



REVIEW OF TECHNOLOGY,  
MEDIA AND  
TELECOMMUNICATIONS  
IN UGANDA

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Technology, Media and Telecommunications (TMT), are among the driving forces of Uganda's growing economy. The invention of new technologies and modes of communication creates challenges to the regulators who sees to regulate and oversee the TMT availability to the public and to also exercise control over the service providers. The legal framework regulating TMT in Uganda is still undergoing evolution as the regulators struggles to keep up with the emerging new trends. The TMT sector of Uganda has over the years grown, embraced and recognized new technologies and telecommunication some of which have been adopted with reservations.

### REGULATION

There are two independent authorities/Regulators of technology, media and telecommunications in Uganda:

The Uganda Communication Commission (UCC).

This is an independent entity created under the Uganda Communication Act 2013(UCC Act) to implement the provisions of the UCC Act in accordance with the Laws of Uganda, with the principal goal of developing a modern communications sector and Infrastructure in Uganda, in conformity with the operationalization of the Telecommunications Policy.

### National Information Technology Authority- NITA

This authority is in charge of coordination and regulation Information Technology services in Uganda. NITA's mandate is to coordinate, promote and monitor Information Technology (IT) developments in Uganda within the context of National Social and Economic development.

Following the enactment of the Computer Misuse Act, 2011, the Electronic Transactions Act 2011, the Electronic Signatures Act, 2011, there was recognition of emerging technology in trade and commerce which has enhanced commercial dealings between persons with minimal paper work but more of technology.

# REGULATED ACTIVITIES

## 1. Telecommunications

Telecommunications authorization and licenses are regulated under Section 22 of the UCC Act and The Telecommunications (Licensing) Regulations, 2005. Telecommunication license are split according to the service provided into the following categories;

### Public Service Provider (PSP) licence

a) Public voice and data provider this licence is granted to persons interested in providing of voice telephony service using any technology – cellular, satellite, Internet Protocol, traditional voice Network (using time division multiplexing). The mobility of the services (fixed or mobile, wired or wireless) is also a decision of the licensee.

Due to technology advancements, data and voice can now be transmitted on the same network. The distinction between the two is also diminishing with convergence. In recognition of this, the same Public Service Provider – Public Voice and Data Licence also permits the holders to provide data services. Therefore persons wishing to provide data communications services including Internet Access Services previously provided by Internet Service Providers (ISPs) have to acquire the Public Service Provider – Public Voice and Data Licence. However, it should be noted that this licence only permits the holder to provide services not infrastructure. If a PSP – Public Voice and Data Licence holder wishes to set up his/her own infrastructure facilities, he/she must acquire a Public Infrastructure Provider Licence. A PSP may also seek authorization for number resources if necessary for the provision of its services.

### b) Capacity resale

A capacity resale service means a service of reselling leased telecommunications service. The Capacity Resale licence permits the holder to sell capacity of a local or foreign operator to PSPs or end users as well as sell calling cards that use capacity from either of these capacity arrangements

A capacity reseller can also apply for gateway authorization (VSAT or other), spectrum or numbering resource upon demonstrating the need.

### Public Infrastructure Provider (PIP) licence; The Public Infrastructure

Provider (PIP) licence permits holders to install network facilities associated with transmission, reception and switching of telecommunications (electronic) signals. Installations exclusively in the Industrial, Scientific and Medical (ISM) Bands – 2.4GHz and 5.8GHz bands are exempted. The PIP licence is valid for fifteen years.

To use any frequencies in association with facilities set up under the PIP licence, a holder of this licence must obtain the necessary authorization (and frequency assignments) from Uganda Communications Commission (UCC) in line with the National Table of Frequencies and the respective authorization guidelines including payment of the associated spectrum fees.

The PIP licence does not empower the holder to establish international gateway facilities. The PIP can in addition obtain authorization to establish an International gateway (Very Small Aperture Terminal – VSAT or other) and allow others to route their traffic through it.

General licence; this is provided in respect of public pay communication networks services and internet cafes. This category of licensees do not pay licence fees but registers with UCC and subsequently receive a Certificate endorsing their provision of telecommunication services to the public.

Customers of Public Pay Communications Network services are allowed the benefit of phone calls originated from Personal Computers (PCs) in the confines of the service providers' premises.

Operators holding PSP and PIP licence pay an annual licence fee and an annual levy which 2% of the annual revenue from licensed services.

The above licenses can be transferred with the approval of UCC. UCC also reserves the right to suspend and revoke these licenses on grounds of misrepresentation by the operator in the course of application, engaging in treasonable offences or ceasing to be an eligible person.

## Broadcasting and Television Stations

According to Section 26 of the UCC Act, no person is mandated to install or operate a television station without a license from UCC. Before issuance of a licence, UCC must be satisfied that adequate technical facilities do exist, location of the station and the geographical area to which the broadcast relates and social, cultural and economic values.

A broadcasting must also be obtained before any transmission of sound, video or data to the public. A person with a broad casting licence must take note of the content of the programmes and comply with the minimum broadcasting standards laid out in Schedule 4 of the UCC Act. Under Section 5(x) of the UCC Act, it's the mandate of the UCC to set standards, monitor and enforce compliance with the minimum standards.

For example, the Minimum Broadcasting standards require all news broadcasts to be factual, balanced and free from all kinds of distortions and insinuations. News and current affairs programs should present information in an objective, accurate, impartial, balanced and non-partisan manner.

Broadcasters who have fallen below the minimum broadcasting standards have had their licences suspended.

## Cinematography

UCC under Section 37 of the UCC Act is mandated to issue licences for distributors and exhibitors of cinematographic and video works.

UCC issues a provisional license for all first time applicants for licenses of film distribution and film exhibition services. This license is for a period of one year and its purpose is to allow the applicant/operator time to align with the UCC licensing conditions. After that one year with proven compliance, a five-year license is issued and renewable annually.

Some of the requirements to be met include;

- An application letter for either a distributor/Exhibitor or/an Exhibition Premises License to the Commission/UCC in writing.
- Copy of Certificate of Incorporation/Registration of Business name;
- A Certified true copy of Memorandum of Understanding and Articles of Association;
- Business plan;
- Fire Service Certificate (for only exhibition premises/viewing halls) etc

### Radio Communications

UCC under Section 21 and the Communications (Radio) Regulations, 2005 regulates and licenses radio communications operators (Spectrum License). Radio Communications licenses are granted basing on classifications of radio services according to their usage i.e. non-commercial spectrum uses and commercial spectrum uses.

Non-commercial spectrum uses include; National defense and security, governmental and disaster situations, public safety services, amateur radio services and developmental and research services.

According to Regulation 8(2), a spectrum frequency license is granted by UCC to an applicant who has obtained;

- an equipment authorization of the equipment installed and commissioned;
- is issued with a construction permit and completes the construction, installation and commissioning of the radio station as authorized and;
- obtains an assignment of specified frequencies.

The assignment of a spectrum and issue of a licence for commercial spectrum uses is on first-come first-serve basis and through competitive bidding. Competitive bidding is assigned where the principal use of the spectrum involves the licensee receiving compensation from subscribers in exchange for enabling the subscribers-

- To receive communication signals that are transmitted utilizing frequencies on which the licensee is licensed to operate;
- To transmit directly, communications signals utilizing frequencies on which the licensee is licensed to operate.

A radio spectrum license remains in force for the period specified in the licence..

### Postal Services

According Section 33(1) of the UCC Act, a person shall not convey, deliver or distribute postal articles without a licence issued under this Act.

However the requirement for a postal services licence does not apply to;

- a) articles for delivery to another person or persons to whom they are directed, without hire, reward or other profit or advantage for receiving, carrying or delivering them;
- b) articles solely concerning goods or other property sent by land, water or air, and delivered with the goods or property to which the letters relate without hire, reward, profit or advantage for receiving them, and the articles are open to inspection and have subscribed on them the words "consignee's articles" or other words to that effect.

There are two main categories of licences:

The National Postal Operator licence - this licence is held exclusively by Uganda Post Limited (UPL).

Courier licence. This licence is further sub divided into three categories dependent on geographical reach as follows:

- Domestic courier services
- Regional services
- International courier services

The Communications (Postal Service) Regulations, 2005 lays down the process of application for a Postal Service License and the requirements to be met.

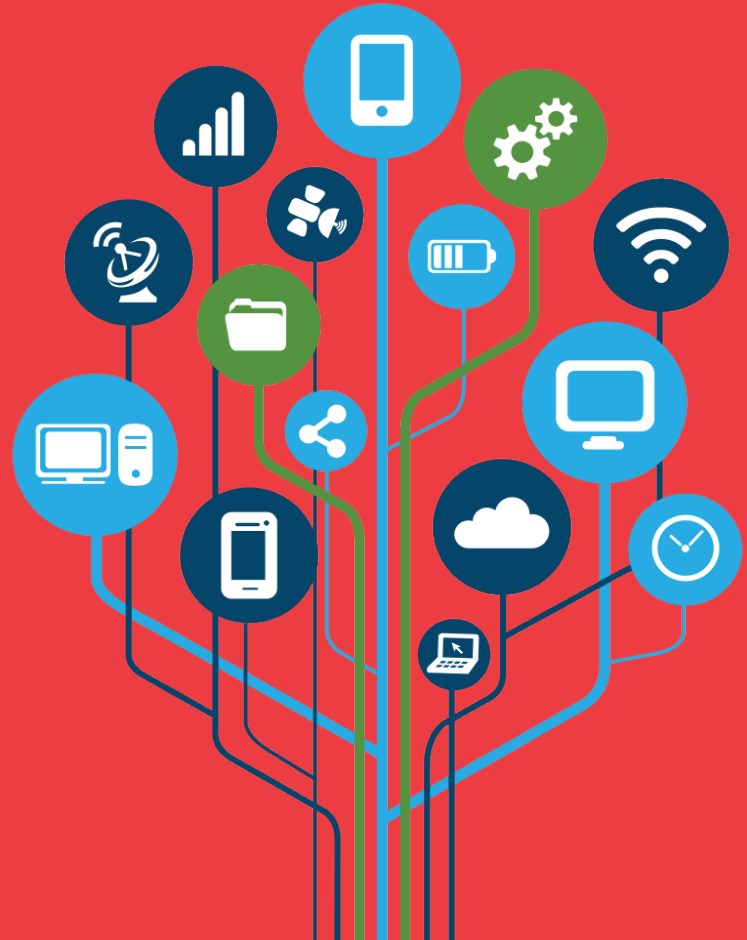
Regulation 7 lays provides for what must be specified by an applicant before a postal service licence is granted and these include;

- The character, financial, technical and other qualification of an applicant, showing its eligibility and capacity to operate or provide the services for which the licence is sought;
- Specifications of the postal service to be provided or operated;
- The geographical places where the service is to be provided and the spreading of the service;
- The business plan and commercial viability of the postal service;
- Information indicating the public interest that shall be served by the postal service for which the licence is sought;
- In case of a company or corporation, particulars of ownership and shareholding composition in the company or corporation.

UCC has to date granted licences to various entities to provide postal services and this has seen the growth of the postal services as there are a number of licensed entities offering courier services at domestic, regional and international level.

Some of the licensed operators include; Big Orange Uganda Limited, DAKS Couriers Uganda Limited, DHL International Uganda.

The Regulations under Regulation 15 impose liability on a licensee for the loss of or damage to a postal article in respect of which the operator accepts liability or which is due to any wrongful act, neglect or default of the licensee while performing or purporting to perform in that capacity the functions relating to the receipt, conveyance, delivery or any other dealing with the postal article.



## TECHNOLOGY

Uganda is among the 82 world nations which have advanced technological and innovation capabilities. This is premised on the shift to knowledge-based economies and increasingly rapid pace of technological advancement.

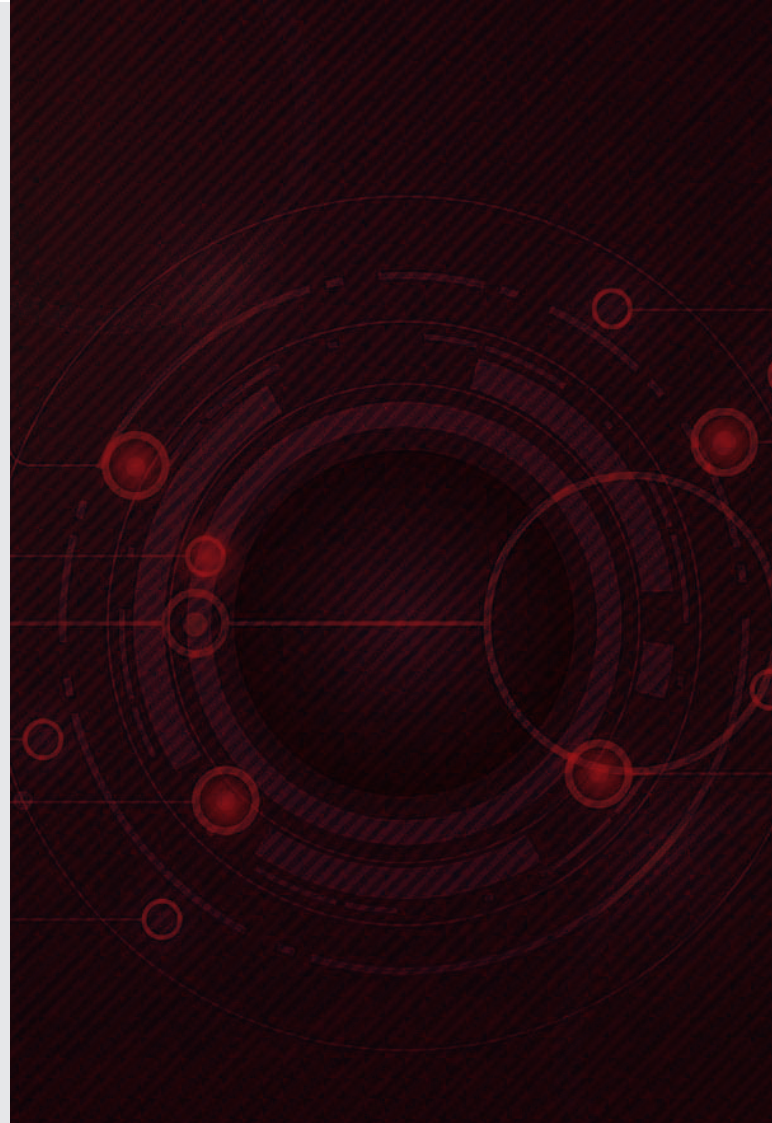
Technology advancement in Uganda is premised on the “hungry youth” and various innovation challenges organized that are aimed at challenging the tech-skills of the youth.

It is important to note that currently Uganda does not have a law that specifically covers technological innovations. Recourse has to be made to a number of laws like Computer Misuse Act, 2011, the Electronic Transactions Act 2011, the Electronic Signatures Act, 2011, and others that offer safe spaces within which advanced technologies can be used. Uganda has seen technological revolution the following sectors;

### Judiciary

Uganda’s judiciary has recently gone digital by not only incorporating technology but by rolling out E-JUSTICE in Uganda. The aim is to promote access to justice and reduce the volume of paper work by embracing modern technology. The adoption of E-Justice ensures timely disposal of cases and a streamlined handling of the same.

The Evolution of the Judiciary through the adoption of modern technology in its court rooms has been applauded and considered as a great achievement in the administration of justice.





## Banking

In order to keep up with modern trends and customer needs, banks had to adopt technology through the adoption of digital banking. Digital banking is a clear reflection of the technological revolution which has changed the global balance of economic and political forces and created a new world where information is stored and transmitted not on paper but electronically and is accessible by means of a monitor screen.

Banks have operated digital banking in the established “safe spaces” through adherence to the regulatory framework established under the Electronic Signatures Act 2011(ESA) and Electronic Transactions Act, 2011 and other data protection regulations.

The ESA provides a legal framework for using digital signature as security technology meant to ensure the integrity, authenticity and non-repudiation of electronic communications.

## Cryptocurrency

A cryptocurrency (or crypto currency) is a digital asset designed to work as a medium of exchange that uses cryptography to secure its transactions, to control the creation of additional units, and to verify the transfer of assets.

Bitcoin is a form of cryptocurrency that allows transactions to be performed without banks or any other middlemen. Despite some risks, Bitcoin is a very interesting and dynamic technology that can change how e-commerce will be conducted in the future. When it comes to e-commerce, Bitcoins are a secure payment mode. They can be used to securely purchase items or transfer money across borders quicker and more efficiently.

But, although Bitcoin may be an asset to e-commerce, it can also be (and has been) seen as a liability. Because Bitcoin does not reside in any given regulation, people can operate the network anonymously. This provides opportunities for criminal activities, including tax-evasion, terrorist financing and money-laundering.





In Uganda, the Central Bank asserts that cryptocurrency falls outside the regulation of the Central Bank. This was an oversight from Bank of Uganda as some forms of currency like Bitcoin, fall under the mandate of Bank of Uganda. Section 3 of the Foreign Exchange act 2004 (the Act), defines “foreign currency” to mean a currency other than the legal tender of Uganda. It further defines “foreign exchange” to include banknotes, coins or electronic units of payment in any currency other than the currency of Uganda which are or have been legal tender outside Uganda.

As long as e-commerce continues to prosper, it may be wise for the Central Bank to offer some form of regulatory framework for Crypto-currency. Although Bitcoin may be seen as risky, registering and issuing licenses to Bitcoin dealers, may be a prudent way for regulators to keep an eye on sellers, not only for ensuring compliance with the law but also for consumer protection.

### Remotely piloted Aircrafts/Drones

Drone use has for a very long time been associated with governments and the military, especially for manning military grounds and spying. In recent years, however, drones have been approved for civilian use. They have since been developed for more positive and productive use like aerial photography in film and journalism, shipping and delivery of materials, gathering information in cases of disaster management, geographic mapping in areas with inaccessible terrains, building safety requirements and cargo transport.

Drone usage has, however, had its fair share of criticism from their unregulated usage in many countries, including Kenya. Privacy concerns are a major concern for many, who may think that drones will intrude on their space and privacy. Uganda currently does not have a streamlined and comprehensive regulatory framework for the regulation of drones.

The Civil Aviation Authority is currently struggling with regulation and grant of authorization to persons to operate drones in Uganda. Regulated drone operations can be a tool for the growth of economies by virtue of improved and efficient service delivery.



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