

ACT

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THE COPYRIGHT ACT, 2011

ARRANGEMENT OF SECTIONS

PART I—PRELIMINARY

Section

1. Interpretation.
2. Publication of works.
3. Application of Act.

PART II- COPYRIGHT

4. Works eligible for copyright protection.
5. Copyright by reference to international agreements.
6. Derivative works eligible for copyright.
7. Ideas, concepts excluded from copyright.
8. Vesting of copyright in Government, etc.
9. Expression of folklore protected.
10. Economic rights of authors.
11. Moral rights of authors.
12. Employed authors.
13. Public benefit works.
14. Programme-carrying signals.
15. Original ownership of economic rights.
16. Transfer of rights.
17. Presumption of authorship and of representation of author.
18. Right to claim authorship.
19. Right to share proceeds of sale.
20. Duty of printer and others to keep register.

ii

PART III—DURATION OF COPYRIGHT

21. Duration of copyright, generally.
22. Duration of copyright in bodies corporate.
23. Duration of copyright in audiovisual works.
24. Duration of copyright in programme-carrying signals.
25. Duration of copyright in photographic work.
26. Duration of copyright in folklore.

PART IV – PERMITTED USE OF COPYRIGHT, TRANSFER OF COPYRIGHT AND EPHEMERAL RECORDING

27. Private reproduction for personal purposes.
28. Temporary reproduction.
29. Reproduction in the form of quotation.
30. Reproduction for teaching.
31. Reprographic reproduction by libraries and archives.
32. Reproduction, broadcasting and other communication to the public.
33. Publication of portrait in events of public interest.
34. Reproduction and adoption of computer programmes.
35. Importation for personal purposes.
36. Display of works.
37. Ephemeral recordings.

PART V – PROTECTION OF PERFORMERS, BROADCASTING HOUSES, SOUND RECORDING PRODUCERS AND AUDIOVISUAL PRODUCERS

38. Rights of performers.
39. Performers' rights to contract.
40. Authorisation relating to broadcast.
41. Broadcasting organisations.
42. Limitation on broadcasting rights.
43. Rights of sound-recording producers and producers of audiovisual works.
44. Equitable remuneration for producers and performers.
45. Obligation of producers.
46. Notice of protection or rights of producers.

PART VI – ROYALTIES, PUBLIC DOMAIN AND REGISTRATION

47. Royalties.
48. Public domain.
49. Registration of works.

PART VII – ADMINISTRATION

50. Registrar to administer Act.
51. Functions of Registrar.
52. Power of entry of Registrar.
53. Anti-piracy devices.

PART VIII – COLLECTING SOCIETY OF SIERRALEONE

54. Establishment of Collecting Society of Sierra Leone.
55. Board of Society.
56. Meetings of Board.
57. Disclosure of interest.
58. Transaction of business without meeting.
59. Protection of members.
60. Allowances of members.
61. General Assembly.
62. Executive Secretary of Collecting Society.
63. Other staff of Society.
64. Funds of Society.
65. Accounts and audit.
66. Annual report.
67. Service of documents.
68. Execution of judgment.
69. Representation.
70. Indemnity of employees of Society.

PART IX – INFRINGEMENT AND ENFORCEMENT OF COPYRIGHT

71. Infringement of copyright.
72. Civil remedies.
73. Criminal sanctions.
74. Measures, remedies and sanctions against abuses in respect of technical services.
75. Offence related to folklore.
76. Offence by body of persons.
77. Compensation to victim of offence.
78. Settlement of disputes.
79. Exploitation prejudicial to author.

PART X – MISCELLANEOUS

80. Regulations.
81. Repeal of Act No. 28 of 1965 and savings.

SIGNED this 29th day of July, 2011.

DR. ERNEST BAI KOROMA,
President.



No. 8



2011

THE COPYRIGHT ACT, 2011.

Being an Act to provide for the protection of copyright in Short title.
Sierra Leone and for other related matters.

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ENACTED by the President and Members of Parliament in this present Parliament assembled. Date of commencement.

PART I—PRELIMINARY

1. (1) In this Act unless the context otherwise requires –

“adaptation” means the modification of a pre-existing work from one kind of work to another and consists in altering work within the same kind to make it suitable for different conditions of exploitation, and may also involve altering the composition of the work;

“artistic work” means any of the following works: -

- (a) paintings, drawings, etchings, lithographs, woodcuts, engravings, prints, fashion designs or wood designs;
- (b) photography not comprised in an audiovisual film;
- (c) maps, plans or diagrams;
- (d) sculpture;
- (e) works of architecture in the form of buildings or models; or
- (f) works of applied art, whether handicraft or produced on an industrial scale;

“audiovisual work” means a work that consists of a series of related images which import the impression of motion, with or without accompanying sounds, susceptible of being made audible and where accompanied by sounds, susceptible of being made audible;

“author” means a person who created a work, and includes in the case of –

- (a) broadcast transmitted from within a country, the person by whom the arrangements for the making of the transmission within that country were undertaken;

- (b) an audiovisual work, the person by whom the arrangements for the making of the work were undertaken;

- (c) a sound recording –

- (i) the person by whom the arrangements for the making of the sound recording were made; or

- (ii) of a musical work, the artist in whose name the recording was made,

unless in either case the parties to the making of the sound recording, provide otherwise by contract;

“broadcasting” means the communication of a work, performance or a sound recording to the public by wireless transmission, including transmission by satellite;

“broadcasting organisation” means an authority established under any enactment in Sierra Leone or elsewhere providing broadcasting services for public reception;

“cable programmes” means visual images, sounds or other information sent by means of a telecommunication system, otherwise than by wireless telegraphy, for reception-

- (a) at two or more places (whether for simultaneous reception or at different times) in response to request by different users; or

(b) for presentation to members of the public;

“choreographic work” means a composition of movements for dancing or any other patterned succession of gestures mostly created to accompanying music and includes other forms of dance, whether or not in dramatic form;

“Collecting Society” means the Collecting Society of Sierra Leone established by section 54;

“collective licence” means a licence issued by a collecting society under which copies of a work can be made;

“communication to the public” means the transmission by wire or without wire, of the images or sounds, or both of a work, a performance or a sound recording or broadcast in such a way that the images or sounds can be perceived by persons outside the normal circle of a family and its closest social acquaintances at a place or places so distant from the place where the transmission originates –

- (a) that without the transmission, the images or sounds would not be perceivable;
- (b) irrespective of whether the persons can receive the images or sounds at the same place and time, or at different places or times individually chosen by them;

“computer” means an electronic or similar device having information-processing capabilities;

“computer programmes” means a set of instructions expressed in words, codes, schemes or in any other form, which is capable, when incorporated in a medium that a computer can read, of causing a computer to perform or achieve a particular task or result;

“copy” means a reproduction of a work in a written form, or the form of a recording or film, or in any manner or form, but an object shall not be taken to be a copy of an architectural work unless the object is a building or a model;

“copyright” means an economic right or moral right protected under this Act;

“court” means the Commercial and Admiralty Division of the High Court;

“directive work” means a work resulting from adaptation, translation or other transformation of an original work in so far as it constitutes an independent creation;

“distribution” for the purposes of section 14, means any operation by which programme-carrying signals are transmitted to the general public or any section of it;

“distributor” for the purposes of section 14 means any person who decides that the distribution should take place;

“exclusive licence” means a licence signed by or on behalf of the owner of copyright, authorizing the licensee, to the exclusion of all other persons (including the person granting the licence), to exercise any right which would otherwise be exercised exclusively by the copyright owner;

“expression of folklore” means a group-oriented and tradition-based creation of groups or individuals reflecting the expectation of the community as an adequate expression of its cultural and social identity, its standards and values as transmitted orally, by imitation or by other means, including-

- (a) folktale, folk poetry and folk riddle;

- (b) folk song and instrumental folk music;
- (c) folk dance and folk play; and
- (d) production of folk art, in particular, drawing, painting, carving, sculpture, pottery, terracotta, mosaic, woodwork, metalware, jewelry, handicraft, costume and indigenous textile;

“fixation” means the embodiment of sounds, images or both of the representations from which the sounds, images or images and sounds can be perceived, reproduced or communicated through a device;

“folklore” means the literary, artistic and scientific work belonging to the cultural heritage of Sierra Leone which are created, preserved and developed by ethnic communities of Sierra Leone or by unidentified Sierra Leonean authors;

“infringement” means an act that violates a right protected under this Act;

“licence” means a lawfully granted licence permitting the doing of an act controlled by this Act;

“literary work” includes, irrespective of literacy quality, any of the following :-

- (a) novels, stories or poetical works;
- (b) plays, stage directions, film scenarios or broadcasting scripts;
- (c) textbooks, treaties, histories, biographies, essays or articles;
- (d) choreographic works;

- (e) encyclopedias, dictionaries, directories, time tables, anthologies, databases or compilation of data or other material, whether in machine readable form, which by reason of the selection or arrangement of contents constitutes intellectual creations;
- (f) letters, reports or memoranda;
- (g) law reports, excluding court decisions;
- (h) lectures, addresses or sermons; and
- (i) computer programmes whatever may be the mode or form of expression;

“Minister” means the Minister responsible for trade;

“moral right” means any of the rights mentioned in section 11;

“musical work” includes any musical work, irrespective of its musical quality and words composed for musical accompaniment;

“owner”, in relation to copyright, means the person to whom the copyright in a work belongs and includes the heir of an author or an assignee in whole or in part of a copyright and where –

- (a) the economic right is vested in the author;
- (b) the economic right is originally vested in an individual, other than the author or in a legal entity, it is that person or entity; or
- (c) the ownership of the economic right has been transferred to an individual or legal entity, it is that person or entity;