COPYRIGHT IN GHANA

A presentation by

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Introduction

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

- Copyright Act 85 of 1961 had become ineffective even allowing private initiatives to spring up in the 70’s to attempt to collect and distribute royalties to publishers and composers.

- Copyright Act 85 of 1961 was repealed and replaced by PNDC Law 110.
Events leading to New Copyright Law

...cont’d

♦ PNDC Law 110
  - Was expanded to cover literary, artistic, musical works, etc
  - Established the copyright office to oversee copyright industry
  - COSGA established by LI with monopoly to oversee royalties for right holders
Events leading to New Copyright Law

Role of MUSIGA in COSGA

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

…cont’d

✦ Oversight committee of COSGA (now solely MUSIGA members) took over the responsibility for the bill and first draft signed by AG and Minister of Justice in 2000

✦ Same year all stakeholders were invited to submit comments on draft. WIPO, International Publishers Association (IPA), International Phonogram Industry (IFPI) submitted comments too.
  – **Librarians not invited**

✦ Meeting held by AG (2001)
  – to synthesize comments on bill and six other intellectual property bill
  – **Librarians invited only to help find ways of getting users to pay for photocopies made from published works**

  – Idea mooted for levies on all devices capable of copying
Events leading to New Copyright Law

...cont’d

♦ Later other intellectual property bills passed without copyright bill

♦ Intervention of COCCA
  – Two more retreats organized in July 2003 and February 2004
  – Parliament organized a final forum of stakeholders on Dec. 16, 2004
Issues to note

Before the bill

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

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

- Library mentioned under the 3rd section, permitted uses of copyright sub-section 21 permitted uses of copyright work by library and archive
Reactions to the bill

♦ To date no reactions from Librarians! ! !

♦ COCCA objected to the following
  • The section under Enforcement Provision, section 5- individuals cannot protect their rights
  • Folklore being under the State. Subsection 4 of section 1 under copyright
  • The powers of the copyright office. The office is responsible for the administration of copyright
Reactions to the bill cont’d

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

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

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