

THEME: STRATEGIC ALLIANCE AS A MOTIVATING FACTOR FOR AUTHORSHIP

UTANA Chairman's Welcome Message/Prof. Elisam Magara



Prof. Elisam Magara

One of the overarching Sustainable Development Goals (SDGs) on Education, 2030 is to ensure inclusive, equitable quality education to promote lifelong learning opportunities for all through building “essential life skills” among the population. To achieve this goal, one of the essential skills needed is ability to write and author books. Needless to say, books are basic inputs to learners and learning process for community transformation. Since 1986, the Government of Uganda has taken keen interest in building the human capacity among her population in the process of transforming the nation’s organisational ability. This is exhibited right from the Government White Paper on education, 1992 that acknowledged the importance of textbooks and the emergence of local publishing industry where private publishers engage in publishing and supply of school based books with exhibited local authorship.

Authorship is one of the greatest facets of development that requires capacity building given the many challenges the sector has suffered. These challenges include unregulated book industry, uncontrolled reprographic services, inappropriate access to books and libraries by the population, and poor learner/book ratio, the existence of questionable quality and counterfeits on the market, and piracy issues, reliance on user pamphlets and plagiarised works. Therefore, as Uganda embarks on a major transformation with a vision of moving from a peasant society to modern and prosperous country by 2040, the stakeholders require strategic commitments to support socio-economic development in the country. In Issue One of the

Author Voice, you were exposed to the steadfast journey of UTANA and its leadership, its support for authors, and challenges exhibited in the industry. In Issue 2, updates on important aspect dialogue on strategic alliance as a mitigating factor of authorship are emphasised.

Editorial



Tabingwa Joyce

The situation of authors and publishers in Uganda was already tough long before COVID-19 struck. Authors had piles of unpublished manuscripts in their drawers gathering dust because publishers lacked resources to turn them into books. The few who got published were lucky to have some money to co-sponsor the expensive production process. But even then they still faced the up-hill tasks of finding buyers for their books largely because of the chronic poor reading culture in the country and low incomes in the population. When the COVID-19 pandemic sub-merged the whole planet forcing governments to impose strict lock downs, the situation became unbearable everywhere. Bookshops, libraries, publishing houses, schools, colleges and universities were closed indefinitely—thus blocking the few avenues previously available to authors to sell their works. But even before they were closed, universities, colleges, school, and libraries were freely photocopying authors’ works under the cover of fair use doctrine. Apart from that, there is rampant plagiarism and piracy with impunity. So authors were not reaping from the sweat of their brow. How could this plunder of authors’ Intellectual Property be mitigated? In this Issue of the Authors Voice, we provide detailed proceedings of the stakeholders’ expectations on Strategic Alliance as a mitigating factor for authorship.

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SECTION ONE

STRATEGIC ALLIANCE AS A MITIGATING FACTOR FOR AUTHORSHIP: DURING AND POST COVID-19

CONFERENCE PROCEEDINGS

As one of its strategies to mitigate the effects of the COVID-19 pandemic on authors, UTANA held an online conference entitled “Strategic Alliance as a Mitigating factor for Authorship: During and Post COVID-19”, on July 2, 2020 at 11:00 a.m. The following are the proceedings of that conference:

Opening Remarks from Moderator, Prof. Elisam Magara, Chairman UTANA

UTANA is “a member driven association upholding and enhancing the profile, status and rights of academic and Non Fiction Authors.”, which was registered in 2013. UTANA’s mission is “to promote the rights of academic and nonfiction authors”. Whereas the focus of the meeting was meant to address the already planned intervention on feasibility of a collecting society, the talk attempted to focus at “during and post Covid.” For each participant, ample time was allowed to provide views about strategic alliance as a mitigating factor for Authorship. This was followed by questions and answers session, by allowing the audience to participate and ask questions, which were answered by the panelists accordingly.

As a Moderator, Elisam explained that UTANA’s role is to promote authors works, what authors are doing but also support authors efforts in the publication pro-

cess. The discussion focused on “*Strategic Alliance as a mitigating Factor for Authorship during and post Covid-19*”. What is the problem?, he asked. In short, the book industry in Uganda, and in particular, authors have for a long time relied on publishing of books and payments through book sales and royalties and supported occasions like book distribution and book readings that help them to earn a living. Schools are now closed, universities, bookshops and book stores and publishing firms have also been closed for some time. Some of them are working online thus the level of earning by the authors, printers, publishers, book sellers and the whole book chain seem to be minimal. In addition, notwithstanding embracing digital library in academic institutions and electronic publishing and digital book stores, most of the books cannot be accessed. That’s where we need to focus, so what is the way forward? Prof. Elisam Magara challenged the audience.

According to Prof. Magara, the major purpose of writing or authoring anything is for the work to be shared but if the books are stranded in the book stores or are kept in the libraries which cannot be accessed now, then there is a question that, “we the public must answer: how best can those books be accessed by the public despite the environment that we are in?”. We need to take note that when you are writing a book, this book is no longer yours, it is a public good, it’s not like posho that you are going to eat. No, it is not for you, because for you the knowledge is in your head, so the knowledge must be shared. Therefore, all of us have an obligation to take interest in and protect books, or the works that have been authored by Ugandans, and by people outside for the purpose they are intended. But how best can these books be used?, Elisam asked. We need to look at different models that have been used elsewhere to support the publishing, book selling and authorship (in other words, the author must be facilitated). How can we ensure that these books are not stranded in the bookshop? Our interest is for books to be used and for authors to earn money. There is no option, other than providing best strategy for the books to go to the public, he said.

Globally, there are a number of ways instituted to support authors including collecting societies, which is the main target in this seminar. Others include public lending through public libraries, investment clubs, capital development through government incentive schemes,

research and development and provision of competitive grant schemes. This is an opportune time for Ugandans to join efforts together and see how such opportunities can benefit the Ugandan book industry. For example, supported grants enable the public have access to funds to write books despite the current tough environment. Others are capacity incentives/Capital incentives to publishers, support book distribution, etc. All these schemes exist but books are still not accessed. Such schemes, therefore, require guided strategic directions. That's why we are here.

There are 3 questions that we are going to answer.

1. What are the perceived strengths and weaknesses of the strategic alliance? How can we work together, where are we working together, where is each of the sectors supporting each other?
2. What support avenues are available that we can take advantage of and what do we see as the feature or the priority areas where we need partnership as authors, publishers, book sellers and a whole book sector chain?
3. What do we envisage as priority development programmes and partnerships to strengthen the book industry in Uganda, especially in mitigating effects of the COVID-19 pandemic?

Topics of discussion and Speakers:

- a) **General Landscape of the book sector in Uganda/Martin Okia, Chairman Book Trust of Uganda/Mr. Martin Okia, Chairman National Book Trust of Uganda and Chairman Uganda Reproduction Rights Organisation (URRO)**
- b) **The Role the Bookshop Chain and Strategic Alliances in the Book Sector/Ms. Florence Lusiba, Marketing Manager, Gustro Uganda LTD**
- c) **Authors Standing in Strategic Partnerships with the Collective Management Organisation/Mr. Charles Batambuze, Executive Director, Uganda Reproduction Rights Organisation (URRO)**
- d) **Challenges and Opportunities of Collective Management of Reprographic Rights in Uganda/Ms. Gertrude Kayaga-Mulindwa, Former Director, National Library of Uganda**

[Full Individual papers presented at the conference appear in Section Two]

Discussions on Effects of COVID-19 on Authorship

There was a need to clarify on the issues of expensive processes of writing books, lack of publishers and challenged authors (Gideon). How to help small bookshops in this Covid 19 pandemic? (Shaban). When and how booksellers in Uganda invest in E-book business like Amazon?, the global pandemic and lockdown has facilitated online business calling for open distance and e-learning approach (from Canon Ebong). How do we protect E-books publishing and what strategy is there to improve on the reading culture among the young people especially for non-academic literature". A teacher as a gate keeper and part of the book industry as a creator of knowledge and consumer of knowledge. The Government programme of home schooling and other things it has been posting. The other issue of concern was whether libraries with the use of social distancing could be considered as one of the essential services. Where do libraries fall, if people can buy goods from the supermarkets and go and eat and the books are in bookshops? Right from the beginning, she needs to give what kind of model will leave libraries as essential services and within the social distancing, how do we bridge that gap? My major question which I wanted to come from the education side is, "where do we see the future of the book? Using Mathematics here, we have a teacher as a generator and the consumer of knowledge. We have an author, I see a teacher plus author plus publisher plus book seller plus user plus libraries plus communities now parents plus the government. How do we make it an alliance, the best alliance that will make sure that when the author generates a book, it's easily consumed by the network? What can bring the networks of authors together? That is the general question that we can think about. So with that, let us now go to the discussions. To expound on the question on what are the perceived strengths and weaknesses from the sector, we are rich in terms of the networks, the structures we have but how can we bring that network to be useful to every member of the book sector?, then what would you suggest as supportive avenues or areas of strategy for building a sustainable book sector, and what envisages as priority development programs? How easily can that opportunity be tapped?

Observations

The discussion was guided by the individual presentations, observations made by the moderator and questions and answer sessions. In terms of book distribution, the discussion stressed a very important point about strategic alliance for booksellers' togetherness, and integration of book clubs in COVID period, and utilizing the different distribution channels, like book shops, supermarkets, book stores to ensure people get things/items in their homes. The question was, "how best can we try that model of using motorcycles and other networks that can take books to the person who needs them?"

To publishers, there was expressed need of taking advantage of E-books, government incentives and grants and support. The question of "what is the best strategic alliance model of financing of the sector and strategy of publisher's easy penetration to take advantage of the opportunities?", required exploration. In the perspective of collective management, there was a need to understand the concept of reproduction rights, how it is fairing, and how does URRO fit in the Uganda economy. The discussions on collective management also as expressed by publishers also focused on E-books and how the reproduction rights organization are going to handle it in the COVID period. How can URRO as an umbrella organization play a role in strategic alliance to utilize all the sectors of the economy, all the facilities we have from the schools to rights holders to make sure that they help in the collective management?

According to Martin, the common comment by authors is about publishers' unwillingness to publish their books. To him, it is about policies regarding evaluation criteria, viability and availability of market. To Martin, publishing is a very expensive and risky business, a reason that explains why Africans took long to venture into publishing. Publishing was a business for multinationals, a business that requires risk taking, and both capital and labor intensive. It is also the higher expectations among the authors in terms of market and value that cause such complaints. The need for a book policy to re-address all our educational books to ensure that students are reading and creating market is urgently required.

Publishers would enter a strategic partnership with the Ministry of Education and Sports for e-books. In post Covid, exploring online with viable book poli-

cies to develop and market E-books is the best option. Whereas it looks that publishers already have materials and are scanning them all in copies to online formats for people to start buying them looks easy and possible, but there are a lot of things that need to be studied. This works well with the use of e-clubs to enable parents and children read together. The book club is a model that seems to be very simple. However, it requires creating a reading culture among the population. Currently, students at home have WhatsApp groups and this is how teachers are conveying the information that they need. As bookshops, there is need to make alliances with those teachers and a need to promote reading as teachers are the gate keepers.

It is clear that the results of the study indicate that the coming of URRO was beneficial. In particular, its associations with Uganda Registration Services Bureau has promoted the clear understanding of Intellectual Property Policy. URRO has provided a bridge as it gives regular updates to organisations and members regarding copyright issues. The awareness campaign through seminars and on WhatsApp groups and continuous interaction with other associations, has provided increased awareness on the rights to be protected. Nevertheless, URRO has not succeeded in its main mandate of collective management, e.g. issuance of licenses to institutions such as universities. The other challenge is that authors are recruited directly on to the board other than going through the Associations, a position that puts URRO at odds with the organizations it represents; a major drawback that has led to cold feet for the would be members to join. According to Gertrude, URRO would only be sustained if authors became members of the Rights holder organisations rather than recruiting individual authors. There was also observed absence of any MOU signed with member organization, thus a kind of informality in relationship regarding the member organizations.

In the presence of the Covid-19 pandemic, a curriculum to be completed requires to encourage children to have time to read. It was noted that currently, the National Library of Uganda collaborates with the world reader where the world reader is providing E-books and these are being used by children in different Libraries, so it is already happening. Gertrude remembers this project started when she was still at the National Library, and is quoted saying, "they wanted to include as many Ugandan books as possible but authors

were not sure whether they wanted their books online because they were not sure of how they were going to gain from that but I think what we need is somebody to explain to everybody and they get to know how they can get their books online.” A mutual strategic alliance of stakeholders with NLU was mooted. In addition, a collaboration of the National library and the URSB is necessary in registering the publications on market. Accordingly, the NLU registers and issues the ISBNs and when an author wants copyright he/she registers with URSB. How can this be strengthened?. Having discussions and the conversation about this is required, an opportunity to bring together Publisher’s Association, UTANA, NLU and URSB.

Recommendations and Way Forward

In Post COVID, things are not going to be the same,

- We need to think outside the box and see how we can push our industry using each other’s potential?. I know that we can push this industry, because we have all the people there.
- Work together - we need to develop alliances in order to support each other especially the key stakeholders in the book chain that is, we can work to make sure that everybody in the chain has got something, can get something to move on and each one of us has an association where we belong such that we move for a financial institution.
- Like opportunities for Agriculture, manufacturing, this is a time for publishers to come up for justified support for the publishing industry.
- Some of the audience pledged as writers to help in marketing books but the problem is publishers fail to give you rights to advertise.
- There is a need to think beyond current operations and take advantage of benefits of working together as many of the works are to be collaborated on with sustainable efforts.
- Martin Okia pledged as chair of NABOTU to address concerns that were raised. NABOTU is an umbrella body of all the other stakeholder associations, and as NABOTU, the post Covid or during Covid seminar has become one of the brainstorming ways forward. A number of issues have been raised including challenges which we really think

we now have to find a different workshop to help generate a number of solutions.

- Martin appreciated the fact that the seminar has opened their eyes especially on the issue of strategic alliances, with both private and government sector and across the board.

There is a need to position ourselves in line with government institutions and their goals including the Ministry of Trade, (especially Chamber of Commerce), Ministry of Gender, Labor and Social Development and Ministry of Education and Sports.

SECTION TWO: PAPERS PRESENTED AT THE THE ONLINE CONFERENCE ENTITLED “STRATEGIC ALLIANCE AS A MITIGATING FACTOR FOR AUTHORSHIP: DURING AND POST COVID-19”, ON JULY 2, 2020

General Landscape of the book sector in Uganda/ Martin Okia, Chairman Book Trust of Uganda

On July 2, 2020, Mr. Martin Okia, representing publishers and National Book Trust of Uganda presented a paper on the General Landscape of the book sector. He focused on commercial publishers and other key stakeholders in the book chain such as Authors, publishers, printers, bookshops, libraries and schools.



He also looked at district agencies and other collaborators like the National Curriculum Development Centre and other relevant government departments. Emphasis in the presentation was on the book chain and book centres in Uganda.

Publishers are very key to the book sector as they in most cases coordinate most of the works. They work very keenly with other stake holders like authors as well as printers to bring out the book. After that, they go to the consumers/end users especially the bookshops who need their products and work with them closely. They also work closely with libraries, schools, institutions, NGOs and government agencies. Uganda has had one of the poorest book industries after decades of political turmoil during which aspect of the book sector was almost broken. The country faced many challenges before NRM government came into power in 1986 with

new policies. With the policy of liberalization the NRM government encouraged the private sector. So, key book sector players, came up with an association called Uganda Publishers and Book Sellers Association (UPABA) to fight for their rights and a space in the book industry. From 1998 to 1999, the '*National Textbook Policy*' opened up space for all the key stakeholders that brought on board the local publishers. This saw the emergence of local authors writing books, local printers came on board, bookshops emerged and libraries started stocking local contents and locally published books.

The emergence of key organizations playing their key roles followed suit. Some of these organisations included the National Book Trust of Uganda (NABOTU), Uganda Publishers Association (UPA), the Uganda Book Sellers Association, the Printers Association, the Uganda Children Writers and Illustrators Association (UCWIA), the Uganda Reproduction Rights Organization (URRO) and Uganda Textbook Academic and Non-Fiction Authors Association (UTANA). These have played a very key role in the development of our book industry. The emergence, existence and development of these organizations deserve credit because of the key role played in the development of the industry. Two core government agencies--The National Curriculum Development Centre (NCDC) and the Instructional Materials Unit (IMU) played a special role in the industry. For instance, IMU came up as a result of advocacy for opening up space for the National Textbook Policy to provide a one stop center/a department/Unit as a focal point for publishers' access to views, and information to connect with the government through the Ministry of Education and Sports, a key role they have played.

The Character of Local Publishing industries:

Most of the publishers involve themselves in educational textbooks and in publishing textbooks and hence their biggest markets are schools and higher institutions of learning. So the Government is one of the biggest buyers/market. Therefore when schools close, it has consequences on the market. There are few players in journals or scholarly works because there are low sales in that area, reflected by little attention in investment. Low book sales in Uganda is a reflection of poor reading culture and low income levels in the country, few people tend to buy books as priorities. Bookshops

them are found in major towns or cities. In other towns stationery shops act as bookshops.

In terms of the printing sector, the bigger volumes of printing, especially of textbooks is externally sourced, mostly in Asia because of low local printing capacity. In Uganda, most of the input materials are imported, and thus resulting into high, non-competitive prices compared to the external printers. As a result, they don't easily attract funding, and rarely rely on tenders because of the nature of business. In most cases the financial institutions find it difficult to fund publishing firms, with exception of those entering the Government book tender competitive business.

The Impact of Covid-19 to the Publishers

The major source of Revenue of publishers is the sales of books to schools, colleges, universities, Bookshops, libraries and then NGOs. During the Lockdown, the first areas/institutions to be closed were schools that was a big blow to publishers as the main revenue was closed up. The bookshops are also not operating to full capacity because they also depend on schools, so the publishers are totally not making any sales, and here they have been confronted with the struggle of surviving. They have operational costs, rent to cater for, bank loans among others.

The strategic alliance, what do we do?

Publishers are lobbying for government's support as a strategic partner. In this way, they hope to emerge through this dark tunnel. kind of situation, E-learning, E-books are very key during the pandemic period. There is need to enter into good partnership with government. "We can do e-books and start getting money". The opportunity offered by government of putting money in Uganda Development Bank (UDB) can be explored by publishers to get some money to borrow on long and better terms. This would help them do business, cooperate and keep afloat. PPDA should streamline a guideline of the Buy Uganda Build Uganda (BUBU) policy to local publishers. This should also be a lesson that "you can't rely on foreign publishers". They can easily go away and yet "we have to continue providing instructional materials to our Children". So the PPDA should come on board together with the

Ministry of Education to have clear guidelines to help publishers operate and move the industry forward. The Government should also consider waiving off some taxes on books and materials used for printing to develop local capacity in printing. Finally, a scheme of providing Government grants and Capital incentives of all types is an opportunity for the Book Industry to stay afloat and move forward.

The Role the Bookshop Chain and Strategic Alliances in the Book Sector

Florence Lusiba, Marketing Manager of GUSTRO Limited ((She has been working for GUSTRO for 16 years)



Bookshops are an essential service to our society especially now during this Covid-19 period as bookshops continue to facilitate the movement of instructional materials to the children and students. Bookshops are therefore very essential for the following reasons: Bookshops are a one stop centre for all textbooks, readers and dictionaries, Bookshops are supplied with books from many publishers and work closely with each other in the book chain to satisfy the customer. One area of focus of bookshops is on Readers, Novels, African literature, Inspirational books and dictionaries and this plays a big role in increasing the literacy levels in Uganda. For example, GUSTRO specializes in the wholesale and retail of Educational books, and the company wholesales to bookshops in the book chain. The bookshops in turn retail to Nursery, primary and secondary schools and tertiary institutions.

Statistics from the 2015 report issued by UWEZO [a Swahili word meaning 'capability'], a body that collects data in primary and secondary schools, shows that when you consider the social economic status in the East African region, for example in the case of Uganda

and measure how many P.3 to P.7 pupils can read and understand a P.2 English Story, these are the results.

- In private schools, only 60% of the students of P.3 to P.7 can read and understand a P.2 English story.
- In government schools, 49% of the students of P.3 to P.7 can read and understand a P.2 English story.
- In community schools, 45% of the students of P.3 to P.7 can read and understand a P.2 English story.

From the above statistics, readers are very important, and thus children should have access to reading materials. Donors, the Ministry of Education and Sports and other development partners and parents should make reading materials a priority. Other statistics from the Uganda National Examinations Board (UNEB) 2019 report regarding A' level English and Literature state that, 'The English language continues to cause a serious challenge to candidates at all levels of education'. Many of the candidates cannot express themselves especially in questions that require explanation while many others cannot spell basic words correctly (Pamela Mawanda¹, 2019).

This is the reason why bookshops should be given every opportunity to stock enough readers, Novels, African Literature and dictionaries because it is important that these learning materials are brought closer to the user. During the COVID period, bookshops were closed and therefore were not accessible to the population. The purpose of this discussion will help also to promote the readers and dictionaries in English and Local languages.

Strength of the Strategic Alliance in the Book Sector

Strategic alliance starts from the existing relationship between the bookshops and the publishers, where we have agreements signed between publishers and distributors, between distributors and bookshops or between Publishers and bookshops to retail their books.

Publishers work with all bookshops within Kampala and in districts outside Kampala.

1 **English Language A Challenge for Candidates-UNEB,**
<https://ugandaradionetwork.net/story/english-language-a-challenge-for-candidates-uneb>

The Uganda Booksellers Association (UBA) formed in 1998 was meant for lobbying for business from the Government and the government supported the supply of readers to schools between 2002 and 2009 through partnerships with the bookshops. With the increased population of young children and the youth we have in the country, there is a real reason to have that project revived. The UBA association was also meant to improve and maintain the status of the book trade and its relation to other trades, the public and government in terms of its cooperation for mutual benefit with other organizations.

However, when the Ministry of Education and Sports supplementary Readers project ended, the bookshop chain collapsed, since the project did not offer continuous training, to equip bookshops upcountry to become independent. The mission and purpose of UBA is still relevant in terms of supporting the Ministry of Education to achieve its strategic goals.

Priorities during and Post COVID.

There is a need to revive the collaborative support extended by the Ministry of Education in terms of the bookshop chain distribution throughout the country. Gustro has been core to the promotion of book clubs with the use of neighborhood or community based mobile libraries. To manage the requirement of social distancing due to Covid-19 period, we need to make sure that bookshops and books are brought closer to the community.

The question is how does this happen? This requires funding and strategic alliance in the bookshop chain with all the different organizations, including NCDC, Ministry of Education and Sports and local Councils to support Government proposed strategies such as home schooling. Sustainability of this strategy will require a robust bookshop chain.

Authors Standing in Strategic Partnerships with the Collective Management Organisation

By

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What are Collective Management Organisations

(CMOs)?

CMOs are organisations set up by rights holders to act on their behalf to license users of copyright protected works, collect and distribute royalties and contribute to copyright protection. Membership to a CMO is by assignment or mandating. A mandate is understood to mean the authorisation that a rights holder grants to a CMO to act on their behalf. The legislation governing CMOs in Uganda is the Copyright and Neighbouring Rights Act, 2006 and the Copyright and Neighbouring Rights Regulations, 2010. The above legislation is administered by the Uganda Registration Services Bureau (URSB) that in addition licenses and regulates CMOs. In the case of Uganda, there are currently three CMOs that have been licensed for the different fields including: Uganda Reproduction Rights Organisation (URRO) for literary works; Uganda Performing Right Society (UPRS) for Music works and; Uganda Federation of Movie Industry (UFMI) for audio visual works. In addition to mandates by members, CMOs sign bilateral reciprocal agreements with CMOs from other countries. The agreements bring the foreign works held by the foreign CMOs under the control and protection of the Uganda CMOs. Foreign rights holders hence enjoy the same levels of protections for their works that are accorded to local rights holders.

What is URRO?

The Uganda Reproduction Rights Organisation (URRO) was licensed by URSB as a Collecting Society for the literary field in 2014. Membership to URRO is through signing a mandate/ agreement which grants it the right to act on behalf of the rights holders. Members of URRO include fiction and non-fiction writers, publishers, press, photographers, lyricists, editors, and illustrators. URRO is managed by a Board constituted by Copyright owners and a Secretariat headed by an Executive Director.

The current activities of URRO include: Licensing activities of educational institutions that use copyright protected works (negotiations are ongoing to collect royalties from copying of works over and above fair use); Anti-piracy activities to protect the primary markets of books through the use of holograms and enforcement operations in collaboration with the URSB enforcement unit; litigations in criminal court of persons infringing the copyright of URRO members and sensitization of the public about the copyright law.

URRO is a member of the International Federation of Reproduction Rights Organisation (IFRRO) that offer further support in terms of skills training, legal support, negotiations of reciprocal agreements and advocacy.

What are the benefits of Membership to a CMO?

Authors need to be members of URRO in order to benefit from the activities and services as follows:

- a) Receive their share of royalties collected on their behalf from URRO's national licensing activities of rights such as reproduction, digital and others; A CMO is the most effective way of authors reaching out to users that photocopy, scan, download and digitally copy protected works for which they need licenses.
- b) Benefit from royalty repatriations from foreign CMOs which have signed reciprocal agreements with URRO. Foreign CMOs do collect fees from users of works from their countries and are expected to send revenue collected for Ugandan authors to a local CMO.
- c) Make it easy for the URRO to license their works to eliminate illegal unauthorized exploitations that hurt the author's gross revenues.
- d) Make it cheap and convenient for users to get licenses that enable them to legally exploit protected works.
- e) Grow respect for the copyright law
- f) Track authors' contribution to GDP and garner government recognition.
- ii) Reach out to government and its various agencies to create an environment that facilitates the CMO to license, levy fees and collect royalties. To achieve 100% coverage and compliance of the target markets for the CMO licenses, government and its agencies play a very vital facilitative role not only in forming the copyright law and regulation of the CMO but also in collaborative law enforcement.
- iii) Work with the CMO and other rights holders from the different domains to form a strong lobby for the copyright law to tackle issues such as planning for the copyright based sector, responding to planned reviews and amendments of the copyright laws while taking into account the authors exclusive economic rights.
- iv) Work with partners such as the International Federation of Reproduction Rights Organisations (IFRRO), Confederation of Societies of Authors and Composers (CISAC) to fully empower the international lobby for reciprocation of author rights in Economic Partnership Agreements and monitoring international developments in the copyright field especially at World Intellectual Property Organisation (WIPO), The African Regional Intellectual Property Organization (ARIPO), and World Trade Organisation (WTO) to ensure protection of author rights in international treaties, conventions and agreements.

What Kind of strategic alliances are required?

To build successful CMOs, authors need to offer a lot of support through their membership and participation. In addition, build strategic alliances with key actors in the copyright field as follows:

- i) Support the CMO in its licensing work by reaching out to markets that the CMO licenses for example universities, schools and other users of the reproduction, digital and other rights licensed by the CMO to both create awareness for the licensing activities and build confidence in the licensing system.

Collective management of copyright therefore, is a very important activity that enables the author to earn income from the various exploitations of their works. In addition, it enables the creation of an environment of respect for the copyright law which is important for the survival of the primary markets for books and other works. It is therefore in the best interest of authors to provide vital support needed to grow and boost Uganda Reproduction Rights Organisation.

CHALLENGES AND OPPORTUNITIES OF COLLECTIVE MANAGEMENT OF REPROGRAPHIC RIGHTS IN UGANDA

by
Gertrude Kayaga Mulindwa
Former Director
National Library of Uganda



Rightholders of copyright works in Uganda are increasingly aware of the strength that they derive from belonging to associations that have members with similar goals and aspirations. This finding is contained in a report of a study commissioned by Kopinor—Norwegian Reprographic Rights Organisation. The study aimed at assessing the impact of Kopinor support to URRO on the system of collecting royalties from the sale of their works of Uganda Authors. Six stakeholders associations which took part in the study comprised: Uganda Publishers Association (UPA), Uganda Children Writers and Illustrators Association (UCWIA), Uganda Textbook Academic and Non-Fiction Authors Association (UTANA), Uganda Booksellers Association (UBA), Uganda Performing Rights Society (UPRS) and Uganda Women Writers Association (FEMRITE). These stakeholders are key to URRO's role in advocating for protection of copyright.

Protection of copyright

The Uganda Registration Services Bureau (URSB) has among its various functions, the responsibility of registering and protecting copyright. URRO has established a close relationship with URSB to ensure that authors and other artistes register copyright and fight piracy. With support from Kopinor, URRO has carried out trainings and sensitisation workshops and seminars about copyright protection. URSB has created the intellectual property police which has stepped up efforts to fight piracy of copyrighted works. In addition, URRO has used funding received from Kopinor, to establish a system of selling holograms to writers and publishers. These are attached to the books on sale and therefore every legitimately published book carries one and booksellers are required to sell only those books that have these holograms. In this endeavour, URRO works

closely with UBA, which encourages booksellers to acquire holograms and sell only those books with holograms. This activity is increasingly taking hold in the country and is proving to be an effective way of combating piracy of copyrighted works.

Many works of Ugandan and foreign authors have been illegally duplicated and sold as legitimate copies to the public in Uganda. These include books, videos and music among others. Members of the Ugandan public, especially the youth do not seem to be aware of the infringement that they are carrying out on artistes' protected works. There is obviously a strong case for the sensitisation of the public and raids have been made on shops and warehouses in Kampala city and some towns where illegal copies of copyrighted works have been found. The culprits have been arraigned before courts of law.

Collectively managed royalties

The study showed that the system of collecting royalties in Uganda is still in its infancy and there are currently no collectively managed funds received from URRO by the associations. However, there are discussions taking place between URRO and universities, although there is no break-through yet.

The non-financial benefits offered by URRO to associations

URRO has used the support received from Kopinor to carry out awareness campaigns through trainings and conferences for the associations' members. The study showed that through these trainings and conferences, the issue of rights ownership had been brought to the forefront for the authors and artistes. UTANA in particular stated that URRO has invited members to trainings and seminars organised by the URSB. It has also used social media to disseminate information about authors and activities. Sometimes, URRO refers some authors to register with UTANA. FEMRITE indicated that URRO has provided expertise whenever called upon especially during authors' workshops.

Support to associations from other international sources

There has been support received from other organisations to support copyright protection in Uganda. Four

associations indicated that they have received support from other international sources. The UPA received funds from SIDA which supported the book sector in the ten-year period of 1999 to 2009. This support helped to bring the book sector in the East African region together and alliances were made between the various book sector players in the region to sell and buy books across borders and in some cases to co-publish. UCWIA has received support from the International Board on Books for Young People (IBBY) for training of authors. UTANA received support from the Norwegian Association of Non-Fiction Authors and Translators (NFFO) for capacity building, seminars, office support, creation of guidelines and research among others. This has enhanced mentorship and sensitisation of authors country wide. UPRS indicated that they have in the past received support from UNESCO.

Strengths and weaknesses of URRO

URRO has attempted as much as possible to use the support from Kopinor to bring the issue of copyright ownership and royalty collection to the forefront for the writers' associations. The study indicated that the work done by URRO could be greatly enhanced if its strengths continue to be used to empower the associations and its weaknesses are systematically addressed.

The strengths as stated by the associations include:

- Connecting the member associations to the Uganda Registration Services Bureau (URSB), a government institution, which registers copyright and has created a system of following up on any copyright infringement.
- URSB has established a legal framework and network with government institutions through which it supports rights owners to fight piracy. This legal framework has enabled the prosecution of apprehended culprits. This acts as a deterrent for anybody that might be planning to pirate any work.
- Through URRO, rights holders' associations are able to communicate with each other and to cooperate on matters of rights protection such as working towards joint collection of royalties and making raids into businesses that are selling pirated items.

URRO's weaknesses as stated by the associations, are:

- URRO has not been able yet to persuade institutions to agree to licencing. Many institutions, such as universities are resisting licencing.
- URRO's awareness raising campaigns have not reached many for there to be a public awareness about copyright. Many people in Uganda, especially the youth do not realise that it is illegal to copy another person's work without their permission. In many cases, the copying is done for commercial gain.
- URRO tends to recruit authors directly on to its board rather than going through associations, even though those board members are there as representatives of their associations. The status of URRO can only be sustained if it becomes a truly members' organisation to be owned by the right holders' organisations, rather than individual authors that URRO recruits directly.

Although there are weaknesses stated by the various associations, many of those interviewed indicated that Kopinor's support had enabled URRO to help associations to be more informed about their rights and that in addition, the public especially in Kampala is increasingly becoming aware of copyright ownership. However, there is still a lot to be done. Currently URRO has insufficient funding and therefore awareness is mostly concentrated in Kampala whereas awareness campaigns should be conducted throughout the country.

Experience has shown that URRO needs to work very closely with rights holders as it unearths matters that would have gone unnoticed. An example is the URRO supported anti-piracy raids which revealed to the Ministry of Education and Sports that their books were being pirated by Head Teachers in conjunction with sellers on the street.

There was observed need for support in a tailor -made capacity building of URRO with right holders' organisations and with clear support from URSB for developing a sustained collecting management system. The coming together of those organisations would help to develop a strategic and work plan, whereby all would have a shared view of how to proceed. Kopinor could support a joint project for sustainable authorship capacity in Uganda. Activities for each stakeholder would be identified and consolidated into one project plan.

It was also suggested that Kopinor support could go to capacity building, research and development, textbook writing support, write-shop programmes, profiling the literary word, and protection and promotion of collecting society. Stakeholders, like URRO, UTANA, UPA, National Library of Uganda (NLU) and URSB could form the consortium in project development. It was further suggested that Kopinor could also support the creation of writers and readers clubs in schools and in so doing sensitise the students as they become young adults about copyright ownership and the evil of piracy.

Suggestions were also made about how Kopinor could further support authorship and copyright protection in Uganda. These included supporting writers' organisations for residential writing workshops as evidence shows that residential writing workshops are more productive and important in forming more useful networks among writers' communities. Writers also stated that they wish to receive support to more public author readings to build new audiences that will appreciate writers and their work. Further, they wish Kopinor to support networking events that enable writers to travel to other countries in the region to interact with other writers. One important matter that was brought up was the need to separate copyright and intellectual property by law. Some of the associations' members believe that the URSB should not be the copyright office and that copyright and industrial property rights should be separate. URSB has many responsibilities besides copyright legislation and protection and it is spread too thin on the ground and cannot therefore carry its work out thoroughly. This is a matter that can be put forward through URRO. The UPA suggested that the various associations should create a register of all legitimately published titles as is happening in neighboring Kenya. This list could be developed with the cooperation of the National Library of Uganda which is the national legal deposit centre and the International Standard Book Numbering Centre for Uganda. UBA although not a member of URRO, is made up of booksellers in the country who do not entertain piracy, has welcomed the growing awareness of copyright by a steadily increasing number of people.

Conclusion

Kopinor's support to URRO has resulted in the raising of awareness about copyright, not only to rights owners but also with the public and the education institutions.

It has also resulted in the creation of a legal framework which is being used to officially register copyright and to fight piracy. It has further resulted in the closer cooperation within different art forms and between different sections of the cultural sector. Most importantly, it has made everyone to be aware of their common interests. The issue of URRO's sustainability beyond Kopinor's support should be addressed by the member associations. This is why ownership of URRO and the holding of regular meetings is crucial. Working with government agencies that can ensure legitimisation of any actions is also an important factor in maintaining the momentum in copyright protection that has been started. Further, the study and subsequent discussions showed that there is need by the various association members to think about the issue of copyright in the long term. To this end, URRO and its members need to start considering the matter of e-publishing and its implications on copyright. They also need to continue with the efforts of promoting a reading culture among Ugandans. Lastly and perhaps most importantly, Kopinor's support to URRO has galvanized the industry into working towards protecting and gaining from their work. Success may not be immediate, but the will and the energy has lit the fire for cooperation to effectively take place. It has also identified the various possible partners and the synergies available on which to build collective management of rights.

SECTION THREE

STRATEGIC ALLIANCE AS A MITIGATING FACTOR FOR COLLECTIVE MANAGEMENT IN UGANDA

In March, 2020, UTANA commissioned a **Feasibility Study on Sustainable Strategic Alliance on Collective Management in Uganda**. The purpose of the study was to explore a sustainable or feasible strategic alliance between the rights holders, Right-Holders Organisation and Reprographic Rights Organisation (RRO) in this case, URRO. In order to meet the purpose of the study, UTANA through her executive organised a strategic alliance workshop and invited different stakeholders to attend and some to present on the matter of Collective Management. The workshop was held on 11th December 2020 at Ministers Village Hotel, Ntinda Kampala with the theme “*Strategic Alliance as a Mitigating Factor for Authorship*”. The workshop aimed at exploring a feasible strategic alliance of Right-holders’ Organisations (RO) engagement with Reprographic Rights Organisations (RRO)”. The specific objectives included:

- To expose a clear understanding of collective management among the participants.
- To delineate the roles, responsibilities and obligations of authors, right holders organization and reproduction rights organisations in collective management.
- To explore an appropriate strategic alliance model for RO’s engagement with Reprographic Rights Organisations (RRO) of sustainable collective management of secondary rights in Uganda.



In his introductory remarks, Dr. Justus Biryomumeisho, the Deputy Dean Faculty of Business and Development Studies defined strategic alliance as an agreement between two or more organisations depending on their competitiveness and the scope of bargaining power.

He further mentioned that “when you are partnering with somebody, that somebody must be of a competitive nature”. An alliance, he explains, is a partnership between competitive agents not under dogs so that there will be a strength that somebody can be able to learn in order to move forward. He cautioned the stakeholders by emphasizing that strategic alliances

comes about as a result of responding to uncertainties and risks, like aspects of globalisation and complexity of the environment, adding that the situation today associated with COVID-19 pandemic requires us to respond to these uncertainties. He applauded UTANA for organizing the workshop which he hoped would benefit all the participants.

Understanding of Reprographic Rights Organisation (URRO) and Collective Management

Mr. Charles Batambuze one of the presenters at the workshop, shared an understanding of Reprographic Rights Organisation (URRO) and Collective Management with the participants. In his presentation he mentioned that being writers, it is important to understand copyright and its importance as well as the role of reprographic organisations and collective management. Charles added that collective management is about copyright and how writers can benefit from copyright. In Uganda, copyright is protected from the life time of an author plus 50 years after the death of the Author, Charles explained. He further mentioned that copyright protects two rights i.e. moral rights and economic rights. Whereas moral rights is the right for the author to be attributed as the writer of the work, economic rights on the other hand, is the right for the authors of the work to derive a financial reward from the use of their work by others. Once a work has copyright, no one is allowed to reproduce such a work by mechanical, digital or whichever means without authorization from the publisher or author.

He noted that in order to earn from the copyright, Collective Management Organisations have been set up to facilitate a system that enables people pool their rights together and work together to ensure that their rights are professionally managed and also to ensure that they make it easy for people who want to use these works legally to get permissions that they need. “Like its sister collecting societies (UPRS for Musical works, UFMI for Movie works), URRO is licensed to manage secondary uses of Literary works”, Charles emphasized.

Rights Holders and Stakeholders Expectations in collective management by Prof. Elisam Magara

The presentation on expectations of Rights holders and Stakeholders in collective management is based on review of various practices globally on the operations of the Reproduction Rights organisations (RRO) in collective management. The starting point is to understand the needs and expectations of stakeholders and authors for the success of the collective management function.

The rights of the creator are governed by two valid principles: Economic benefit and the Public benefit. In the economic benefit theory, the creator of a work is entitled to earn a living by the application of his talents and reap from the sweat of his labor. Therefore some form of protection must be given to shield him from the vagaries of the market environment. This presupposes the legal ability and capabilities of the creator to determine how his works should be exploited and utilized. On the other hand, the Public benefit theory posits that in spite of the fact that the creation of an author is emanation of his personality, such personality is part of cultural environment or society to which the creator belongs. It is this environment which provides the author with reservoir of knowledge and experience which he uses in his creative endeavors. For these reasons, the products of these creative endeavors should also be made available for the consumption and benefit of society. Nevertheless, there is a need of an assurance to actualize the economic benefit theory by the protection of his works through the instrumentality of a law, the copyright law.

In Uganda stakeholders range from users in different sectors of society including Universities and Colleges and Schools, Government Administration and Sectors, Business and Industry. The target areas are the users of secondary sources which are mostly libraries, archives and other documentation services. It was observed that URRO has done a lot of work in attempting to win the will of stakeholders to accept and have an uptake of collective management. It is a fact, universities, educational institutions, students, teachers, researchers all depend on access to copyright works. And thus good local educational resources are needed, in addition to foreign materials for them to function. Whereas this requires adequate protection of rights, it is also a fact that there is a need to balance it with user needs and the rights of authors and publishers. With increased need of access to and sharing of information, reprographic ser-

vices like photocopying, digitization, and others of secondary use has continued to remain a challenge. It is a fact that collective management aims at granting rights of reprographic reproduction, allowing protected material to be photocopied by institutions such as libraries, public organizations, universities, schools and consumer associations. This premise needs to be addressed based on the landscape of available information access frameworks. Currently libraries and organizations are devoting more attention to system-wide organization of collections like consortia nationally and regionally. Many libraries are beginning to evolve arrangements that facilitate long-term shared management of literature as individual libraries begin to manage down their local capacity. What is then the implication of collective management? Therefore RROs need to be alert of what stakeholders want for the function of collective management to be effective.

Some of the questions asked by libraries and universities about RRO ownership and structural arrangements of the RRO with regards to stakeholders' participation is also very crucial. Some questions that have been asked globally by various stakeholders are: Under what legal authority is the RRO established e.g. by law, a limited company? Who owns the RRO and which national right holders does it represent? Does it represent foreign rights holders through bilateral agreements with other RROs? Where do the licence fees go, how much is distributed to rights holders (national and foreign), what happens to monies that cannot be distributed because the rights holders cannot be located, what are the administrative costs? etc. In addition, libraries also look for library services that involve copyright protected content, and how services fit within national copyright law and/or licences already held by the library, such as for e-resources. Such questions need to be clear to enable stakeholders to benefit from the collective management.

On the part of rights holders, building of relationships among authors and publishers and their associations is only guaranteed with sufficient representation as a prerequisite for an effective RRO operation. There would be wide participation of rights holders in the works of an RRO. So, the success of RROs is based on a smooth relationship between authors and publishers, both groups being aware of the importance of joint action – collective management of reprography. Where-

as a number of writers' society associations (UTANA, FEMRITE, Fiction writers, Children writers, etc.) are organized separately, but when it comes to matters of common interest and concerns, like standard contracts, public lending rights, state grants and photocopying agreements (collective management), a concerted effort is needed. This is the reason various stakeholders were invited to that meeting.

It is important to focus on creating, building and maintaining confidence in the RRO and in the collective management of copyright. In addition, the success of collective management depends on nature of the mandates based on rights holders individual, institutions or right holders organizations. IFRRO has provided different models of mandates:

- 1. Individual mandates:** In many countries mandates are given individually from authors and publishers to the RRO.
- 2. Mandates through authors' and publishers' organisations:** Many RROs derive their mandates through authors' and publishers' organisations which are in turn mandated by their members. Participating authors' and publishers' organisations are members of the RRO.
- 3. Combinations – organisations and individuals:** Authors' and publishers' organizations are members of the RRO, but individual rights holders are affiliated to the organisation and have given individual mandates

For the case of Uganda, clarity on the mandates needs to be precise. It is important that all parties involved agree on the degree of commitment required so that expectations of the different partners are aligned.

It is a fact that URRO as provided under CRNR Act and URSB guidelines on collecting society mandates URRO among other organisation to license and handle copyright issues. We need to note that URRO is a limited company like many of the stakeholders and it only relies on license from the URSB. When it comes to guidance on the future of collective management, URSB has got a crucial role. The role of collecting society in relation to collective management, licensing, distribution, governance and networking would be en-

hanced with clear strategic alliance guidelines for effective collective management support. A clear relationship, expectation, and obligations of the RRO, URSB, rights holders and stakeholders is required. However, the involvement of stakeholders to support the RRO is not guided by a sustainable framework in terms of the nature of collaboration, justified role of collecting society, clear identification and contribution of various stakeholders, target audience, beneficiary, both financial and non-financial benefits, and activities required for each stakeholder. Globally, in most of the RROs, the main portfolio of rights is established through member associations and expanded through bilateral agreements with organisations in other countries. It is expected that Mandates from rights holders are procured through the statutes of the member associations. Once you become a member of e.g. a writers' organisation, you allow it to manage your reprographic rights.

Take an example, the Mission of UTANA, which is "To promote the rights of academic and non-fiction authors through advocating for the recognition of their works and protection of their rights, products and services in collaboration and cooperation with all stakeholder". Article 17 (on partnership and collaborations) of its constitution provides that "UTANA shall enter into agreements and contracts for instance with Collecting Societies for partnerships and collaborations in the matter of interest to the members of the Association". Notwithstanding the legal provisions and the individuality that constituted URRO, in the principles of collective management, the idea of recruitment of individual authors as well as the right holders Associations as URRO members requires clarity. UTANA is aware that its obligation "to negotiate and enter into agreements with users on a nonexclusive basis in regard to photocopying or similar reproduction (such as digital copying) of the published works of its members... has the right to transfer the right to negotiate and enter into such agreements to a collective administration society" (IFRRO). So Right holders require a sustainable commitment while engaging with RRO's in the collective Management function.

To enter into such agreement and negotiation, there is a need to create a conducive environment for each to work towards achieving individual identity mandates as well as achieving joint strategic goals. There is a need of *developing an appropriate alliance*

structure, i.e. the position of Right Holders Association in the affairs of RRO: Is it as an agent /member/stakeholder or alliance, a position that need to be clearly defined. Such clarity shall guide roles of RO's contribution to the whole activity of licensing and copyright protection. For example, what are the liabilities of ROs and RRO with regards to mandates? The clarity of position of Right Holders Associations guides the contribution of stakeholders in the whole mission of a collecting society.

Ability to share competences, skills, capacity and knowledge assets to achieve individual and shared mandates is no doubt beneficial. Therefore, forming an alliance is useful to authors, authors association (UTANA), URRO and other stakeholders. What is crucial is that building an alliance among the parties should demonstrate goals and expectations of each party as individuals as well as an alliance, an event that requires guidelines.

Views from stakeholders on possible appropriate strategic alliance model for sustainable collective management

At the end of the workshop, participants were requested to make contributions in line with the theme or purpose of the workshop and forge a way forward. With the major aim "To explore a feasible strategic alliance of Right-holders' Organisations (RO) engagement with Reprographic Rights Organisations (RRO) and other stakeholders. Mr. Godwin Anywar, the Vice Chairman UTANA led this session. The participants views included:



-That sharing of information, collaboration and networking are crucial for any successful collective management. As noted by the Director NLU, Mr. Adonia Katungisa, the basic need of an author requires is to make his publication widely accessed. This is possible by obtaining an ISBN or ISSN provided by the National Library of Uganda. The ISBN/ISSN provides an identity of information, which can be used by URSB with regards to protection of copyright and by RROs in

tracking the usage and infringement in secondary uses of such works. It is also a useful indicator for libraries in accessing international catalogues and databases. Accessing and use of information globally is governed by a number of protocols and professional standards, which RRO should take in considerations. It was thus observed that the issue of fair use in regards to Copyright Protection requires clarity in the move to enforcement of collective management.

- There was thus a need to be clear with how the collective management is treating the fair use, how libraries handle fair use and how easy such provisions are responsive to effecting of charges for copyright within the URRO mandate. According to Batambuze, the issue of fair use is normally the fee to be paid which is less than 10% waiver given for fair use and public benefit works. It was noted that not all government documents are free of copyright, the law specifies which government publications are free of copyright, but for instance, laws are free of copyright, court proceedings are free of copyright. The issue is which works qualify for fair use and are free to the public, like court judgments, laws, etc. an issue that could limit enforcement. The challenge of enforcement is not new in Uganda, exhibited by lack of seriousness and evident of struggle in obeying laws in Uganda, participants observed. Whereas the Government has provided a Special police Unit with trained officers and the Director of Public Prosecution (DPP) has licensed lawyers at URSB as prosecutors, there is a persistent knowledge gap and absence of clarity on collective management among various stakeholders. One such gap was exhibited among universities and libraries that are core in the successful implementation of collective management.

- As noted by Ms. Barbara Alago, representing Consortium of Uganda University Libraries (CUUL), who admitted that CUUL has had a number of meetings with URRO and they had recommendations to them, there are issues not answered yet like which budget URRO expects libraries to use in order to meet the fees being requested for. Nonetheless, there has been an attempt by CUUL leadership and URRO to have meetings with the Vice Chancellors and have made presentations to the Vice Chancellors' forum and URSB was expected to arrange a special training to sensitise universities on the subject. That said, the fee charged and method of fees collection expressed by URRO remains a major challenge

- Representatives of ULIA and CUUL expressed that the amount of money proposed per student (30,000/=) is on a higher end for it doubles the amount of library fees charged in most universities. The other issue that was not clear is where such money is coming from, and who sets that fee and who is responsible for paying such a fee. The Clarification provided by URRO was that the fee is provided for by the Copyright and Neighboring Act Section 42, which limits reuse of one's work without a licence, which responsibility is expected of the Collecting Society. Charles noted that the payment of fees entitle each student to copy 100 pages., the explanation requires more exploration. To majority, the determination of such fees would be statutory guided by Government regulations and instrument.

Participants questioned the role of libraries in monitoring the usage. It was noted that most libraries do not handle photocopying, which is an outsourced service in most universities, therefore making it difficult for libraries to enforce the issue of fair use. Mr. Batambuze explained that, there is always a user agreement available for universities to sign, which entails terms and conditions of the service providers. Such an agreement provides several models that universities can use to ensure that there is monitoring. Mr. Haumba Eric representing ULIA suggested that advanced technology to enable easy monitoring should also be thought about. He added that URRO should understand that there are different business approaches. His concern was how URRO was going to handle this since libraries are not on the same level. Some are public while others are private. He said, there was need to think of policies and negotiations rotating around public institutions.



“Stakeholder representatives attending a collective management workshop”

In addition Gertrude Ssekabira, a member of UTANA and Vice Chairperson of Writers and Authors Investment Club questioned why the computations by URRO are focusing only on universities? She suggested that the focus should be on how we can ensure that the books are not photocopied because one can borrow a book just to read and then photocopies it. Where will the control be?, she asked. In response, Charles clarifies that the focus is not only on universities but wider the market. The URRO's stand is based on limited resources to cover the entire market. To address such challenges requires a strategy and appropriate guidelines for sustainable function. To develop such a strategy, it is important to do a regulatory impact assessment to analyse the stakeholders' expectations, processes and the policy implications. For example, it is important to know the role each stakeholder plays. A strategy to take advantage of existing infrastructure was seen as necessity for sustainable collective management. As noted by the Director of National Library of Uganda “It is not easy for URRO to follow up who is photocopying which book and where...”. For instance, as NLU, “We have the legal deposits, such that when we come up with these policies, you are backed up by statistics”, Adonia commented.

Observations

During the discussions, it was clear that there was no question on the importance of strategic alliance. The focus should be on how to work together as a team each institution or stakeholder playing their role to achieve a common goal. One strategy is for Government through URSB to support policy development and capacity among leaders in libraries, universities to advocate for their mission being promoted. Policy is important for instance you can't start charging without a policy, a reason URRO and other partners should start engaging the policy framework. Whereas there is national IP policy, few universities have corresponding institutional IP policies. Even then few aspects regarding collective management are enlisted therein. It is important for government through URSB to support policy development in universities and other institutions to be able to integrate aspects of collective management accordingly. Professionally, any book has to be identified for it to be used in any library, which would be facilitated with availability of guidelines. For instance, collective

management should link the author with the publisher, legal deposit, and reprographic services. Whereas stakeholders don't expect government to build their institutions, but institutions are built on policies. Developing a policy framework or guidelines for strategic alliance on collective management is a priority.

Indeed, Andrew Kigenyi, Mr. Kigenyi Andrew Wansolo, *State Minister for Culture, Disabled Persons, Antiquities, Social and Clan Affairs* retaliated that such alliance requires two strong people complementing one another. Though economic benefits or public benefits are important and central, the question is "are these authors appreciated?"

Whereas participants appreciated the use of public lending rights as an alternative strategy for reprographic reproduction rights. This however requires a clear a study and a clear policy to appreciate its implication in a developing country like Uganda. A policy developed should benefit many stakeholders. But most importantly it should facilitate the usage of local content. Collective management shall be a way to promote authors and fight against plagiarism, piracy and infringement. Becoming a member of authors society guarantees you to receive the would be benefits of URRO. Charles emphasized that every person who comes to URRO should have an association they subscribe to.

All stakeholders expressed readiness for strategic alliance. For instance, CUUL said, they were ready to collaborate with UTANA. FEMRITE disclosed that over 100 female writers have had cases over copyright, such discussions need to continue and they were banking on the guidance of URRO-UTANA. UCWIA said, emphasis should be put on policy and ULIA emphasized the need to preserve the roles of NLU and expectation of a public library. The most important thing is to ensure effective administration and bringing everybody on board. There was a need to move beyond libraries to involve VCs to cast the net wider. There was also need to ensure effective sharing of author's information between legal deposit centres like NLU, Uganda Management Institute and Makerere University Library. This is because currently, "We don't know who has published, what has been published". The authors should encouraged to ensure legal deposit as required. NLU admitted that issue of accessibility for every Ugandan was paramount. The issues of standardization, policy, legal deposit and ISBN in the whole arrangement of collective

management should make an integral part of the strategic alliance, NLU stated.

Conclusion and Way Forward

Participants observed that collective management is a very important function in supporting the book industry sector. They however noted that whereas URRO is at the apex of collective management function, there was a big gap in terms of its clarity, ownership, representation and involvement of stakeholders. Despite this, stakeholders welcomed the need for strategic alliance wholeheartedly. For this to happen, it requires a linking factor to connect the missions, objectives and expectation of each stakeholder. Absence of strategic alliance guidelines for ensuring collective management support was observed. There must be something to join all stakeholders in a strategic alliance. One such bridge is to oblige the URSB to support developing guidelines to guide the collective management.

It was observed that there were gaps in terms of structure, mandates and relationship between the Reprographic Rights organization, and right holders (publishers and authors) in regards to the roles, rights and obligations, which should be clearly delineated. Such guidelines would define an appropriate structure to ensure that there is effective collective management, define responsibilities and provide policy guideline on collective management. As a way forward, a working team was identified from the participants to guide the process.

It was therefore recommended that to guide on the collective management function of literary works, a stakeholders team be formed to develop joint stakeholders guidelines on the implementation of the function. The stakeholders that attended include: FEMRITE, Uganda Library and Information Association (ULIA), Consortium of Uganda University Libraries (CUUL), Uganda Children Writers and Illustrators Association (UCWIA), National Library of Uganda (NLU), Uganda Textbook Academic and Non-Fiction Authors Association (UTANA) and URRO. The other stakeholders to be included are: Vice Chancellors and Uganda Publishers Association.

SECTION FOUR

UTANA'S INVOLVEMENT IN STRATEGIC ALLIANCE

UTANA Participation in Copyright Related Dialogues

All over the world, Copyright has become an issue of concern when it comes to rights ownership, registration and management of secondary uses. UTANA takes advantages of various stakeholders that are ready to provide knowledge on copyright issues. In the year 2020, UTANA members have gained in the participation of a number of workshops organised by the Uganda Registration Service Bureau (URSB). One of them was a workshop on *“Soaring above the storm: Business continuity during and Post COVID-19 period”* held on 27th May, 2020 from 2 pm. This Workshop provided participants with a variety of services done by URSB ranging from business registration to intellectual property. On the 23rd September 2020, a number of authors participated among other Ugandans and witnessed the launch of the Intellectual Property Policy and Security Interest in Movable Property Registry System (SIMPO). The National Intellectual Property Policy on the other hand is intended to give innovators the full protection of the law through patents, copyright, trademarks etc. This will enable those innovators to earn their rightful recognition and financial returns for their toil and sweat. The Policy does not only cover works of scientists, it also protects the creative works of artists like songs, paintings, literary writings.

A webinar/virtual seminar for the academic authors was also organised by Uganda Registration Service Bureau (URSB) in partnership with International Federation of Reproduction Rights Organisation (IFRRO) on 17th December at 2:00pm. This came in handy because it addressed a number of issues on copyright. The theme of that webinar was *“Copyright, Licencing and Royalties for Universities and Other Tertiary Institutions for Higher Learning”*. The webinar with facilitation/panelists from URSB, URRO and IFRRO highlighted the concept of copyright as one of the branches of Intellectual Property which protects the interests of creators and innovators and gives the exclusive rights of their creations. Emphasis was placed on originality, protection, and rights of the creator, which include financial rewards and exclusive rights (e.g. rights to photocopy,

to reproduce it, to translate, to perform, distribute the works to the public, to broadcast it over the radio stations, televisions, to the internet and the right to sell, in addition to moral rights. Observations from the webinar included:

- a) A need for registration of copyrights and neighboring rights (related rights associated with copyrights) for purpose of showing that you are the owner. The procedure requires that after creating the work, contact is made at the IP offices and the applicant is required to pay an application fee of 50,000/=. URSB is the National Copyright Information Center and is responsible for registrations of copyrights.
- b) The doctrine of fair use exceptions in the law allows the use of works without permission from the copyright owner, which includes the works meant for educational purposes such as teaching, research, and news reporting among others. Private use of the works requires acknowledgement of the author for his/her moral rights. For teaching purposes, this caters for writing reports of current events, visual or casting reporting and works in libraries.
- c) Collective management is beneficial to the right holders as it makes it easy to manage their rights. Whereas IP is a private right, it will not be easy for an individual to go in all stores where their works are sold, thus a need for CMOs to support the right holders to manage their rights. The CMOs reduce the cost and time for rights holders to follow up their works, they monitor usage of works and distribute members' royalties and help to manage infringement and keep members informed in relation to the authors work. It is therefore the responsibility of the rights holder to ensure that their works are protected and registered with URSB. Registration of their works implies that users of their works should first seek for clearance from them for them to benefit from their hand works.

Throughout the discussion, it was noted that cases of copyright disputes between the universities and publishing houses seem to favour photocopies to be made on work from textbooks. Thus, URRO needs to reconcile its position on right holders' expectations and obligations. There is also need to engage many stakeholders to promote the subject of collective management through

developing guidelines to define standards, collection procedures and regulations to facilitate enforcement of fees and licenses in collective management.

Authors Dialogue on NCDC and UNEB Bills 2020

The Government of Uganda is currently reviewing the Uganda National Examinations Board Act of 1983 and the National Curriculum Development Center 1973. On one hand the Object of the Uganda National Examination Board Bill 2020 is “to reform the law to provide for Uganda National Examination Board to regulate and oversee the national examinations Board act with other existing Government laws and policies”. On the other hand, the Object of the NCDC Bill is to amend NCDC Act in relation to the establishment, constitution and functions of the NCDC. The Bill seeks to broaden the representation of the education sector in Curriculum development by including new stakeholders to the governance council of the center. On 28th November 2020 UTANA organised a dialogue on the above proposed bills at Silver Springs Hotel and made observations. In its submission to Clerk to Parliament, UTANA made the following suggestions:

The National Curriculum Development Centre (Amendment) Bill 2020: In Clause 2 (b) (ja), to add, “Textbooks and other” curriculum materials for purposes of clarity and showing the centrality of textbooks in delivering a curriculum. In Clause 3 (x) to include representative of Uganda Publishers Association and add 3 (xvi) for the representative of the Uganda Textbook, Academic and Non-fiction Authors Association, the writers of curriculum materials. Members suggested a new clause to vest powers to the Minister to make regulations that operationalize this Act, “The Minister may, on the recommendation of the National Curriculum Development Centre make regulations generally for the better carrying out of the provisions of this Act”. The Uganda National Examinations Board Bill 2020. Clause 4 (1) (j) members noted that whereas all other functions have clauses that expound on them, this specific sub clause j has no such clauses. Members proposed “to create a new clause on research and publishing to also include: That UNEB registered centres must comply with all laws including IP laws”. The justification is to support local writing and publishing industry.

UGANDA TEXTBOOK ACADEMIC AND NON-FICTION AUTHORS ASSOCIATION (UTANA)

WRITERS-AUTHORS INVESTMENT Club (WAIC)

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