

2021

KTA Advocates


Copyright Clinic

ktaadvocates.com



A young girl with long, dark braids is shown in profile, playing a kora, a traditional West African stringed instrument. She is wearing a patterned, dark-colored garment. Behind her is a large, light-colored wooden gong. The background features a series of horizontal stripes in shades of blue, purple, and pink. The text 'Innovate. Grow. Discover.' is overlaid on the left side of the image.

Innovate.
Grow.
Discover.



**When you have
wit of your own, it's
a pleasure to credit
other people for theirs.**

Criss Jami, Killosophy.

Background

What happened to Cynthia Morgan (German Juice)? How come for the longest time possible, the only song we ever heard from Jojo was "too little too late"? Why did John Blaq make headlines regarding his social media accounts last year? If you have asked yourself any of these questions, then you asked yourself what copyright is.

Copyright (or author's right) is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by copyright range from books, music, paintings, sculpture, and films, to computer programs, databases, advertisements, maps, and technical drawings.

Copyright protects the expression of ideas and not the ideas themselves. Song writers, performers, producers, publishers, film writers, actors, comedians among others take the time and pour themselves in to creations we like to indulge in, share with friends, download a good mix for a party or watch a movie to have something to talk about in our circles but how many of us pay for these? If an artist spends all their time creating something, they deserve the credit and to earn from it. The journey of creating art is not cheap.

It is not enough to paint a picture of utopia where copyright is protected and respected but we have to be practical about encouraging growth and respecting artists as a profession where one's bread can be buttered. The government restrictions arising from the pandemic have shone a light on the importance of purchasing the products from artists in a time they cannot tour. Work from home should not be a preserve of the corporates only. Therefore, commercialization of copyright is fundamental.

This clinic is designed to triage and table copyright protection, commercialization, and enforcement. The clinic will be equipped with consultants on the legal regime of copyright, artists from different fields and regulators.

Convener's profile

KTA Advocates (Formerly Karuhanga Tabaro & Associates) is a specialized IFLR recommended law firm focusing on technology, media, telecommunications, intellectual property & construction law. We advise clients on the financing, exploitation, and protection of their creative and commercial assets in these sectors. Alongside its special commercial expertise, the firm's team of 15 specialized attorneys provides full legal service across various sectors like corporate governance, project finance, international trade, dispute resolution & arbitration, tax finance, civil & commercial litigation, employment, and real estate & property.

KTA has been shortlisted and acknowledged by leading global industry executives for its excellence in global legal practice, emerging as the Intellectual Property Firm of the Year at the 2019 Africa Legal Awards with Edwin Tabaro and Kenneth Muhangi emerging as the WTR1000 leading Intellectual Property Practitioners, 2019-2020 and most recently, in a 2021 WTR1000 alert; including Edgar Tabaro; as leading professionals in the field of intellectual property in Uganda.

KTA Advocates advised on the protection and registration of Janzi, a music instrument with two scales that was invented as an improvement of the local Adungu musical instrument. Through this and more, our goal is to support the actualization of the treasure which is intellectual property.

Objectives

The Clinic is aimed at;
Sensitizing artists about copyright.
Promoting the commercialization of copyright.
Understanding the basics of entertainment contracts.
Enforcement of copyright.

Justification

"All Ugandan websites that upload Ugandan music and do not pay money to the artists please remove all my music on your platform when you see this tweet. #RemoveAllMyMusic - @lamApass A Pass Bagonza."

Every artist is entitled to different rights from their creations and one of these is

the economic right to earn from their creations. Technology is a driving force in making this possible despite also providing platforms for its abuse. The abuse may stem from ignorance and the best way to fight this is to know more and learn how or where to go to protect the right but most importantly, how to make sure one earns from this. The pandemic has presented many challenges but the legal regime is also taking strides and the Security in Moveable Property Act can be leveraged to promote commercialization of copyright among other intellectual property.

Format of the clinic

The structure is akin to a medical clinic and being the first of its kind, will consider the many common issues as observed from social media regarding copyright, as the diagnosis. These will then be triaged with a focus on the protection and commercialization of copyright #artbuttersmybread with specific attention to using art as security for financial access through the Security in Moveable Property Act, 2019. One critical case to be discovered will be admitted for further attention and the event will conclude with a discharge tool kit on the knowledge of copyright.

The attendants of the clinic will include artists, an officer from Uganda Registration Services Bureau (SIMPO & IP), lawyers in the Intellectual Property field and other persons from the relevant field.

The clinic will be virtually hosted by KTA Advocates, Plot 4 Hannington Road, 3rd Floor on 8th and 9th July, 2021 starting at 9:00 am to 12:00 pm each day.

Topics

The clinic will focus on the following;

1. What is copyright and what is protectable?
2. How can I earn from my art?
3. What is SIMPO?
4. Enforcement of copyright

List of Speakers

1. Kenneth Muhangi – Managing Partner, KTA Advocates.
2. Asmahaney Saad - Partner KTA Advocates
3. Edwin Tabaro – Partner, KTA Advocates
4. Bonita Mulelengi – Senior Associate, KTA Advocates
5. Judith Kagere – Associate, KTA Advocates
6. Dr. Kakooza Anthony – Partner at Byenkya, Kihika & Co Advocates.
7. Kajubi Brian- Associate Nangwala, Rezida & Co. Advocates
8. Yvonne Atwiine – Chattels Registry URSB
9. Sarah Rukundo – Registrar IP registry
10. David Tayebwa – Director of Publishing and Royalties Management of Voices and Beats Records
11. Isabel Twongirye – Lawyer/Artist
12. Peter Kagayi – Artist
13. Ssewa Ssewa – Artist
14. Immaculate Juma – Lawyer/Artist
15. P Funk Majani – CEO Bongo Records Limited
16. Sam Tebandeka – CEO Kiasi Productions

Programme

Day 1	
9:00am – 9:15am	Opening Remarks and official opening by Asmahaney Saad - Partner KTA Advocates
9:15am - 9:25am	Introductions (Speaker profiles)
9:25am – 10:00am	Basics of what copyright is and what is protectable – Kenneth Muhangi
10:00am – 10:15am	BREAK
10:15am – 10:40am	Copyright registration at URSB. What do I need to register my copyright? – Sarah Rukundo – IP Registry URSB
10:40am – 11:40am	<p>Panel discussion Topic: #artbuttersmybread This panel will explore how to earn from your creations under copyright, the basics of the relevant contracts and relations to enable commercialization their art. A few questions will be permitted.</p> <p>Chair - Judith Kagere- KTA Advocates</p> <p>Panelists</p> <ol style="list-style-type: none"> 1. Brian Kajubi – IP Practitioner 2. David Tayebwa – Director of Publishing and Royalties Management of Voices and Beats Records 3. Samuel Tebandeke – CEO Kiasi Productions 4. Peter Kagayi - Artist
11:40am – 12:00am	Closing remarks - Bonita Mulelengi - KTA Advocates

Day 2	
9:00am – 10:00am	My copyright as financial security – Yvonne Atwiine – SIMPO A few questions will be permitted.
10:00am – 11:00pm	<p>Panel discussion Topic: My experience with copyright This panel will consist of different kinds of artist sharing about their experience of copyright and art while highlighting key challenges. Chair – Isabel Twongirye</p> <ol style="list-style-type: none"> 1. P Funk Majani 2. Immaculate Juma 3. Ssewa Ssewa
11:00am - 11:15am	BREAK
11:15am - 11:50am	Enforcement of copyright – Dr. Kakooza Anthony – Partner Byenkya, Kihika & Co Advocates A few relevant questions will be permitted.
11:50am - 12:00pm	Closing remarks by Kenneth Muhangi - Managing Partner KTA Advocates

