

UNDERSTANDING COPYRIGHT

The Legal Rhythm Behind
Every Creative Beat

APRIL 26 WORLD
INTELLECTUAL
PROPERTY DAY 2025

**FEEL THE
BEAT
OF IP**



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In the heart of Kampala, a young Afro-fusion producer named WEB drops a viral track. It dominates radio airwaves, gets remixed by DJs, and goes viral on TikTok across Africa. But before WEB can fully enjoy his moment, he notices his track being used commercially without permission and without credit. Sound familiar?

Welcome to the world of copyright, a critical branch of intellectual property law that protects original creative works and empowers their creators.

Copyright refers to a bundle of exclusive legal rights granted to the creators of original literary, scientific and artistic works. In Uganda, these rights are governed by the Copyright and Neighbouring Rights Act, Cap. 222 and its accompanying regulations.

At its core, copyright law seeks to strike a balance; encouraging creativity and innovation by granting creatives rights over their work by permitting them control over how its used, distributed and monetized, while also ensuring public access to knowledge and culture through a limitation of the those rights both in time and scope.

Copyright ownership can rest with a variety of industry players, including;

- Individual creators (e.g., authors, musicians, artists)
- Companies (especially where works are created in the course of employment)
- Joint authors (e.g., a lyricist and a composer collaborating on a song)

Copyright protects several works, such as; Literary works (books, poems, scripts), Artistic works (paintings, drawings, photography), Musical compositions and recordings, Audiovisual creations (films, documentaries) and Derivative works (adaptations, translations, etc.).

The key requirement is originality. The work must be the result of independent creative effort.

Idea vs. Expression: A Crucial Distinction

A foundational principle of copyright law is the idea-expression dichotomy.

Put simply, ideas are free; it is the expression of those ideas that is protected by law.

Take the example of music producer WEB. His idea to fuse certain beats or styles isn't protected by copyright, anyone is free to experiment with similar concepts. What is protected, however, is his final recorded track – the specific arrangement of sounds, lyrics, and production choices that bring his idea to life.

By protecting expression but leaving ideas in the public domain, copyright law strikes a balance. It rewards creativity while preventing the monopolisation of ideas. This balance keeps culture open, dynamic and continuously evolving with a creatively thriving society.

Economic and Moral Rights: Protecting Both Value and Voice

Copyright protection does more than just secure ownership. It safeguards both the economic value of creative works and the personal connection between creators and their creations.

In essence, copyright gives creators two primary sets of rights:

• Economic Rights

These allow creators to commercially benefit from their work by selling, licensing, performing, reproducing, adapting, or broadcasting it. In Uganda, these rights are protected for the lifetime of the author plus 50 years after their death. In cases of joint authorship, protection lasts for 50 years after the death of the last surviving author. Importantly, these rights are transferrable, meaning creators can assign or license them to others for commercial gain.

• Moral Rights

Moral rights, on the other hand, go beyond commercial considerations. They protect the creators's personal and reputational connection to their work. They include the right to be recognised and credited as the author of the work and the right to object to any distortion, mutilation, or misuse of the work that could harm the creator's reputation or misrepresent their intention.

Unlike economic rights, moral rights are non transferable. They reflect the idea that a creator's work carries a piece of their identity, personality and dignity, something that cannot simply be bought or sold.

Together, economic and moral rights form the dual pillars of copyright protection; securing both the creator's livelihood and their legacy.

Understanding Neighbouring (related) rights

While copyright primarily protects the original creators of a work such as composers and lyricist, neighbouring rights (also known as related rights) extend protection to those who contribute significantly to the performance, production and dissemination of that work. Neighbouring rights recognise that creativity is rarely a solo effort. They ensure that contributors beyond the original author also receive recognition and economic benefit for their role in bringing creative works to audiences.

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Who holds Neighbouring Rights?

Let's return to our earlier examples of the music producer WEB. Once his song is written, performed, recorded and shared with the world, various other parties become rights holders, each with specific legal entitlements. Here is a closer look;

1. Performers

These are the singers, instrumentalists, dancers and actors who bring creative works to life. Neighbouring rights will grant performers the ability to:

- authorise the fixation (recording) of their live performances.
- control reproduction, distribution and public performance of those recordings.

2. Producers

These are the singers, instrumentalists, dancers and actors who bring creative works to life. Neighbouring rights will grant performers the ability to:

- authorise the fixation (recording) of their live performances.
- control reproduction, distribution and public performance of those recordings.

This ensures that producers are compensated for the their financial and creative investment in bringing musical work to the market.

3. Broadcasters

Radio and television broadcasters play a key role in transmitting creative content to the public. Their rights stem from their efforts to assemble, schedule and transmit programming. Their neighbouring rights give them control over their broadcast signal and their authorisation and prohibition of retransmission, rebroadcasting or recording of their content. These rights safeguard the value of a broadcaster's signal, programming schedules and investment in content curation.

4. Directors

In audiovisual works, such as films, TV shows or music videos, directors contribute critical creative vision and coordination. Neighbouring rights entitle them to credit as directors wherever the work is used or distributed and have their name associated with the work in all forms of broadcast or communication to the public.

This recognition preserves the integrity of their creative contribution.

Duration of the Protection

In Uganda, neighboring rights are protected for 50 years from the date of the relevant performance, recording or broadcast, in line with international standards.

Why does it matter?

By understanding these layers of protection, creators and collaborators alike are empowered to better navigate ownership, licensing and compensation more effectively within the creative industries. Whether you're in front of the microphone, behind the camera or at the mixing desk, your role matters and the law recognises it.

Additionally, entering into clear contracts for publishing, licensing, broadcasting or public performance is essential. These agreements help prevent disputes and ensure all parties understand their rights and revenue entitlements.

Whether you're a songwriter, screenwriter, sculptor or digital artist, understanding your copyright is non-negotiable. It is the legal rhythm behind every beat, brushstroke, script or dance routine.

This World IP Month, we celebrate creators like WEB and reaffirm the importance of legal protections that help amplify their voices reward their talent and ensure their work is respected.

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