

# STIFF PENALTIES FOR COPYRIGHT INFRINGEMENT

PHOTO BY MIRIAM NAMUTEBI

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Parliament has passed the Copyright and Neighbouring Rights (Amendment) Bill, 2025, setting stiff penalties for copyright infringement.

The Bill proposes fines of up to sh50m and imprisonment of up to 10 years or both, for various copyright-related offences.

It strengthens Uganda's intellectual property framework to better protect original works of authorship, including literary, scientific and artistic creations. The new law is expected to boost creativity and innovation, improve access to knowledge and information, support technology transfer and promote cultural industries and job creation.

The Minister for ICT and National Guidance, Dr Chris Baryomunsi, yesterday tabled the Bill for its third reading, paving the way for its passage.

The Minister for Justice and Constitutional Affairs, Norbert Mao, who moved the Bill for its second reading on Thursday, said it responds to demands by the creative industry for more protection of their literary, scientific and artistic intellectual works.

The Attorney General, Kiryowa Kiwanuka, emphasised that copyright is a form of property that enables artistes to benefit financially from their work through its sale and use. Kiwanuka clarified that the proposed law allows broadcasting stations to make arrangements with musicians to play their music.

"If an artiste has made music and has not requested for it to be promoted, the least you can do is tell them that you would like to promote their work. Unless an artiste requests you to promote their music for commercial purposes, you will have to pay for it if you play it," he said.

The Bill amends the Copyright and Neighbouring Rights Act, Cap. 222, to align Uganda's legal framework with international standards and address emerging technological challenges.

## OBJECTIVES

The Bill's major objective is the domestication of key international copyright treaties under the World Intellectual Property Organisation (WIPO) and other global frameworks. These include the Berne Convention for the Protection of Literary and Artistic Works (1886), which guarantees automatic copyright protection and equal treatment of foreign and local authors.



Artiste Hillary Kiyaga aka Dr Hilderman (on the right, holding a diary) with other Musicians and creatives at Parliament after the passing of the The Copyright and Neighbouring Rights (Amendment) Bill 2025, yesterday. (Scan photo using Vision Digital Experience to watch video)

including AI.

## OTHER ISSUES IN THE BILL

The Bill introduces new categories of literary works, including novels, stage directions and encyclopaedias. It also explicitly recognises translations, adaptations and expressions of folklore as derivative works, ensuring protection of traditional knowledge as a distinct form of intellectual property alongside copyright.

It expands the duration of copyright protection for computer programmes and photographic works from 50 years to the lifetime of the author plus an additional 50 years, aligning them with other protected works.

The Bill introduces a requirement for the registration of transactions involving assignments, licences and transfers with the Registrar of Copyright within 60 days of signing. Failure to register renders such transactions voidable and all agreements must be in writing.

In addition, it sets a maximum duration of 20 years for licences, assignments and related contracts and provides for the reversion of rights to the author at the end of the contractual period.

The law introduces additional payments to producers and performers for every commercial use of sound recordings or audiovisual works, including broadcasting and public performances, ensuring they benefit from ongoing use of their content.

## CALLER TUNES

The Bill establishes fixed remuneration rates for caller ring-back tones, ensuring fair compensation and equitable distribution of revenue among authors, performers, telecom operators and aggregators. This is intended to address existing gaps in earnings from digital content use.

Additionally, it provides that persons convicted of copyright infringement bear the costs of seizure, storage and destruction of infringing materials.

The Bill streamlines the registration of collecting societies by reducing the minimum number of members required from 30 to two and expands their mandate to include the collection and distribution of royalties to members and other rights holders.

It requires collecting societies to hold annual general meetings to promote transparency, accountability and good governance.

## STAKEHOLDERS SPEAK OUT

Stakeholders have expressed mixed views on the Bill. Musician Daniel Kazibwe (Ragga Dee) urged businesses, such as hotels, restaurants and broadcasters to recognise the value of creative content in attracting customers, saying artistes deserve compensation for their work.

Dance instructor Moses Kyeyune (Wembly Mo) supported stronger protections, noting that weak legal frameworks deny creatives income, citing cases of popular figures, who remain financially disadvantaged, despite global recognition.

David Kabanda (Kasambya county MP), a radio proprietor, questioned the fairness of requiring broadcasters to pay royalties, arguing that airplay already promotes artistes and helps build their careers.

However, Rachel Magoola (Bugweri District Woman MP), a performing artiste,

noted that the purpose of the Bill would be defeated if broadcasting entities were to use creative works without remunerating their originators.

"It is internationally recognised that creators are compensated for their work. The radio stations that play any work have the burden to compensate the creators of that work," she said.

Rose Obigah (Terego Woman MP) cautioned that stricter enforcement could hurt emerging or low-income musicians, especially during political campaigns where music is widely used.

Artistes Matthew Nabwiiso and Bruno Sserunkuma defended intellectual property rights, emphasising that creative works are valuable assets that should generate income for their creators, just like physical property.



Chris Baryomunsi



Norbert Mao

Others include:

■ The WIPO Copyright Treaty (1996), which addresses protection of works in the digital environment.

■ The WIPO Performances and Phonograms Treaty (1996), which strengthens the rights of performers and producers.

■ The Beijing Treaty on Audiovisual Performances (2012), which grants economic and moral rights to performers in film and television.

■ The Marrakesh Treaty (2013), which facilitates access to published works for persons who are blind or visually impaired.

It also incorporates the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) under the World Trade Organisation.

By incorporating these treaties, Uganda becomes a reliable partner in global intellectual property protection while

enhancing the competitiveness of its creative industries.

## ADDRESSING DIGITAL AND INDUSTRY GAPS

The amended law introduces provisions to regulate copyright in the digital space, including protection against online piracy and unauthorised distribution of content on the Internet and streaming platforms.

It provides for the management of orphan works, that is, a person who publishes any works anonymously or under a pseudonym, regulation of exploitation contracts and streamlining registration of collecting societies.

Stephen Baka Mugabi (Bukooli North), the chairperson of the Committee on Legal and Parliamentary Affairs, presented the report of the committee on the Bill.

Mugabi noted that the existing law, enacted in 2006,

had been overtaken by rapid technological advancements that changed how content is created, distributed and monetised.

The MPs raised concerns over proposals that could make copyright registration mandatory. They emphasised that a certificate of registration should not be treated as conclusive proof of infringement, noting that infringement must be established through evidence and comparison of works.

The committee recommended harmonising provisions in the law to avoid contradictions and preserve the principle that copyright protection does not require formal registration.

## PRIVATE COPYING LEVY DEBATE

Stakeholders from the creative industry had proposed introducing a private copying levy on devices such as smartphones and storage media to compensate artistes for

revenue lost through personal copying.

While the committee acknowledged the benefits of such a system, it noted constitutional limitations on introducing new taxes without government approval. It recommended that government studies the proposal further for possible future legislation.

## AI CONCERNS

The Bill was criticised for not adequately addressing challenges posed by artificial intelligence (AI) in content creation.

Stakeholders raised concerns about ownership, authorship and liability for AI-generated works, warning that the absence of clear provisions could create legal uncertainty.

The committee recommended that Uganda's intellectual property laws be reviewed to cater for emerging technologies,