



knowledge without boundaries

EIFL-IP

Promoting a fair and
balanced copyright system

Easing the strain on access to educational materials in Uganda: improving copyright law and promoting Creative Commons licences

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Results of an EIFL-IP funded project

The Context

Uganda's copyright context is heavily influenced by trade policy. Since 1995, Uganda has been a member of the World Trade Organization (WTO). Due to its status as a Least Developed Country (LDC) – categorized by the UN as the world's poorest nations – Uganda is however granted a waiver from implementing the WTO Agreement on Trade-Related aspects of Intellectual Property rights (TRIPS)¹. Uganda is also a member of the five country East African Community (EAC) that promotes regional economic, political, and social integration. The EAC concluded a Trade and Investment Framework Agreement (TIFA) with the United States in 2008, and is currently negotiating an Economic Partnership Agreement with the European Union. Both agreements include chapters on the protection and enforcement of intellectual property rights. In October 2012, Uganda signed its first WIPO-administered treaty on copyright and related rights, the Beijing Treaty on Audiovisual Performances.

'In order to strike a fair balance between the interests of copyright holders and users of textbooks, it appears essential to tailor the available copyright exceptions to the realities on the ground, i.e. the widespread inability of students to pay for original, hard copy textbooks, and the question of how to take advantage of the electronic dissemination of content, while ensuring creators receive a fair amount of revenue'.

Development Dimensions of Intellectual Property in Uganda: Transfer of Technology, Access to Medicines and Textbooks. UNCTAD-ICTSD (2010)

Several national agencies are therefore involved in developing copyright policy including the Ministry of Justice and Constitutional Affairs, Ministry of Trade, Industry & Cooperatives, Ministry of East African Community Affairs, the Uganda Registration Services Bureau and the Uganda Law Reform Commission.

The principle national law is the Copyright and Neighbouring Rights Act (2006). Civil society groups have identified problems that need to be addressed, as well as opportunities in the offing. A ban on the free importation of books creates a scarcity of much needed educational materials by putting cheaper editions of textbooks, especially for secondary and higher education, out of the reach of poor students. The proposed Counterfeit Goods Bill (2010) currently before a Parliamentary committee, threatens to

¹ The waiver expires on 1 July 2013 and LDCs have requested an extension until they "graduate" from LDC status.

undercut the exceptions, known as “Fair use of works”, in the copyright Act. At the same time, the Act mandates that “public benefit works”, such as court decisions and news of the day belong to the public domain, and that copyright in works created by government employees vests in the government. If open content licensing, such as Creative Commons Uganda launched in December 2012, was nurtured along with the development of open access institutional repositories, strong exceptions and a relaxation on book imports, the strain on access to educational materials would be considerably eased.

Project Objectives

The project partners were the Consortium of Uganda University Libraries (CUUL) and the National Book Trust of Uganda (NABOTU). The project objectives were to:

- initiate a process of copyright law reform in Uganda;
- include the library community in a network of civil society advocates;
- promote Creative Commons initiatives among libraries in Uganda; and
- maintain a website for continued communication on the project issues.



The expected results are to start a discussion to mediate the bottle necks caused by copyright law, to make recommendations for amendments to the law for future action; an improved understanding of Creative Commons initiatives.

Strategies and Tactics

- Sensitize librarians and university policy makers through half day training workshops;
- Engage key persons in line ministries including education, trade, justice, the Law Reform Commission;
- Brief parliamentarians to explain the improvements needed to the copyright law, and Creative Commons licences as an example of a copyright-based alternative approach;
- Seek inclusion on relevant technical working committees within the government structure; and
- Develop fact sheets to address the issues of copyright reform.

Key Achievements

- ✓ Started a campaign for reform of copyright law for access to learning materials with key stakeholders, monitoring policy trends in universities across the nation; creation of a solidarity group for the extension of the WTO TRIPS waiver for LDCs.
- ✓ For the first time, we engaged the library community in the reform process, including advocacy to policy makers and legislators.
- ✓ Together we succeeded in putting copyright and open access initiatives on the agenda of university policy makers that will help institutions to develop an analytical eye towards their IP policies and practices.

‘A link was bridged with the library community that marks the beginning of a new cooperation’.

Primah Kwagala, Programme Manager, Human Rights and Advocacy, CEHURD

- ✓ We have been able to bring together two key ministries (Justice and Trade) to start a discussion about the use of flexibilities in our copyright law.
- ✓ We have started a dialogue with Members of Parliament, a first step towards getting a sponsor to lead amendments through the parliamentary process.
- ✓ We developed information briefs for advocacy meetings with librarians, policy makers, legislators and university vice-chancellors.

Activities

- **Two half day training workshops attended by 44 librarians** to introduce copyright concepts and advocacy for copyright law reform. Topics included copyright and libraries, what CUUL is doing, introduction to open access and Creative Commons Uganda (July 2012 and February 2013).



Workshop with librarians from Bishop Barham University College, Uganda Christian University, Uganda Management Institute, Uganda Martyrs University, Kyambogo University, Makerere University, Parliamentary Library, International Health Sciences University (July 2012)

'CUUL represents library interests in copyright because there is a need to provide information access to all categories of people, for example, long distance learners in Uganda where Internet access is not readily available and people with disabilities, while at the same time protecting the rights of authors. We advocate for fair use of copyright works that will lead to a win-win situation for both information users and authors'. Florence Mirembe, Vice Chairperson, CUUL

- **Two half day meetings with the University Vice Chancellor's Forum**, an assembly of 32 public and private universities where we presented a concept paper on the need for flexible copyright laws and policies in Uganda's universities and libraries. As a result, the Forum acknowledged the importance of copyright reform and open institutional IP policies ([September](#) and [November](#) 2012).



Vice Chancellor's Forum meeting at Uganda Christian University (December 2012)

- **A delegation from CEHURD, CUUL and NABOTU met with the Ministry of Justice, Ministry of Trade, the IP office and parliamentarians** to discuss the issues and grasp what needs to be done to achieve a copyright law that promotes social welfare aspects of Ugandans such as access to education materials; to get a better understanding of the process of law reform and how can civil society participate; devise concrete next steps (August 2012 – March 2013).

'Policy makers understand the importance of consulting with all stakeholders. Learning from librarians about the practical problems in getting educational materials into the hands of students and academics helps to inform our policy making leading to legislation that better suits local needs'.

Paul Okirig, Senior State Attorney, Ministry of Justice and Constitutional Affairs

- **Meeting with the Uganda Performing Right Society** (that administers licences on behalf of its musician members) to learn about the perspective of rights holders (February 2013).

Lessons Learnt

- Initially our plan was to hold joint training workshops for librarians and university policy-makers together. However, librarians advised us that this would not work so we opted to meet each group first in their own environs – librarians on campus and vice-chancellors in their own Forum meeting.
- To motivate librarians, we issued certificates of attendance for the workshops.
- Listen and learn. While we have expertise in access to knowledge issues, it is important to learn from policy makers about the process for policy and legislative reform in order to intervene with the right people at the right time e.g. know who the key players are, which forums are involved, what documents are needed, what is the timeline?



The Future

Follow-up actions to this project include:

- Draft amendment provisions to the copyright law;
- Help build capacity of government policy makers to better understand the impact of the policies and laws they negotiate, in order to make well-informed decisions for the nation.
- Bring on board more librarians, student communities, bloggers, publishers, media and university policy makers to promote access to educational materials and creative content.
- Promote the culture of open access journals and open access repositories at institutions of higher learning in Uganda.

EIFL-IP supported this project with a grant of €4,000. The project began in June 2012 for a duration of ten months. For more information, please contact the Project Manager, Moses Mulumba < info@cehurd.org >

For information on other EIFL projects in support of national copyright law reform, visit www.eifl.net/advocacy-campaigns-national-copyright-law-reform