCOPS) established in 1996 and Zambia Reproduction Rights Society (ZARRSO) established in 2010 are in operation. The country has also not yet undertaken the creative industries study.

Zimbabwe uses a basket of currencies that include Zimbabwean Bond notes denominated at par with the US Dollar, US dollars, South African Rand and other key foreign currencies such as the Botswana Pula and Chinese renminbi.

The country has an intellectual property system. Industrial Property is managed by the Zimbabwe Intellectual Property Office (ZIPO). Copyright is governed under the Copyright and Neighbouring Rights Act (Chapter 26:05) which includes provisions for Related Rights and for the registration of collecting societies. Two collecting societies, the Zimbabwe Music Rights Association (ZIMURA) established in 1982 and the Reproduction Rights Organisation of Zimbabwe (ZIMCOPY) established in 1985, are operational.

The Act also provides for the establishment of Copyright and Neighbouring Rights Collecting Society of Zimbabwe, which has however not been established. The country has also not yet undertaken the copyright industries survey and little data exists on the contribution of these industries to the economy.

(viii) ZIMBABWE

Zimbabwe is situated in Southern Africa, bordered by South Africa, Mozambique, Botswana and Zambia. The country has a total land size of 390,757 sq. km; a population of 14,229,541 (July 2015est); GDP (purchasing power parity) of USD 28.1 Billion (2015 est.); and a literacy rate of 86.5 % of the total population. The main contributors to the GDP according to 2015 estimates are agriculture (20%), industry (26%) and Services (53.3%). The main industries are mining, steel, wood products, cement, chemicals, fertilizer, clothing and footwear, foodstuffs, beverages.



III. BENEFITS OF INTERNATIONAL INSTRUMENTS

International treaties and conventions set the international norms that the international regime has to work within and abide to. The international instruments clearly show the commitment made by the signatories and they are expected to set systems within their jurisdictions to observe the international commitments.

There are various benefits that arise from being party to international instruments and these include:

- (a) Creation of common rules and regulations essential to achieving a robust intellectual property protection that spurs global economic expansion;
- (b) Broadening protection for local creators;
- (c) Enabling cooperation in fighting infringement and promoting commercialisation;
- (d) Coordinating the efforts to track use of works to ensure creators benefit, in light of digitization and technological changes;
- (e) Creating grounds for dispute settlement;
- (f) Enabling works of country's authors to be automatically protected in all countries party to the convention e.g. Berne, with the result that these authors may derive financial benefits from the expansion of markets for their works;
- (g) Enabling a signatory country to make use of the limitations provided for in that treaty to further the goals of its own citizens' development;

International instruments on Copyright & Related Rights

Berne Convention

The Berne Convention is the mother law to copyright and related rights. The need for a uniform system led to the formulation and adoption on September 9, 1886, of the Berne Convention for the Protection of Literary and Artistic Works.

The aim of the Berne Convention, as indicated in its preamble, is “to protect, in as effective and uniform manner as possible, the rights of authors in their literary and artistic works.”

The Berne Convention sets the minimum standard on what copyright and related rights legislation should incorporate in the different jurisdictions. Most of the ARIPO member states are party to the Berne convention and have included most of the Berne provisions in their national legislations on copyright and related rights. Some of the principles incorporated in the Berne Convention are the “national treatment principle” whereby a country is to treat the works of non-national authors in the same way as they treat the works of national authors. Therefore, there will be no discrimination as each country is required to treat works from other countries in the same way as they treat the works of their own nationals. Similarly, on the ‘national treatment principle’, non-national right holders cannot demand to have their works treated differently to that of national right holders in the different jurisdictions provided they abide to the national legislation requirements. Automatic protection by virtue of creation not subject to the formality of registration, deposit or the like though in some ARIPO Member States they provide for the voluntary registration and notification systems and territoriality aspect.

There is also the “Appendix to the Berne Convention” which is very instrumental for developing countries concerning translation for the purpose of teaching, scholarship or research and reproduction of works of foreign origin¹ to use the opportunity to implement non-voluntary licenses for translation and reproduction of works in certain cases, in connection with educational activities. In these cases, the described use is allowed without the authorization of the right holder, subject to the payment of remuneration to be fixed by the law and after compliance with certain procedural steps, by the competent authority of the developing country concerned.

¹Articles 2bis, 9(2), 10(2), 10bis and the ten-year rule (Article 30(2)(b))

III. BENEFITS OF INTERNATIONAL INSTRUMENTS

Rome Convention

The Rome Convention secures protection in performances for performers, in phonograms for producers of phonograms and in broadcasts for broadcasting organisations. The Rome Convention is based on the “national treatment” principle minimum protection guaranteed by the Convention to performers is provided by “the possibility of preventing certain acts”. The restricted acts comprise: broadcasting or communication to the public of a “live” performance; recording an unfixed performance; reproducing a fixation of the performance, provided that the original fixation was made without the consent of the performer or there production is made for purposes not permitted by the Convention or the performer².

Producers of phonograms have the right to authorize or prohibit the direct or indirect reproduction of their phonograms³. The Rome Convention does not provide for any right to authorize performances of the phonogram and does not explicitly prohibit distribution or importation of unauthorized duplicates of phonograms. Broadcasting organizations have the right to authorize or prohibit: the simultaneous rebroadcasting of their broadcasts, the fixation of their broadcasts, the reproduction of unauthorized fixations of their broadcasts or reproduction of lawful fixations for illicit purposes and the communication to the public of their television broadcasts by means of receivers in places accessible to the public against payment. The later right does not extend to communication to the public of merely sound broadcasts, and that it is a matter for domestic legislation to determine the conditions under which such a right may be exercised. The Rome Convention does not protect against distribution by cable of broadcasts.

The Convention allows for limitations and exceptions to the protection and gives country discretion to interpret certain provisions according to its needs. This treaty is of particular importance to African countries where there are various performers making a living out of both modern and traditional artistic performances and where fixation may be done involuntarily by tourists or other people who come into contact with such performers and their acts. The Treaty is also very crucial in the modern era where involuntary recording of one’s performances and the subsequent sharing of such works on

several media platforms such as social media is rampant and in an era where media is becoming big business and content is king. African performers, producers and broadcasters have to be adequately covered to enable them to compete effectively and benefit economically out of their works. Of the ARIPO member states, only Lesotho has acceded to the Rome Convention.

Phonograms Convention

The convention provides that contracting States shall protect producers of phonograms who are nationals of other Contracting States against the making of duplicates without the consent of the producer and against the importation of such duplicates, provided that any such making or importation is for the purpose of distribution to the public, and against the distribution of such duplicates to the public⁴. However, no compulsory licenses may be permitted unless all of the following conditions are met: the duplication is for use solely for the purpose of teaching or scientific research; the license shall be valid for duplication only within the territory of the Contracting State whose competent authority has granted the license and shall not extend to the export of duplicates; the duplication made under the license gives rise to an equitable remuneration fixed by the said authority taking into account, inter-alia, the number of duplicates which will be made⁵. Only Kenya, among the ARIPO member states, is a party to the convention.

Brussels Convention

This convention provides for the obligation of each Contracting State to take adequate measures to prevent the unauthorized distribution on or from its territory of any programme-carrying signal transmitted by satellite. This convention is very relevant because of the importance of satellite communications in the modern era.

² Article 7

³ Article 10

⁴ Article 2

⁵ Article 6

III. BENEFITS OF INTERNATIONAL INSTRUMENTS

The Convention shall not apply where the signals emitted by or on behalf of the originating organization are intended for direct reception from the satellite by the general public⁶. Safeguard clauses are provided for in this Convention that the Convention shall in no way be interpreted to limit or prejudice the protection secured to authors, performers, producers of phonograms, or broadcasting organizations, under any domestic law or international agreement⁷, and in no way will the Convention be interpreted as limiting the right of any Contracting State to apply its domestic law in order to prevent abuses of monopoly⁸.

Marrakesh Treaty

The World Health Organisation in 2010 estimated that the total number of people with blindness in Africa was 5.888 million; low vision was 20.407 million and 26.295 million with visual impairments. This represents a significant figure of people needing access to enhanced materials for both their educational and informational needs. Botswana and Liberia acceded to the Marrakesh Treaty in October of 2016. Recently Kenya acceded to the treaty on the 2nd of June 2017 and Malawi on the 14th of July 2017.

Some of key benefits that can be derived from ratification or accession to the Treaty are that:

- i. The Treaty addresses access to published works in compliance with the United Nations Human Rights Declaration on the Rights of Disabled Persons, which clearly links copyright and human rights;
- ii. It provides the minimum flexibilities in copyright laws needed to ensure full and equal access to information by persons who are blind, visually impaired and print disabled;
- iii. The Treaty offers an opportunity for works to be converted into accessible formats without need for authorization by the author or copyright owner of a published work. The elimination of the need for authorization gives an opportunity for works to be made available in accessible format copies as quickly as possible;
- iv. The Treaty, through its cross-border exchange provision, provides opportunities for cost saving. Authorised entities may pool resources together and convert published works into accessible formats and exchange

such works for access by beneficiary persons;

- v. Entities such as libraries may be able to borrow from each other for purposes of serving beneficiary persons.

The Treaty leaves contracting parties enough room to implement its provisions taking into account its own legal systems and practices including determination of fair practices, dealings or uses provided they comply with the three step test obligations under the treaty. By ratifying the treaty, African states will ensure access of knowledge to this group of their citizens. While a number of African countries have signed this treaty, only Botswana, Burkina Faso, Kenya, Liberia, Malawi, Mali and Tunisia have ratified or acceded to the treaty.

WIPO Copyright Treaty (WCT)

This Treaty is a special agreement within the meaning of Article 20 of the Berne Convention for the Protection of Literary and Artistic Works, as regards Contracting Parties that are countries of the Union established by that Convention. This Treaty shall not have any connection with treaties other than the Berne Convention, nor shall it prejudice any rights and obligations under any other treaties. Nothing in this Treaty shall derogate from existing obligations that Contracting Parties have to each other under the Berne Convention for the Protection of Literary and Artistic Works⁹. Article 20 of the Berne Convention provides: “The Governments of the countries of the Union reserve the right to enter into special agreements among themselves, in so far as such agreements grant to authors more extensive rights than those granted by the Convention, or contain other provisions not contrary to this Convention.”

The Treaty clearly provides for limitations and exceptions in observance of the three step test. “Contracting Parties may, in their national legislation, provide for limitations or exceptions to the rights granted to authors of literary and artistic works under this Treaty in certain special cases that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.

⁶ Article 3

⁷ Article 6

⁸ Article 7

⁹ Article 1 also known as safe guard clause

III. BENEFITS OF INTERNATIONAL INSTRUMENTS

Contracting Parties shall, when applying the Berne Convention, confine any limitations of or exceptions to rights provided for therein to certain special cases that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author¹⁰.”

WCT mentions two subject matters to be protected by copyright that is computer programs, whatever the mode or form of their expression; and compilations of data or other material (“databases”), in any form, which, by reason of the selection or arrangement of their contents, constitute intellectual creations. Where a database does not constitute such a creation, it is outside the scope of protection under the Treaty. The treaty also extends to owners of works the rights to distribution, rental and communication to the public.

WIPO Performances and Phonograms Treaty (WPPT)

This is an important Treaty for the performers and producers of phonogram. It provides for a safeguard provision — “Nothing in this Treaty shall derogate from existing obligations that Contracting Parties have to each other under the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations done in Rome, October 26, 1961 (herein after the “Rome Convention”). Protection granted under this Treaty shall leave intact and shall in no way affect the protection of copyright in literary and artistic works. Consequently, no provision of this Treaty may be interpreted as prejudicing such protection. This Treaty shall not have any connection with, nor shall it prejudice any rights and obligations under, any other treaties”¹¹.

The Treaty is of special importance in the digital environment where making economic gains is increased due to the growth of the world into a connected digital market, but where normally creators do not benefit because of increased incidents of infringement through illegal copying and downloads. The Treaty grants performers and producers moral rights and economic rights in their performances fixed in phonograms, sound recording: the right of reproduction; the right of distribution; the right of rental; the right of making available;

the right of broadcasting (except in the case of rebroadcasting); the right of communication to the public (except where the performance is a broadcast performance); and the right of fixation. The Treaty also addresses technological protection measures (TPM) that “adequate legal protection and effective legal remedies against the circumvention of effective technological measures that are used by performers or producers of phonograms in connection with the exercise of their rights under this Treaty and that restrict acts, in respect of their performances or phonograms, which are not authorized by the performers or the producers of phonograms concerned or permitted by law against circumvention of TPMs, which is rampant in the digital sphere¹².

Beijing Treaty

The Beijing Treaty is an instrument for the Protection of Audio-visual Performances, granting performers moral rights and four kinds of economic rights for their performances fixed in audio-visual fixations, such as motion pictures: the right of reproduction; the right of distribution; the right of rental; and the right of making available. As for unfixed (live) performances, the Treaty grants performers three kinds of economic rights: the right of broadcasting (except in the case of rebroadcasting); the right of communication to the public (except where the performance is a broadcast performance); and the right of fixation.

Limitations and exceptions with regard to the protection of performers can be provided in national legislation, in connection with the protection of copyright in literary and artistic works observing the three step test: to certain special cases which do not conflict with a normal exploitation of the performance and do not unreasonably prejudice the legitimate interests of the performer¹³.

¹⁰ Article 10

¹¹ Article 1

¹² Article 18

¹³ Article 13

IV. STATUS OF ARIPO MEMBER STATES UNDER STUDY ON INTERNATIONAL INSTRUMENTS FOR COPYRIGHT & RELATED RIGHTS

Country Comparisons Treaties, Conventions and Agreement¹⁴

	Lesotho	Liberia	Swaziland	Mozambique	Sudan	The Gambia	Zambia	Zimbabwe
Last updated on	31/07/2017	31/07/2017	31/07/2017	31/07/2017	31/07/2017	31/07/2017	31/07/2017	31/07/2017
Treaty's international status								
Beijing Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Signed: June 26, 2012 Not ratified	Not a party/ member to the Treaty	Signed June 26, 2012 Not ratified	Signed December 11, 2012 Not ratified
Berne Convention (169 Parties)	Accession: June 27 1989 In Force: September 28, 1989	Accession: December 8, 1988 In Force: March 8, 1989	Accession: September 14, 1998 In Force: December 14, 1998	Accession: August 22, 2013 In Force: November 22, 2013	Accession: September 28, 2000 In Force: December 28, 2000	Accession: December 7, 1992 In Force: March 7, 1993	Accession September 13, 1991 In Force January 2, 1992	Declaration notification of Succession September 18, 1981 In Force April 18, 1980
Brussels Convention (37 Parties)	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty
Phonograms Convention (78 Parties)	Not a party/ member to the Treaty	Accession: September 16, 2005 In force December 16, 2005	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty
Rome Convention (92 Parties)	Accession: October 26, 1989 In Force: June 26, 1990	Accession: September 16, 2005 In Force: December 16, 2005	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty
Marrakesh Treaty (29 Parties)	Not a party/ member to the Treaty	Acceded 6 October 2016, In force 6 January 2017	Not a party/ member to the Treaty	Signed August 22, 2013 Not yet ratified	Signed June 28, 2013 Not yet ratified	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Signed October 2, 2013 Not yet ratified
WIPO Copyright Treaty (94 Parties)	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty
WPPT (..... Parties)	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty	Not a party/ member to the Treaty
TRIPS (164 Parties)	In Force May 31, 1995	In force 14 July 2016	In force: January 1, 1995	In Force August 26, 1995	Not a party/ member to the Treaty	In Force: October 23, 1996	In Force: January 1, 1995	In Force: March 5, 1995

¹⁴ Source: WIPO website

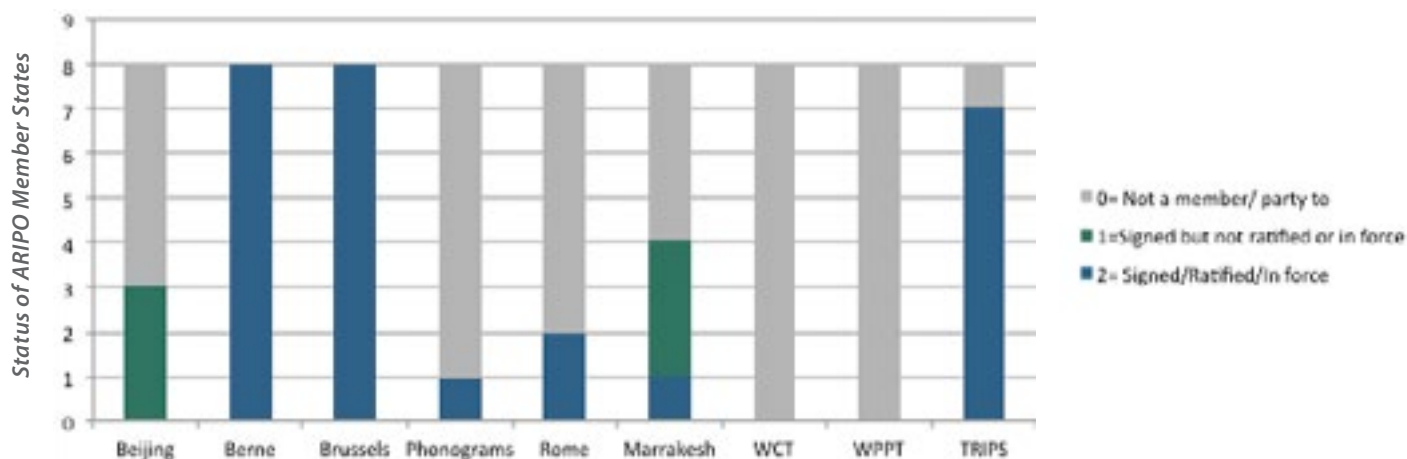
IV. STATUS OF ARIPO MEMBER STATES UNDER STUDY ON INTERNATIONAL INSTRUMENTS FOR COPYRIGHT & RELATED RIGHTS

Country Comparisons Treaties, Conventions and Agreement¹⁴

Table 1: Status of ARIPO Member States under study to International Instruments on Copyright & Related Rights

	2 (Signed or ratified/ in force)	1 (Signed only, not in force or ratified)	0 (Not a party or member to the treaty)
Beijing		3	5
Berne	8		
Brussels			8
Phonograms Treaty	1		7
Rome Convention	2		6
Marrakesh Treaty	1	3	4
WCT			8
WPPT			8
TRIPS	7		1

Figure 1: Graphical Representation of Treaty Uptake by Reviewed Countries



TREATIES UPTAKE SUMMARY BY THE EIGHT COUNTRIES AS AT 05 JULY 2017

The countries reviewed have a very low uptake of international treaties, with some treaties such as WPPT, WCT and Brussels Convention having zero up-take from the eight reviewed countries. Only the Berne Convention has all the eight countries as parties to it, signifying its universality to the copyright sector globally.

In 2010, an estimated 26,295,000 Africans have visual impairments (including blindness and low vision) with an

estimated 300,000 of these being children. This makes it crucial for African Governments to consider how they can enable access to reading materials for these children and other Visually Impaired Persons. Ratification of the Marrakesh Treaty represents one such step towards enabling such access. With a growing ICT sector and online presence, African governments need to consider their membership to treaties such as the WCT.

IV. STATUS OF ARIPO MEMBER STATES UNDER STUDY ON INTERNATIONAL INSTRUMENTS FOR COPYRIGHT & RELATED RIGHTS

Country Comparisons Treaties, Conventions and Agreement¹⁴

The same applies for other treaties that are of importance to various industries that are the mainstay of African economies including performances and phonograms in the online spheres such as the WPPT and the Phonograms Convention.

LESOTHO

The country has ratified or acceded to only 3 international treaties, the Berne Convention, Rome Convention and TRIPS Agreement. The country is not also taking advantage of the benefits to be derived from the other international treaties.

LIBERIA

The country has ratified or acceded to 5 international treaties, the Berne Convention, Rome Convention, Marrakesh Treaty, Phonograms Convention and recently the TRIPS Agreement. With the prevalence of blindness in Liberia estimated at a total of 35 000 blind people and 10 500 people who suffer from visual impairment (WHO 2002 figures), the country has acceded to the Marrakesh Treaty. The country is yet to take advantage of the benefits to be derived from the other international treaties.

SWAZILAND

The country has ratified or acceded to only 2 international treaties, the Berne Convention and TRIPS Agreement. While the most prevalent form of disability in Swaziland is seeing disabilities followed by people with other disabilities where out of the 171347 people with disabilities in Swaziland, 78 083 (46 per cent) have seeing disabilities followed by a group classified as other forms of disabilities at 47 691 (28 per cent), the country is not a party to the Marrakesh Treaty. The country is not also taking advantage of the benefits to be derived from the other international treaties.

MOZAMBIQUE

The country has ratified or acceded to only 2 international treaties, the Berne Convention and TRIPS agreement. It is positive to note that the country has signed the Marrakesh

Treaty, though it has not yet ratified it. The Treaty will go a long way in ensuring access to reading materials to the estimated 44 567 people who had a visual impairment according to the 2007 Census. The country is not also taking advantage of the benefits to be derived from the other international treaties.

SUDAN

The country has ratified or acceded to only 1 international treaty, the Berne Convention. It has also signed, but not yet ratified the Marrakesh Treaty and the Beijing Treaty. Ratification of these treaties will be an important step towards ensuring full access to the benefits afforded by these two treaties. The country is also one of the two countries under review which is not a party to the TRIPS Agreement which is crucial in today's world trade. The country is not also taking advantage of the benefits to be derived from the other international treaties.

THE GAMBIA

The country has ratified or acceded to only 2 treaties, The Berne Convention and TRIPS Agreement. There remains room for the country to take advantage of international treaties.

ZAMBIA

The country is a member to only three treaties, The Berne Convention, TRIPS Agreement and Beijing Treaty, though it has not yet ratified the Beijing. There remains room to benefit from the other international treaties.

ZIMBABWE

The country has signed 4 international treaties but has not yet acceded to or ratified the Marrakesh Treaty and Beijing Treaty. The treaties in force are Berne Convention and TRIPS Agreement. There is room to take advantage of the treaties the country is not a member to.

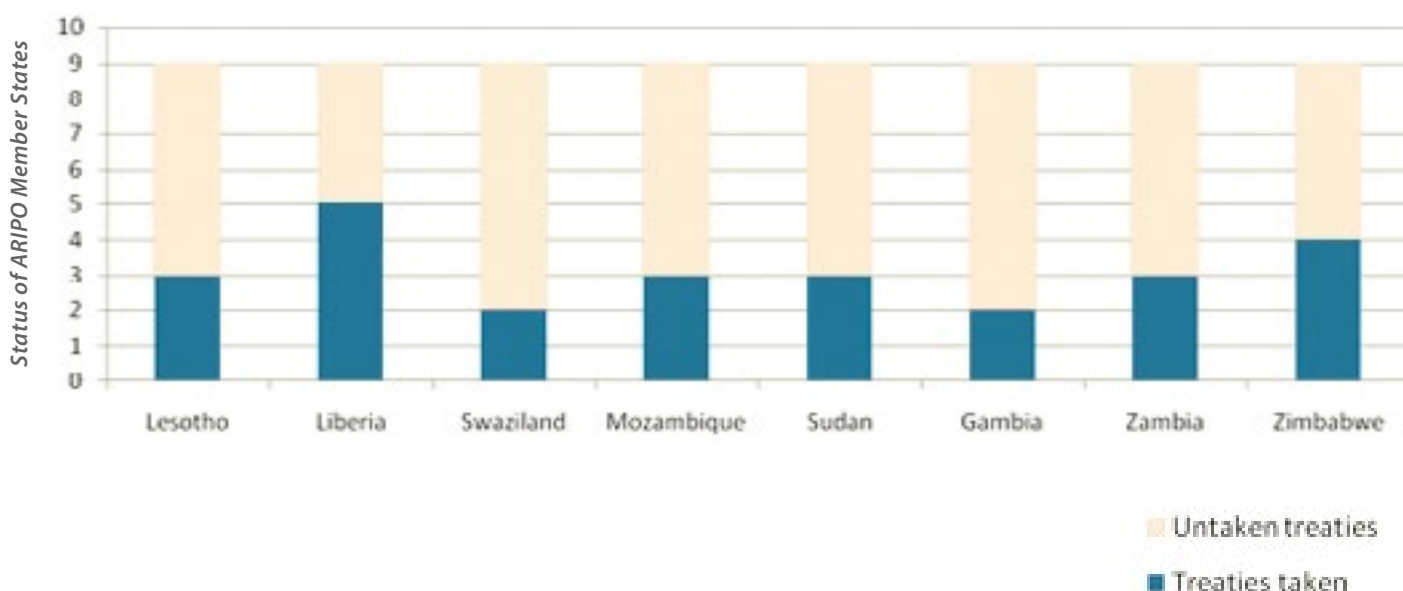
IV. STATUS OF ARIPO MEMBER STATES UNDER STUDY ON INTERNATIONAL INSTRUMENTS FOR COPYRIGHT & RELATED RIGHTS

Table 2: Summary of treaties status by country

Country	Beijing Treaty	Berne Convention	Brussels	Phonograms Convention	Rome Convention	Marrakesh Treaty	WCT	WPPT	TRIPS	Total Treaties By Country
Lesotho	0	A	0	0	A	0	0	0	A	3
Liberia	0	A	0	A	A	A	0	0	A	5
Swaziland	0	A	0	0	0	0	0	0	A	2
Mozambique	0	A	0	0	0	B	0	0	A	3
Sudan	B	A	0	0	0	B	0	0	0	3
The Gambia	0	A	0	0	0	0	0	0	A	2
Zambia	B	A	0	0	0	0	0	0	A	3
Zimbabwe	B	A	0	0	0	B	0	0	A	4

(Key: A - Ratified or acceded; B - Signed only; 0 = Not signed/ Ratified/ Acceded)

Figure 2: Treaties taken by country



V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Swaziland	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Title	Copyright Order, 1989 (Order No. 13 of 1989) Copyright Regulations, 2015	An Act Adopting a New Copyright Law of the Republic of Liberia. (1977)	Copyright Act, 1912 (Commonwealth Copyright)	Law No. 4/ 2001 Copyright	Copyright and Neighbouring Rights (Protection) and Literal and Artistic works Act of 2013.	Copyright Act, 2004	The Copyright and Performances Rights (Act No. 44 of 1994) Read together with Copyright and Performance Rights (Amendment) Act, 2010. (Act 25 of 2010)	Copyright and Neighbouring Rights Act (Chapter 26:05)
Administration	Registrar (S. 34:35)	Liberian Copyright Office. (S. 2(44))	Act not explicit about administration. Only cites Minister in some sections	Copyright Office Council of Ministers is competent to regulate the implementation of the subject matter provided for in the law. (Art. 77)	The National Council for Copyright and Neighbouring rights and the Literal and Artistic works “The Council” (S. 50)	The National Centre for Arts and Culture, “The Centre” (S. 56)	Registrar of Copyright (S. 54)	Registrar of Copyright, Copyright Office (S. 87- 90)
Protected works	General The Act clearly outlines the works included under each category as well as definitions of specific items (S. 2)	General The Act clearly outlines the works under each category as well as the definitions of specific terms. (S. 2(1)- 2(5))	General The Act clearly outlines the works under each category as well as the definitions of specific terms. (S. 2)	General The act provides a detailed list of works protected, including definitions of specific terms (Art. 3; Annex)	General The Act provides a list of works protected, and those not protected, including definitions of specific terms (S. 5- 6)	General The Act clearly outlines the works under each category as well as the definitions of specific terms. (S. 2)	General The Act clearly outlines the works under each category including definitions of specific terms. (S2-4, 7-9)	General The Act clearly outlines the works under each category including definitions of specific terms. (S. 2- 13)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Swaziland	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Protected works (...continued)	Literary, artistic and scientific works, regardless of their form of expression and purpose of creation and Derivative works. (S. 3; 4) Act cites works not protected. (S. 5)	Copyright protection subsists in original works of authorship which shall include literary, dramatic-musical and artistic works. Also includes derivative works and compilations. (S. 2(2)) Act cites works not protected including Liberian Government Works and Works of public benefits. (S. 2(5))	Literary, dramatic, musical and artistic works. (S. 3)	Written works, including computer programs, musical works, photographic works, works of architecture, Audio-visual work, Choreographic work, Derivative work, Computer software or programmes. (Art. 4)	Written works, works of fine arts, dramatic and dramatic-musical works, audio-visual, audio-photographic works, works of architecture, computer programs, electronic databanks, all kinds of maps, other works known or unknown. Derivative works also protected (S. 5)	Literary, Artistic, Musical work, Sound recordings, Audio-visual work, Choreographic work, Derivative works, Programme Carrying Signals. (S. 4)	Literary, Artistic and Musical works, Computer programs, Audio-visual works, sound recordings, broadcasts, cable programs, typographical arrangements of published editions (S. 10) Details works that are not eligible for copyright.	Literary, musical, artistic, audio visual works, sound recordings, broadcasts, programme-carrying signals, published editions. (S. 10) Details works that are not eligible for copyright.
	NB: Use of expressions of folklore is provided for and the Act outlines works that fall under folklore (S. 19; 21-23) Includes exceptions to use of folklore (S. 20; 23)	Provides protection for works inspired by folklore (S. 2(2k)) And Expressions of Folklore (S. 2(31))	NB: No mention of expressions of folklore in the Act.	NB: Expressions of Folklore are protected (Art. 4)	Protection of folklore expressions (Chapter VI)	NB: Expressions of folklore recognised and protected (S. 8)	NB: No mention of expression of folklore in the Act.	NB: Provides for works of folklore including how such works are handled. (S. 80- 86)
	NB: No mention of computer programs in the Act	Computer programs included under books, pamphlets and other writings. (S. 2(2a))	NB: No mention of Computer programmes in the Act	NB: Computer programs included under written works (Art. 4)	NB: Computer programmes and electronic data banks are protected (S. 5)	Computer programmes included under literary works (S. 2)	Computer programs protected but have to be recorded in some other form. (S. 8)	Computer programs protected but have to be reduced to writing, recorded or another form (S. 10)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Swaziland	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Protected works (...continued)	NB: Act provides for protection of neighbouring rights. (S. 24)	NB: Act provides for protection of artistic works. (S. 2(2))	NB: Act does not mention "Related Rights" but provides for protection of performances which normally falls under related rights. (S. 3(2))	NB: The Act provides for protection of artistic works. (Art. 1) Act provides for works not protected including news of the day, simple facts and data, ideas, processes, operational methods or mathematical concepts, official texts. (Art. 5)	NB: Act provides for works not protected including Public domain works, official documents, daily news, ideas, methods, state emblems (S. 6)	NB: Act provides for protection of performers, broadcasting organisations, sound recordings producers and audio-visual producers. (S. 38-46)	The Act provides for protection of performers rights. (S. 44-53)	The Act provides for protection of related rights (S. 68-79)
Formality requirements	Protection exists by the sole fact of creation of works. (S. 3) No mention of registration requirements	Provides for registration of works. (S. 2(33)-2(35))	No mention of requirements for formality or no formality	Provides for registration of copyright though rights exist upon creation of works. (Art. 55; 56)	Provides for voluntary registration of works which serves as conclusive evidence in cases of legal proceedings though protection applies without fulfilment of any formality. (S. 38 (1))	Provides for registration of works (S. 49)	Provides for voluntary registration and transfers of copyright. (S. 39-43)	The Act establishes a Copyright Office for the registration of copyright and other matters in terms of the Act (S. 87-90)
Rights Afforded	Economic and Moral Rights (S. 6; 7; 8)	Economic Rights and Moral Rights (S. 2(6))	Economic Rights (S. 3(2)) No mention of moral rights	Economic Rights and Non-Economic Rights. (Art. 6-8)	Economic Rights and Moral Rights (S. 8; S.7 respectively)	Economic Rights (S. 9) Moral Rights (S. 10)	Economic Rights (No express mention of economic rights) Moral Rights (S. 24)	Economic Rights (Stated as Copyright S. 9-23, 68-79) Moral Rights (S. 61-67)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Swaziland	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
First ownership	Copyright vests in first instance in the author or authors who created the work, the authors in a joint work shall be co-owners, and in the absence of a contract stating otherwise, works created for other people or body corporate in the course of duties shall be deemed assigned to the employer of the author. (S. 14)	Copyright in a work protected under the Act vests initially in the author or authors of the work. Cites also ownership in works made for hire, collective works and jointly authored works. (S. 2(27))	The Author of a work shall be the first owner of the copyright therein. Exceptions cited. (S. 7)	The author of the work is the primary owner of the economic and non-economic rights in the work. Specific conditions to ownership apply to Works of Joint Authorship, Collective Works, Works of Folklore, Works created under contract of employment and Audio-visual works. (Art. 28- 33)	Copyright vests, in the first instance, in the physical person or persons who created the work. (S. 11)	The original owner of the economic rights is the author who created work. Exceptions cited in cases of joint-authorship, works created under employment, audio-visual works and collective works (S. 15)	The author of a work shall be the first owner of the copyright which subsists under the Act. Exceptions cited in works created under employment and under commission. (S. 10) Has provisions for assignment of Copyright which is expected to arise in the future (S. 11(3))	Ownership of copyright vests in the author of the work or the co-authors of the work in works of joint authorship. Also details other instances of ownership in various other types of work (S. 5, 14)
Duration of Copyright	Protected during the life of the author and fifty years after his death. (S. 13)	Protected during the life of author and fifty years after his death. (S. 2(20))	No mention of moral rights.	Protection of non-economic rights is not limited in time and is not transferable inter vivos, but may be transferred by succession. (Art. 22; 33)	The protection of moral rights shall be forever. (S. 10(1))	Protected during the life of author and fifty years after his death. (S. 21)	Protection of Moral rights shall expire on the death of the author or director. (S. 24)	Moral rights subsist in a work as long as copyright subsists in it. (S. 61- 66)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Swaziland	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Duration of Copyright (...continued)	<p>Economic Rights Life of author and for fifty (50) years after his death. (S. 13)</p> <p>Duration of neighbouring rights including producers of phonograms, broadcasts and performances shall last 20 years computed from end of year in which performance, broadcast or phonogram was made. (S. 24(5); 26(2); 29(2))</p>	<p>All Economic Rights Duration of protection of economic rights shall be during the life of the author and for fifty years (50) after his death. (S. 2(20))</p>	<p>Economic Rights Term of copyright shall be, unless otherwise stated, be the life of the author and a period of fifty (50) years after his death. (S. 5)</p>	<p>Economic Rights The economic rights shall expire 70 Years after the death of the author, even in the case of a work disclosed or published posthumously. (Art. 22)</p>	<p>Economic Rights Life of author and 50 years after his death. (S. 10(1) (b)) Duration of neighbouring rights including producers of sound and audio-visual recordings, broadcasting organisations and performances shall last 50 years computed from the date of the beginning of the Gorgorian year subsequent to the publish date of the recording/date of the sound fixture of the performance (S.24)</p>	<p>Economic Rights The economic rights shall be protected during the life of the author and for fifty (50) years after his death. (S. 21)</p>	<p>Copyright in literary, artistic or musical work or compilation expire at the end of the period of fifty (50) years from the end of the year in which the work was first published. (S. 15) Duration of protection of performances and recording rights such subsist in relation to a performance until the end of fifty years from the end of the calendar year in which the performance took place. (S. 75)</p>	<p>Copyright in literary, artistic or musical work shall be for 50 years from the end of the year in which the work was first published. (S. 15) Duration of protection of performances and recording rights such subsist in relation to a performance until the end of fifty years from the end of the calendar year in which the performance took place. (S. 75)</p>
	<p>Joint Works In works of joint authorship, the rights shall be protected during the life of the last surviving author and for 50 years after his death. (S. 13(2))</p>	<p>Joint works Rights protected during the life of the last surviving author and for fifty years after his death. (S. 2(20))</p>	<p>Joint Works Copyright shall subsist during the life of the author who dies first and for a term of 50 years after his death, or during the life of the author who dies last, whichever period is the longer. (S. 16)</p>	<p>Joint Works The economic rights of a work of joint authorship are protected during lifetime of the last surviving author and for a further 70 years following his death. (S. 23)</p>	<p>Joint Works Joint work period shall start to run from the death of the last surviving author. (S.10(2))</p>	<p>Joint works Rights protected during the life of the author and for fifty years after his or her death. (S. 21(2a))</p>	<p>Joint Works In joint works, reference to the death of the author in general provision is read as reference to the death of the last to die of the authors whose identity is known. (S. 12(4))</p>	<p>Joint Works Rights protected during the life of the last surviving author and for fifty years after his or her death. (S. 15(4))</p>

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Swaziland	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Duration of Copyright (...continued)	<p>Bodies Corporate In the absence of contract, presumption is that first ownership is with body corporate or employer. No mention to duration of such rights. (S. 14(4))</p>	<p>Government Works. Where Government is first owner of copyright therein, copyright shall subsist until 70 years from the date the work is first published. If work is not published before fifty years after its making, it shall be protected for fifty years after making. (S. 2(24))</p>	<p>Government Copyright to works produced under direction of Government or Department shall, subject to any agreement with the author, belong to the Government and protected for a period of 50 years from date of publication (S. 18)</p>	<p>Bodies corporate Law not explicit on copyright duration For Bodies Corporate as first assumption is that Author is person who created the work in the absence of a contract stating anything to the contrary. (Art. 32)</p>	<p>Bodies Corporate Economic right of the collective works shall rest into the natural or corporate person who takes the initiative and the financial responsibility for the creation of the collective work.</p>	<p>Bodies Corporate/ Government Copyright in works in which government or another body has first ownership shall expire at the end of the period of fifty (50) years from the end of the calendar year in which the work is made. (S. 12(2))</p>	<p>Government Works Copyright in works in which government or another body has first ownership shall expire at the end of the period of fifty (50) years from the end of the calendar year in which the work is made. (S. 12(2))</p>	<p>Government Works Copyright conferred on State or an international body has duration reserved for specific works according to set provisions in S. 15(1) and fifty years from end of the year in which the work was first published with respect literary, musical or artistic. (S. 15(2))</p>
Anonymous/ Pseudonymous Works	<p>Anonymous/ Pseudonymous Works Rights protected until expiration of fifty years from date on which work was first lawfully published. If author's identity is revealed or no longer in doubt before expiration, then provisions for authors and joint authors apply (S. 13(3))</p>	<p>Anonymous/ Pseudonymous Works Fifty years from date of lawful publication, date on which work was first published. If author's identity is revealed or is no longer in doubt before expiration of the said period, the provisions for authors and joint authors apply (S. 2(20))</p>	<p>Anonymous Works No mention of works produced anonymously or pseudonymously</p>	<p>Anonymous works 70 Years from the date on which the work is legally published, made accessible or completed, or end of year of completion. If identity of author is revealed beyond doubt before expiration of the periods referred to, the provisions relating general economic rights for known authors shall apply. (Art. 24)</p>	<p>Anonymous Works The term shall last for fifty years after putting the work at the disposal of the public in a legitimate way, where the pseudonym name the author used leaves no room to doubt in specifying his character the duration shall be as provided for in S. 10(1)(b) i.e. author's life and fifty years after death. (S.10(1)(d))</p>	<p>Anonymous/ Pseudonymous Works Fifty years from the date on which the work was made, first available to the public or first published, whichever date is the latest. Where the author's identity is revealed or is no longer in doubt before the expiration of that period, the terms for known authors shall apply. (S. 21(2c))</p>	<p>Anonymous Works The copyright in the work shall expire at the end of the period of fifty years from the end of the calendar year in which the work is first published unless the identity of the author of the work becomes known before that date. (S. 12(3))</p>	<p>Anonymous Works Shall subsist for 50 years from the end of the year in which the work is made available to the public with consent of the copyrighter or from end of year in which it is reasonable to presume that the author died whichever period is shorter. If identity of author is revealed before expiry the standard provisions apply (S. 15(3))</p>

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Swaziland	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Duration of Copyright (...continued)	Audio-visual works Protected until expiration of fifty years from date of making the work or making available to the public. (S. 13(4))	Audio-visual work. Protected until expiration of fifty years from date of publishing of the work, or if the work has not been published before fifty years from its making. (S. 2(20))	Audio-visual works No mention of audio-visual work	Collective or Audio-visual works Protected 70 Years after the work is lawfully made public or after its completion. (Art. 25)	Audio-visual works Protection shall last for 50 years after the audio-visual works put at the disposal of the public with the consent of the author, where upon the expiry of the 50 years and the work has not put at the disposal of the public the protection shall come to an end. (S.10(1)(c))	Audio-visual works/ Sound Recordings Copyright Expires at the end of fifty years from the calendar year in which it is published. (S. 13)	Audio-visual works/ Sound Recordings Copyright Expires at the end of fifty years from the calendar year in which it is published. (S. 13)	Audio-visual works/ Collective Works/ Computer Programs Fifty years from end of year in which work is made available to the public or end of year in which work is made (S. 15(1))
Work of Applied Art Both moral and economic rights exist for twenty five years from the making of the work. (S. 13(5))	Photographic Works Protected until expiration of fifty years from date of publishing of the work, or if the work has not been published before fifty years from its making. (S. 2(22))	Photographic Works Protection shall be fifty years from the making of the original negative from which the photograph was produced. (S. 21)	Works of Applied Art Protected for 70 years from its completion (Art. 26)	Photographic work Protection shall last 25 years after the achievement of the work (S.10(1)(e))	Photographic Works Protected for fifty years from the making of the work. (S. 25)	Photographic Works Included under artistic works.	Photographic Works Fifty years from end of year in which work is made available to the public or end of year in which work is made (S. 15(1))	
Folklore No mention on duration of protection of copyright	Folklore No mention of duration of protection of folklore	Folklore No mention of folklore in the Act	Folklore The protection of folklore is not limited in time. (Art. 50)	Folklore Protected under Chapter VI of the Act	Folklore Rights vest in Secretary of State on behalf of and in trust for the people of Gambia and exist in perpetuity (S. 26)	Folklore No mention of folklore	Folklore No mention of duration of protection of folklore	

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Swaziland	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Duration of Copyright (...continued)	<p>Cinematographic works Protected until expiration of fifty years from date of making the work or making available to the public. (S. 13(4))</p>	<p>Cinematographic works Protected until expiration of fifty years from date of publishing of the work, or if the work has not been published before fifty years from its making. (S. 2(20))</p>	<p>Performances / Cinematographic works Fifty years from date of making or making available to the public with consent of the author</p>	<p>Performances Protection to be granted is 50 years the end of year of the recording for performances recorded on a phonogram or end of year in which performance takes place for performances not recorded on a phonogram (Art. 51)</p>	<p>Cinematographic Films Economic rights of an audio-visual works shall last for fifty years after the audio-visual works put at the disposal of the public until the consent of the author, where upon the expiry of the fifty years and the work was not put at the disposal of the public the protection shall come to an end (S. 10(1)(c))</p>	<p>Programme carrying signals Fifty years from making the date of making the signal. (S. 24)</p>	<p>Cable Programs/ Performances Copyright shall expire at the end of fifty years from the end of the calendar year in which the cable was made. (S. 14) Duration of performer's right shall subsist for fifty years from the end of calendar year in which the performance takes place. (S. 47)</p>	<p>Program Carrying signals Fifty years from the end of the year in which the signal is first emitted to a satellite. (S. 15(1))</p>
	<p>Broadcasts Protection subsists for twenty years computed from end of year in which the broadcast took place. (S. 29(2))</p>	<p>Broadcasts No mention of broadcast</p>	<p>Broadcasts No mention of broadcast</p>	<p>Broadcasts The term of protection of a broadcast programme is 25 years from the end of the year in which the broadcast took place. (Art. 53)</p>	<p>Broadcasts Continues for 20 years as from the first of the Gorgorian year subsequent to the year of the transmission. (S. 24(3))</p>	<p>Broadcasts Protected until expiration of fifty years from the date of making the work, making available to the public. (S. 22)</p>	<p>Broadcasts Copyright shall expire at the end of the year in which the broadcast first takes place. (S. 15(1))</p>	<p>Broadcasts Fifty years from the end of the year in which the broadcast first takes place. (S. 15(1))</p>

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Swaziland	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Copyright	Selected copyright works Subject to Government rights, author has rights to reproduce work, communicate to the public and make an adaptation, translation arrangement or other transformation of the work. (S. 7) Also has moral rights claim authorship of his work and object to certain uses of work including mutilation, distortion or other modification of work. (S. 8)	Moral rights and economic rights. Specific rights relating to Related Rights are outlined in Sections 24- 29. The author has the exclusive economic right to do and authorise reproduction, preparation of derivatives, distribution and communication to the public. Also has moral rights to claim authorship and to object to use that prejudices his honour or reputation. (S. 2(6))	Copyright The sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever, perform, deliver or publish the work. (S. 3(2))	All copyright works The author has the exclusive right to authorise the following works: reproduction; translation; preparation of adaptation, arrangements and other transformations; making copies available for sale to the public or any other transfer of ownership, for rental and for public lending; presentation or performance of his work in public; import or export of his works; communication of his work to the public. Exceptions exist for computer programs. (Art. 6; 7) Non-economic rights to claim authorship, to remain anonymous or use a pseudonym and to object to any distortion, mutilation or other modification of his work. (Art. 6; 8)	All copyright works Moral and Economic rights to undertake specific actions related to their rights, including disclosing work to public, claiming authorship, to publish or make available his work and to authorize publication, reproduction, broadcasting, translation, exhibition, adaptation, public performance of the work (S. 7 and S.8) Specific rights relating to Protection of Neighbouring Rights of performers are outlined in Chapter III of the Act.	All copyright works The author has the exclusive economic right to do or authorise a number of actions including, reproduction, translation, rental, importation, broadcasting, public performance and any other communication to the public (S. 9) Also grants moral rights to claim authorship of his work and object to certain uses of work including mutilation, distortion or other modification of work. (S. 10)	All copyright works The owner of copyright shall have in accordance with the act the exclusive right to do or to authorise others to do, in Zambia or on any ship or aircraft registered in Zambia the controlled acts specified in the Act. (S. 17) Author has moral rights as specified under section 24, to be identified as author or director of the works; and to object to any distortion, mutilation or other modification or derogatory action in relation to the work that would be prejudicial to his honour or reputation. (S. 24)	All copyright works Copyright is a real right which subsists in a work by virtue of the Act and which entitles its owner exclusively to do in Zimbabwe and to authorise others to do in Zimbabwe the things which the Act designates in relation to the work. (S. 9; 17-23) Also grants moral rights to be or to refuse to be identified as author or director of work and other moral rights (S. 61-67) Details specific rights related to performances (S. 68-72)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Swaziland	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Permitted Uses of Copyrights	Various free use options allowed. (S. 9) Specific limitations cited to author's rights with regards to translation, reproduction and right of recording musical works. (S. 10; 11; 12). Detailed schedules to support the above are added as annexes. Exceptions relating to Related Rights outlined in Section 30.	Various limitations to economic rights provided for including fair use, for archives and libraries, etc. (S. 2(7)- 2(19))	Act provides for various exceptions to infringement including fair dealing (S. 4(1))	Various limitations to economic rights provided for, (Art. 9- 21). Specific permitted uses relating to related rights provided for under Article 47.	Exclusions and restrictions on copyrights and neighbouring rights provided in chapter IV (S. 25-37)	Various exceptions permitted to the use of copyright. Limitations to the exceptions also provided for works of Architecture, Computer programs, databases. (S. 27- 37)	Various exceptions permitted to the use of copyright including fair-dealing. (S. 21) Exceptions on performers rights included (S. 50)	Various exceptions permitted to the use of copyright including fair-dealing. (S. 24-44) Exceptions on performers rights included (S. 73)
Notable lacunas and inclusions								
	No express exceptions for works targeting the blind and other visually impaired persons.	Act details out the fees to be charged by the copyright office including registration fees. (S. 2(43)) Provides for Criminal Penalties for false representation and alterations to certificates. (S. 2(18C))	Provides for exceptions for designs covered under the Patents and Designs Act, 1907 of the United Kingdom. Has provisions for posthumous works. (S. 17)	No express exceptions for works targeting the Blind and other Visually Impaired Persons.	No express exceptions for works targeting the Blind and other Visually Impaired Persons Has provisions for works produced posthumously (S.9(1))	No mention of exceptions to use of works for the purpose of targeting the blind and other VIPs	No mention of exceptions to use of works for targeting the blind and other VIPs. Provides for copyright for typographical arrangements and the expiration of such is 25 years from the end of the calendar year in which the edition was first published (S. 8(g) and S. 16)	No mention of exceptions to use of works for targeting the blind and other VIPs

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Swaziland	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Public domain	Works that are in the public domain are those whose term of protection has expired, whose authors have no successors in title, and whose owners have renounced copyright protection. (S. 18(2))	No mention of works in the public domain	No mention of works in the public domain	No express mention of public domain works.	Conditions for works to fall into the public domain include expiry of term of protection, where author dies and leaves no heir, and failure by heirs of author and other persons to exercise the rights vesting in them. Chapter II	Works with expired terms of protection, by authors who have renounced their rights; and foreign works that do not enjoy protection in The Gambia belong to the public domain. (S. 48)	There is no clear definition of works in the public domain though certain sections can be read to infer that works whose authors have died fifty or more years prior and whose copyright has expired are in the public domain.	There is no clear definition of works in the public domain though certain sections can be read to infer that works whose authors have died fifty or more years prior and whose copyright has expired are in the public domain.
Use of works in public domain								
	Only the registrar or a person duly authorised by him has the right to authorise use of works in the public domain (S. 18(1))	No mention of use of works in the public domain	No express mention of use of works in the public domain	No mention of use of works in the public domain	The works in the public domain may be freely used. Chapter II	Subject to payment of a fee specified by the Centre a work that has fallen into the public domain may be used without restriction. (S. 48(4))	The use of works that have unknown authors and whose copyright has expired or whose authors died more than fifty years prior to the date of such use is not considered an infringement. (S. 21(3))	No mention of use of works in the public domain

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Swaziland	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Infringement	Any act contravening the provisions of the Act constitutes the commitment of an offence. (S. 37)	When a person without license granted by the owner of copyright or the Director General of Copyright does anything reserved for the owner, or permits for profit any place to be used for infringement or imports, exhibits by way of trade, hires or sells, etc, they commit an infringement (S. 2(40)).	Copyright shall be deemed to be infringed by any person who, without the consent of the owner of the copyright, does anything the sole right to do which is by the Act conferred on the owner of the copyright. (S. 4)	Infringement is committed by a person who fraudulently uses as being his own creation or performance a work, performance, phonogram or broadcast programme that is a total or partial reproduction of another's work or performance, whether disclosed or not, or so similar to it as to have no distinctive character of its own. (Art. 62- 64)	Any doing, knowingly and without permission of the author, of acts reserved for author and extracting, imitating, selling, hiring, distribution, importation or exportation for commercial purposes. (S. 62) (S. 64)	Doing of any acts that are contrary to the provisions of the Act. Also cites the exploitation of a work in a manner prejudicial to the honour or reputation of the author as an infringement to the rights of the author. (S. 50)	Doing of acts controlled by the act, importing infringing copies, and making or trading in articles for making infringing copies or transmission for the purpose of making infringing copies constitutes infringement. (S. 18-20) Specific acts related to infringement of performer's rights and recording rights cited. (S. 48- 49)	Copyright is infringed by any person who is not the owner of the copyright and who, without authority, does or causes any other person to do an act in Zimbabwe which the owner has the exclusive right to do or to authorise. (S. 51)
Anton Pillar Orders	No express mention of Anton Pillar Orders	No mention of Anton Pillar orders	No express mention of Anton Pillar orders	No mention of Anton Pillar Orders	No mention of Anton Pillar Orders but provides for similar conditions (S.65)	No mention of Anton Pillar Orders	No mention of Anton Pillar but similar provisions exist (S. 33)	Provides for Anton Pillar Orders (S. 57)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Swaziland	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Penalties	Without prejudice to civil remedies and sanctions, a person who commits an offence is liable on conviction to payment of a determined fine or to imprisonment or to both. Maximum jail term is 5 years. (S. 37)	The Act details out criminal penalties including fine of not less than \$30,000 and/or imprisonment for a period not less than 10 days or both fine and imprisonment. (S. 2(52)) Criminal Penalties cited under (S. 2(18C) and S(2(52c) relate mainly to acts of misrepresentation and alteration of certificates or affixing certificate to wrong device and shall be fined not less than \$10,000 or imprisonment for a period of 30 Days or both.	Payment of fine up to a maximum of 100 Rand and in cases of subsequent offences either such fine or to imprisonment for a term not exceeding two months. (S. 13)	The crimes of usurpation and infringement referred to in the Act are misdemeanours and punishable in law by imprisonment and corresponding fine. (Art 65) Provides for penalties for authors who having wholly or partly disposed of their relevant rights or having authorised the use of his work, uses or exploits the said work directly and in a manner prejudicial to third party rights. (Art 65.4)	All crimes of infringement shall be punished with a fine as determined by the court or imprisonment or both. (S. 64, S. 65)	Payment of fine of not more than 500,000 Dalasis or no more than imprisonment term of three years or to both the fine and imprisonment. The court shall also fix the amount of profits, taking into account the defendant's profits. In repeat offenders, penalties may be doubled. Court may apply civil remedies in criminal proceedings if no decision has been taken in civil proceedings. (S. 51; 53)	On first conviction, offenders are liable to payment of a penalty of fifty thousand penalty units or ten units for each infringing copy, whichever is greater, or to imprisonment for a term not exceeding five years or to both. On subsequent conviction, payment of one hundred thousand penalty units or twenty penalty units for each infringing copy, whichever is greater, or to imprisonment for a term not exceeding ten years or both. (S. 28) Penalties related to performance rights are detailed out in Sections 52 and 53.	A person guilty of an offence shall be liable to a fine not exceeding level ten or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment in respect of each article to which the offence relates. (S. 59)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Swaziland	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Civil Remedies	The Act provides for the granting of civil remedies including interdict, payment of damages including profits attributable to infringement. (S. 36)	The Act details damages and profits to be paid to the rights owner (S. 2(42)) including actual damages and profits and statutory damages for which an infringer of copyright is liable. (S. 2(42)iii-iv))	The Act provides for civil remedies by way of interdict, damages, accounts and otherwise as may be conferred by law for the infringement. (S. 8)	Infringement is punishable under civil law. (Art. 60)	The copyright owner shall be entitled to request in a claim all the rights relating to financial compensation and such compensation shall include loss of earnings and prejudice to the reputation of the copyright owner. (S.65)	The Act provides for civil remedies to the owner including payment for damages suffered and expenses caused any infringement including legal costs. (S. 51; 52)	The Act provides for availability of all such relief by way of damages, injunctions, accounts, or otherwise to plaintiff as is available in all other property rights. Such injunction excludes destruction of buildings (S. 25- 26)	The Act provides for availability to plaintiff of all such remedies by way of interdict, attachment, the rendering of account, the delivery of infringing copies or articles used or intended to be used for making infringing copies (S. 52-56)
Restitution and forfeiture	The object which was made in violation of the Act and any receipts of the person violating it and resulting from such violations shall be forfeited by the state and disposed as it sees fit. Court May order payment of exemplary damages. (S. 36)	The Commission may order the impounding of all copies and that the copies be preserved as evidence in court. (S. 2(42ii)) In addition to the criminal penalties, the Commission shall order the forfeiture and destruction or other disposition of all infringing copies	All infringing copies of any work in which copyright subsists and all plates used or intended for use in infringement shall be deemed property of the owner of copyright. (S. 9) There are exceptions to works of architecture. (S. 11)	Court may adopt precautionary measures to put an end to infringement. The copies of work confiscated shall remain the property of the party applying for confiscation. Provides for financial restitution. (Art. 69- 71)	Court may also order the delivery of such materials to the owner of copyright. (S. 65)	Where infringing copies exist, court may order destruction or other reasonable disposal of those copies and their packaging outside channels of distribution and in a manner that avoids harm to the rights owner. (S. 52)	Where a person is charged with an offence, and whether convicted or not, the court may order that any article in his possession which appears to be an infringing copy, or intended for making infringing copies be destroyed or delivered to owner of copyright or dealt with as court may see fit. (S. 25.4)	The owner of copyright shall be entitled to all remedies and rights in respect of infringing copies and any article designed for making infringing copies (S. 58)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Swaziland	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Restitution and forfeiture (...continued)		or sound recordings and all implements, devices, or equipment used in the manufacture or production of such infringing copies and sound recordings. (S. 2(52b))	Whether alleged offender is convicted or not, court will order all infringing copies or plates to be destroyed or delivered up to the owner of copyright or disposed of as the court may see fit. (S. 13(3))	The equipment and instruments used in infringement shall revert to the State. (Art. 70.3) Destruction of infringing copies is permissible only if certain conditions are met. (Art. 68)	Court may order the confiscation and destruction of all infringing copies, and of materials devised or used in the commission of such offense. (S.65)	The Court may also order destruction of implements where there is a danger that they may be used to commit or continue to commit an act of infringement. (S. 52; 54)	The Court may also order destruction of implements where there is a danger that they may be used to commit or continue to commit an act of infringement. (S.28(4)) Destruction not available for buildings.	Interdict is not available in respect of the construction of a building. (S. 56)
Special Enforcement	There is no mention of a special enforcement team	The Act establishes a Copyright Commission. (S. 2(47))	There is no mention of a special enforcement team	There is no mention of a special enforcement team	There is no mention of a special enforcement team	Mention of copyright inspectors for the Centre (S. 58)	There is no mention of a special enforcement team.	Provides for appointment of inspectors (S. 110B)
Dispute Settlement	There is no mention of dispute settlement guidelines	There is no mention of dispute settlement guidelines.	There is no mention of dispute settlement guidelines.	Settlement of disputes that does not affect inalienable rights may be submitted for arbitration, mediation and conciliation, as provided by ordinary legislation. (Art. 75)	There shall be established a court of arbitration and settlement of disputes. (S.70)	Three step dispute settlement procedure which begins with negotiation. (S. 88)	Dispute settlement procedures provided for on disputes between Collecting Societies and people requiring licenses. (S. 23) No procedures for disputes between copyright owners and the authority managing copyright.	Act provides for appeals to a Tribunal established under the Act. (S. 117- 119)

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

Countries/ Parameter	Lesotho	Liberia	Swaziland	Mozambique	Sudan	Gambia	Zambia	Zimbabwe
Collective Administration	Act provides for establishment of a non-profit Society of Authors and Artists and outlines its role in collective management (S. 31)	Act mentions National Collective Society in (S. 2(46)) though there are no provisions on collective administration mentioned.	No mention of collective administration provisions.	Copyright and related rights owners may create non-profit-making societies for collective management, promotion and defence of member interests and promotion of cultural goods. (Art. 74)	There shall be established an entity for the collective management of copyright and neighbouring rights. (S.42)	The Act establishes the Collecting Society of the Gambia, including how it will operate. (S. 66- 86)	The Act provides for the establishment and registration of collecting societies. (S. 22-23)	The Act provides for the establishment and registration of collecting societies (S. 91-95) Act establishes the Copyright and Neighbouring Rights Collecting Society of Zimbabwe, though not operational (S. 96- 110B)
Other		Act details out processes for recordance of transfers and other documents		Ratified international laws take precedence over the law provided the international law is deemed to provide better treatment for copyright owners. (Art. 76)		Act provides for protection of international works. (S. 5)	The Act Amendment provides for affixing of Technological Protection Measures, including holograms. Also provides for accreditation of importers and producers and establishment of a Technical Implementation Committee. (S. 38 Amendment)	The Act is read with other amendments. Act 22/2001 (S. 4) and Act 32/2004

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

KEY FINDINGS

1. In all the countries under review, copyright related industries do not feature among the main contributors to the GDP.
2. There is little data on the economic contribution of creative industries in seven of the countries. Only Mozambique, with the help of the United Nations Conference on Trade and Development (UNCTAD), has undertaken a creative industries survey. The following provides a brief view on the findings of the said survey:
 - Results of the meetings with stakeholders and with relevant government ministries. The need for institution-building and capacity building; the need to reinforce policy procedures and implement the policies through regulations and strategies.
 - Results of the sectors with high potential for growth among the creative industries. A differentiation can be made among sectors that have a high development potential nationally or in terms of exports. Examples of these sectors are, but not limited to, the Visual arts, Design, Music e.t.c.
 - A Plan of Action proposed as a tool for the formulation of a comprehensive policy towards the enhancement of the creative economy in a long-term perspective. Budgetary constraints limited the Plan of Action but a strategy was laid out for: Reinforced institutional mechanisms and policy formulation for an enabling environment for creative. Industries; Developed publicity and visibility for programme in the country; Policy review on creative industries: identified key issues and policy recommendations; Strengthened capacities on trade- and investment-related issues for policymakers and institutional stakeholders; and developed capacity of institutions and skilled artists in business management.
3. Uptake of international treaties is generally low in all countries under review though all have copyright and related rights laws.
4. The Zambian Act Amendment has provisions targeting infringements for computer programs and other emerging issues.
5. Little disparity was found in the provisions of the laws between member countries.

6. The countries reviewed excluding Lesotho and Swaziland have registration provisions though copyright exist upon creation.
7. The Swaziland law is out of date with some of the challenges facing copyright in today's world, including copyright in the digital era.

RECOMMENDATIONS

The following recommendations are therefore made:

1. Training researchers, economist, statisticians to undertake creative industries studies in member countries in order to quantify the value of copyright and related rights in the economy.
2. An in-depth review of the reasons for the low uptake of international treaties by African countries including possible challenges of undertaking such

CONCLUSION

This report presented findings of a desk research on member country copyright and related rights laws and international treaty status. 8 countries, Lesotho, Liberia, Swaziland, Mozambique, Sudan, The Gambia, Zambia and Zimbabwe were reviewed.

Member States are encouraged to ratify or accede to international treaties and domesticate in their national laws. Economic contribution of creative industries be constantly undertaken and to explore the potential of value transference of copyrighted works for the benefit of the right holders by having good laws, administration, management, transparency, good governance and knowledgeable enforcement agencies on IP matters who are effective.

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Copyright and Neighbouring/ Related Rights Laws of specific countries

Copyright and Related Rights International Instruments

V. COUNTRY COPYRIGHT & RELATED RIGHTS LAWS COMPARISON

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WIPO website





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