

COPYRIGHT REGULATIONS, 2010 (L.I. 1962)

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SCHEDULES

COPYRIGHT REGULATIONS, 2010 (L.I. 1962)

IN EXERCISE of the powers conferred on the Minister responsible for Justice by sections 27, 49 and 74 of the Copyright Act, 2005 (Act 690) these Regulations are made this 25th day of January, 2010.

Registration of Copyright and Related Rights

Regulation 1—Application for registration of copyright and related rights

(1) A person who has an interest in

- (a) an artistic work,
- (b) a literary work,
- (c) music,
- (d) a sound recording,
- (e) an audio visual work,
- (f) a choreographic work,
- (g) a computer software,
- (h) a computer programme, or
- (i) a derivative work

may apply to the Copyright Office for the registration of the person's interest in the work.

(2) An application for registration of copyright and related rights shall be made in the form specified in the First Schedule and accompanied with

- (a) a copy of the work for which copyright is to be registered, and
- (b) the prescribed fee.

(3) The application for the registration of copyright may be made by

- (a) an author of a work,
- (b) an authorised agent of the author, or
- (c) a producer or publisher of a work on behalf of the author.

Regulation 2—Deposit of work

(1) An applicant for registration of copyright and related rights shall deposit:

- (a) in the case of published works, two complete copies of the best edition;
- (b) in the case of unpublished works, one copy of the work;

(c) in the case of sound recording or audio-visual works, two complete phonograms of the best edition and any printed or perceptible material published with the phonograms;

(d) in the case of a group of works by an individual which is a contribution to newspapers or periodicals within a twelve month period, one copy of

(i) the entire issue of the newspaper or periodical, or

(ii) the entire section of the newspaper or periodical

in which the contribution was published.

(2) An applicant for registration of copyright or related right in respect of a group of works under subregulation 1 (d) shall in the application identify each work separately by the newspaper or periodical containing the work and the date of first publication.

(3) Despite sub-regulation (1), the Copyright Office may permit an applicant for registration to deposit photographs or illustrations of the work for which copyright or related right is to be registered instead of a copy of the actual work, where the Copyright Administrator reasonably believes that the deposit of two copies may impose hardship on the owner of the copyright or related right.

Regulation 3—Registration of copyright and issue of certificate

(1) On receipt of the application for registration of copyright or related right, the prescribed fee and a deposit of the work, the Copyright Administrator shall within two weeks after the receipt determine whether the work is a subject matter for registration or not and in writing inform the applicant accordingly.

(2) Where the Copyright Administrator determines that a deposited work is a subject matter for registration, the Copyright Administrator shall issue a certificate of registration of copyright or related right to the applicant within two weeks after informing the applicant that the work is a subject matter for registration.

Regulation 4—Effective date for registration of copyright or related right

For the purpose of these Regulations, registration of a copyright or related right takes effect on the date of the registration.

Security Device

Regulation 5—Designation or choice and approval of security device

(1) The Minister in consultation with the Copyright Monitoring Team shall designate and approve a security device to be affixed to sound recordings and audiovisual works.

(2) Despite subregulation (1), a manufacturer, importer or publisher of a sound or audiovisual recording may with the approval of the Minister choose an alternative security device to be affixed to a sound recording or audio visual work manufactured, imported or published by that manufacturer, importer or publisher.

(3) The approval in subregulation (2) shall be obtained by application made in writing to the Minister as specified in Form A of the Second Schedule.

(4) The approval for the use of an alternative security device shall be as specified in Form B of the Second Schedule.

(5) The Minister in furtherance of sub-regulations (1), (2) and (3) may set up administrative structures that the Minister considers necessary for the management of a security device.

(6) The security device shall attract the fee that the Minister in consultation with the Minister for Finance shall determine.

(7) The Internal Revenue Service is responsible for the sale of the security device designated by the Minister

(8) Where an alternative security device is used no fee shall be paid for the use of that device.

(9) Income earned from each sound recording or audio visual work released into the channels of commerce is subject to income tax in accordance with the Internal Revenue Act, 2000 (Act 592).

(10) Income tax payable under sub-regulation (9) shall be assessed by the Commissioner of Internal Revenue and may be paid upfront by the person liable to pay the tax.

(11) The Minister shall deduct Income Tax due and which is unpaid from any moneys to which the person liable to pay the tax is entitled to from any levies imposed under the Act and the deduction shall be treated as withholding tax under section 81 of Act 592.

Regulation 6—Commercial transaction without security device prohibited

A person shall not sell, rent, lend or otherwise distribute to the public for commercial purposes a sound recording or an audiovisual work unless the sound recording or audiovisual work has a security device approved by the Minister affixed to it.

Regulation 7—Application for approval to purchase security device

(1) Subject to subregulation (5), a person who manufactures, produces, reproduces or imports a sound recording or audiovisual work for sale, rental, lending or otherwise for distribution to the public, shall apply to the Minister for approval to purchase a security device as specified in the Form C of the Second Schedule.

(2) An application to purchase a security device shall specify the

(a) name of the author,

(b) number of copies of the work

(i) imported,

(ii) manufactured,

(iii) produced,

(iv) reproduced, or

(v) to be distributed, and

(c) country of origin in the case of imported works.

(3) The application shall be accompanied with documents that prove ownership or reproductive right to the sound recording or audiovisual works.

(4) An importer who applies for approval shall in addition to any requirements under sub-regulation (2), attach to the application, a valid contract with the copyright owner which permits the importation of the work into the country.

(5) This regulation does not apply to a manufacturer, producer, or importer who chooses to use an alternative security device; but that manufacturer, producer or importer shall attach to the application to the Minister for approval to use the alternative security device,

(a) documents that prove the ownership or reproductive right to the sound recording or audio visual work; or

(b) a valid contract with the copyright owner which permits the importation of the work into the country, in the case of an importer.

Regulation 8—Grant of approval and purchase of security device

The Minister on being satisfied that the applicant is entitled to affix a security device shall grant approval to the applicant

(a) in the form specified in the Third Schedule for the purchase of the security device where applicable, and

(b) within seven days after receipt of the application under regulation 7 (1) or 5 (3).

Regulation 9—Obligation to affix security device

(1) Where a manufacturer of a copyright work that requires a security device is not using an alternative security device chosen by that manufacturer, the manufacturer shall send the work to the Internal Revenue Service to have a security device affixed to the work by the Copyright Monitoring Team or a representative of the Copyright monitoring team.

(2) Where it is considered impracticable for the work to be sent to the Internal Revenue Service, a member or representative of the Copyright monitoring team may supervise the fixation of the security device for the applicant at the place of manufacture or production of the audiovisual work or at the point of entry in the case of an imported work.

Regulation 10—Where to affix security device

A member or representative of the Copyright monitoring team shall affix the security device where applicable

(a) on the inlay card, in the Case of a sound recording or an audiovisual work manufactured or produced in the country, or

(b) in the case of an imported sound recording or audiovisual work, before the sound recording or audiovisual work is released into the channels of commerce.

Regulation 11—Records to be kept by person given approval

A person who receives approval from the Minister to affix a security device shall keep records in the manner determined by the Minister.

Regulation 12—Enforcement of use of security device

(1) The monitoring team established under section 50 of the Act is responsible for the enforcement of the use of a security device.

(2) The monitoring team shall in furtherance of sub-regulation (1), ensure that a person required to affix a security device to a work affixes the security device.

(3) In the performance of the functions of the Copyright Monitoring Team under subregulation (2), members of the monitoring team may enter premises where the members of the team suspect that commercial transactions in pirated works or works which are not protected or do not have security device affixed to them are taking place, about to take place or likely to take place and may search and seize any work to which the transaction relates.

(4) A person whose premises are entered by members of the team may request identification from members of the team and the members of the team shall satisfy the request.

(5) Where the Copyright Monitoring Team seizes any work under subregulation (3), the Team shall record the items seized and the record shall be signed by at least two members of the Team and the person from whom the items were seized.

(6) The record under subregulation (5) shall be kept as part of the records of the Team and shall be made available for inspection on request by a person who has interest in seized work.

(7) A person who obstructs any member of the team from carrying out the functions of the team under these Regulations commits an offence and is liable on summary conviction to a fine of not more than two hundred and fifty penalty units or imprisonment for a term of not more than twelve months or to both.

Regulation 13—Offences related to security device

(1) A person who purchases, rents or borrows a sound recording or audiovisual work which does not have a security device or other protection method approved by the Minister affixed to the sound recording or audiovisual work commits an offence under section 25 (4) of the Act.

(2) A person who manufactures, produces, reproduces or imports a sound recording or an audiovisual work and releases the sound recording or audiovisual work into the channels of commerce without having a security device approved by the Minister affixed to the sound recording or audiovisual work commits an offence under section 25 (4) of the Act.

(3) Where a person commits an offence under this regulation, any sound recording or audiovisual work in respect of which the offence was committed may be seized and upon conviction for the offence, may be confiscated to the Republic to be disposed of in a manner determined by the Court.

Levy on devices used for Reproduction of Copyright Materials

Regulation 14—Imposition of levy

There is imposed on the devices specified in regulation 15, capable of being used to copy copyright works, a levy of twenty percent of the cost, insurance and freight value of the devices.

Regulation 15—Devices to be levied

For the purpose of regulation 14, the devices to be levied include

- (a) video and audio cassettes with integral storage like
 - (i) MP3,
 - (ii) CD R/RWs (data disc),
 - (iii) DVD-R/RWs set top boxes;
- (b) pen drives and other data disks including SMART or SIM cards;
- (c) ipods;
- (d) diskettes;
- (e) CD copiers; and
- (f) any other device that the Minister may by legislative instrument prescribe.

Regulation 16—Liability to pay levy

- (1) A person who
 - (a) manufactures; or
 - (b) imports

any of the devices specified in regulations 15 for the purpose of trade, shall pay the levy imposed in these Regulations

- (c) in the case of a local manufacturer of the device to an authorised officer of the Customs Excise and Preventive Service at the point of manufacture,
- (d) in the case of an importer of the device to an authorised officer of the Customs Excise and Preventive Service at the point of entry.

(2) A manufacturer or importer of any of the specified devices shall keep statements of account of the manufacturer's or importer's activities connected to the manufacture or importation of the specified devices in furtherance of sub-regulation (1).

(3) A manufacturer or importer of any of the specified devices shall at three months intervals beginning from the thirty-first of March in each year send a copy of the statement of account kept in furtherance of subregulation 2 to an authorised officer of the Customs Excise and Preventive Service.

Regulation 17—Exemption from payment of levy

(1) The levy imposed in Regulations 15 and 16 do not apply to

- (a) devices manufactured in the country for purpose of export,
- (b) institutions that represent persons with disability and which are specified in an enactment,
- (c) devices which are used to duplicate locally produced works or foreign works licensed for duplication in the country, and
- (d) other materials which the Minister may exempt by legislative instrument.

Regulation 18—Fee on reprographic reproduction

(1) A reprographic rights collecting society shall determine a fee in respect of photocopying of works protected by copyright and related rights by educational institutions and any other outlets where reprography is carried out commercially.

(2) In furtherance of subregulation (1), the reprographic rights collecting society shall collect the fee on behalf of stakeholders and beneficiaries.

(3) Where there is a dispute over a fee imposed on photocopying of copyright works by a collecting society, the Tribunal shall levy a flat rate fee as the Tribunal considers fit.

Regulation 19—Distribution of levies paid

(1) The Minister shall distribute the levies collected in furtherance of regulation 14 as follows:

- (a) ten percent for cultural activities to be collectively administered by the collective administration societies;
- (b) ten percent for the administrative purposes of collective societies;
- (c) four percent to the Customs Excise and Preventive Service, and
- (d) six percent to the Copyright Office.

(2) The Minister shall distribute the remaining seventy percent equally among the various rights groups to be shared as follows:

- (a) for holders of audio works rights,
 - (i) twenty-eight percent to composers or publishers;
 - (ii) twenty-one percent to producers; and
 - (iii) twenty-one percent to performers;

- (b) for holders of audiovisual works rights;
 - (i) thirty-five percent to producers;
 - (ii) twenty-one percent to performers, and
 - (iii) fourteen percent to authors of audio visual works,
- (c) for holders of literary works rights,
 - (i) forty-two percent to authors including visual authors, and
 - (ii) twenty-eight percent to publishers.
- (3) Each society shall set out rules to distribute the allocation made to the society to its members.

Operation of Collective Administration societies

Regulation 20—Operation of society without approval prohibited

- (1) A person shall not operate a Collective Administration Society without the approval of the Minister in writing.
- (2) Where a society operates in furtherance of copyright and related rights without approval, each member of the governing body of the society and every director, manager, secretary or similar officer of the society is deemed to have committed the offence and is liable on summary conviction to a fine of not more than one hundred and fifty penalty units or imprisonment to a term of not more than twelve months or to both.

Regulation 21—Application for approval

- (1) An application for approval to operate as a society shall be made to the Minister in the form specified in the Fourth Schedule.
- (2) An application under sub regulation (1) shall be
 - (a) signed by two principal officers of the society;
 - (b) accompanied with a certificate of registration of the society issued by the Registrar-General's office, and
 - (c) accompanied with a fee determined by the Minister in consultation with the Minister for Finance.

Regulation 22—Grant of approval

- (1) In furtherance of processing the application, the Minister may cause an audit or inspection of the applicant's records and facilities to be conducted for the purpose of verification.
- (2) The audit or inspection of the applicant's records and facilities shall be carried out within fourteen days after receipt of the application.
- (3) The Minister shall—

- (a) grant the approval and give notice of the grant in writing to the applicant if the Minister is satisfied that the applicant has fulfilled the conditions for the grant of the application, or
- (b) refuse to grant the approval and give notice of the refusal in writing to the applicant if the Minister is satisfied that the applicant has failed to fulfill the conditions for the grant of an approval.
- (4) The approval or refusal shall be communicated by the Minister within twenty-one days after the receipt of the application for approval.

Regulation 23—Conditions for approval

The Minister shall not grant approval for a society to operate unless that society

- (a) is a body corporate registered as a company limited by guarantee under the Companies Act, 1963 (Act 179)
- (b) if it is a music, audiovisual rights, performers rights or literary rights society, provides evidence of having functional presence in at least two regions as follows:
 - (c) keeps a national and regional register and provides evidence of these registers,
 - (d) provides evidence where
 - (i) the society is a music rights or performers' rights society that it has at least twenty members in each of the regions in which it has a functional, or
 - (ii) the society is a literary rights or audiovisuals rights society, that it has at least fifty members at the national level,

and each member has at least one published work or holds the entire economic rights on one published work.

Regulation 24—Duration, renewal and revocation of approval

- (1) A grant of approval to a society is for a period of five years and is renewable every five years.
- (2) An application for the renewal of an approval shall be subject to the same conditions as the first grant of approval under regulation 22.
- (3) The Minister may suspend or revoke an approval if a society breaches any of the conditions for the grant of an approval or any of the provisions of these Regulations.
- (4) Where a grant of approval is suspended, the Minister shall give notice in writing to the affected society and in the notice of the suspension, state the breach which has caused the suspension and specify the time within which the society shall remedy the breach.
- (5) The Minister shall not revoke an approval unless
 - (a) notice of the intended revocation has been served on the affected society at least fourteen days before the effective date of the revocation;

(b) the affected society has been given the opportunity to appear for a hearing to determine whether or not the approval of the affected society deserves to be revoked;

(6) The Minister shall cause to be published in the Gazette and in a newspaper which was a wide national circulation, notice of every suspension and revocation under this section.

(7) A society which continues to operate after its licence has been suspended or revoked commits an offence and is liable to the penalty under regulation 20 (2).

Regulation 25—Display of approval

(1) A society granted approval shall display

(a) the approval at a conspicuous place at the head office of the society, and

(b) copies of the approval at all of its other offices.

Regulation 26—Gazette notification of approval

The Minister shall cause to be published in the Gazette a list of collective administration societies that have been approved to operate under these Regulations.

Operation of Societies

Regulation 27—Maintenance of offices and officers

A society approved under these Regulations shall maintain offices and officers in

(a) the Ashanti and Greater Accra Regions, and one other region of the country in the case of music and performers rights societies, and

(b) Ashanti and Greater Accra Regions in the case of literary and audio-visual rights societies.

Regulation 28—Maintenance of register

(1) Each society shall keep and maintain at its offices

(a) a register of its members and their published works,

(b) records of transactions in respect of the works of its members,

(c) records of contracts of assignment of rights in respect of works of its members,

(d) records of how the rights of members have been affected by transactions in respect of their works, and

(e) records of users of members' works and from whom members are entitled to receive payments and the status of the payments.

(2) Each society shall submit the register and records specified in this regulation to the Minister for inspection at the end of each calendar year.

Regulation 29—Powers and rights of societies

- (1) A society approved under these Regulations may on behalf of its members
 - (a) receive royalties and other moneys to which its members are entitled,
 - (b) take measures that the society considers appropriate for the collection of royalties and any payments to which members of the society are entitled,
 - (c) enforce the rights of its members by
 - (i) entering into contract, and
 - (ii) Reviewing contracts in of works of its members,
 - (d) either acting alone or with other appropriate institutions
 - (i) seize works which infringe the rights of its members,
 - (ii) cause the arrest of persons who infringe the rights of its members, and
 - (iii) institute legal action against persons who infringe the rights of its members.
- (2) A society approved under these Regulations shall retain portions of money due to members as agreed on by the members for the administration of the society.
- (3) The portion of money due to members retained under sub-regulation (2) for administrative purposes shall not exceed thirty percent of the money due to members.
- (4) A society may request security agencies and other national agencies to provide assistance to the society in the exercise of the mandate of the society.

Regulation 30—Obligation of a society to its members

A society approved under these Regulations shall

- (a) subject to regulation 29 (2) and (3) promptly and in any case not later than six months after receipt of money on behalf of the members pay the money to the members,
- (b) render periodic accounts to members of moneys due to the members and payments actually made,
- (c) distribute copies of annual reports including audit reports to its members and submit a copy of the report together with the audit report to the Minister;
- (d) protect the rights of members of the society against any form of infringement or abuse, and
- (e) with approval of members, establish a provident fund or any other pension scheme to provide for the retirement and welfare needs of members of the society.

Regulation 31—Meetings of societies

A society approved under these Regulations shall keep records of the minutes and decisions of its meetings in a form that the society determines.

Regulation 32—Accounts and audit

(1) Each society shall

(a) keep proper books of account and records in a form that conforms with standard accounting practice,

(b) appoint a qualified accounts officer, and

(c) appoint a qualified auditor to audit the accounts of the society at the end of each year.

(2) The auditor appointed under subregulation (1) (c) shall submit, the audit report to the Society within two months after the appointment.

(3) Each society shall submit returns of its accounts to the Minister annually and at other periods that the Minister may determine.

Regulation 33—Annual report

A society approved under these Regulations shall prepare and submit to the Minister within four months after the end of the year an annual report which shall include

(a) the record of meetings,

(b) the auditor's report, and

(c) other matters determined by the Minister.

Regulation 34—Inspection of records and facilities

The Minister or a person authorised by the Minister may conduct an inspection of the records and facilities of a society that the Minister considers necessary for the enforcement of these Regulations.

Regulation 35—Works Declaration Form A

Pursuant to section 39 of the Copyright Act 2005, (Act 690), members of a society shall complete the Works Declaration Form A set out in the Fifth Schedule to these Regulations.

Regulation 36—Performance licence

A person who intends to perform the work of an author or cause the work of the author to be performed in public or do any act in respect of work protected under the Copyright Act, 2005, (Act 690) shall apply to the appropriate society for a licence for the performance of the work.

Regulation 37—Application for performance licence

(1) An application to use or perform a work shall be as set out in Form 1 in the Fifth Schedule to these Regulations.

(2) A society shall charge royalties in respect of the grant of a licence as it may determine.

(3) Subject to sub-regulation (2), a person who fails to renew a licence two months after the expiration of the licence, shall in addition to the royalties charged, pay a late renewal fee of not more than fifty percent of the royalties charged.

(4) A society may request a person granted a licence to submit monthly returns of all the authors' works used or performed by the person, to the society.

(5) The returns shall be as set out in Form D in the Fifth Schedule to these Regulations.

(6) A person who

(a) fails to comply with a request made to that person under these Regulations, or

(b) makes a declaration which the person knows to be false, commits an offence and is liable on summary conviction to a fine of not more than one hundred penalty units or to a term of imprisonment of not more than six months or to both.

Settlement of Disputes and Copyright Tribunal

Regulation 38—Settlement of disputes

(1) Where a report is made to the Copyright Administrator under section 48 (2) of the Act, the Copyright Administrator shall fix a date to hear the parties to the dispute.

(2) A party to the dispute may be accompanied or represented by a lawyer.

(3) The Copyright Office shall charge a dispute settlement fee of twenty-five Ghana Cedis for any dispute reported to the Copyright Administrator for settlement and the fee is payable to the Copyright Office by the party who made the report.

(4) Where the Copyright Office recovers money on behalf of a party as a result of a resolution of a dispute, that party shall pay five percent of the amount recovered to the Copyright Office.

Regulation 39—Powers of the Tribunal

(1) The Copyright Tribunal may hear disputes

(a) over the terms of a licensing scheme that a licensing body proposes to operate,

(b) on the terms of an existing scheme whether or not the operator of the scheme is a licensing body, or

(c) related to the refusal by an operator of a licensing scheme to grant a licence to an applicant who claims to be covered by the scheme.

(2) The Tribunal shall exercise the powers of a District Court for the purpose of attendance of a person before the Tribunal.

(3) The Tribunal may in furtherance of sub-regulation (1), confirm or vary

(a) the terms of

- (i) a licensing scheme,
- (ii) a licence, and
- (b) the refusal of a licence by a licensing body.

Regulation 40—Disputes related to licensing schemes

(1) For the purpose of these Regulations, the Tribunal shall exercise jurisdiction over licensing schemes

(a) in relation to

- (i) literary works,
- (ii) dramatic works,
- (iii) artistic works,
- (iv) musical works,
- (v) audiovisual works, and

(vi) sound track accompanying a film, and

(b) operated by licensing bodies related to licenses for the right to

- (i) copy the works specified in sub-paragraph (i)-(v) of paragraph (a),
- (ii) perform, play or show the works in public, or
- (iii) broadcast or include the works in a cable programme service.

(2) The Tribunal shall exercise jurisdiction over licensing schemes in the case of recordings other than sound-tracks accompanying a

- (i) film,
- (ii) broadcast,
- (iii) cable programme, or

(iv) typographical arrangement of published editions, whether or not the licensing scheme is operated by a licensing body related to the copyright in any of the work as well as a licence which deals with restricted acts in the copyright of any of the works.

(3) The Tribunal shall exercise jurisdiction over licensing schemes in the case of recordings of.

- (i) audiovisual works,
- (ii) computer programmes, or
- (iii) computer software

whether or not operated by a licensing body related to licences for the rental of copies to the public.

Regulation 41—Disputes related to licensing bodies

- (1) The Tribunal has Jurisdiction over licences issued or offered by licensing bodies in the absence of an applicable licensing scheme.
- (2) Sub-regulation (1) of this regulation does not apply to a licence granted by a copyright owner who is not a licensing body.

Regulation 42—Procedure

- (1) The Tribunal shall conduct its proceedings in accordance with Order 4 rule 1-7, 11-14 and Order 63 of the High Court (Civil Procedure) Rules, 2004, Constitutional Instrument 47 with the necessary modification.
- (2) The Tribunal shall not hear a matter brought before the Tribunal by a representative organisation unless the organisation satisfies the requirement in regulation 24 of these Regulations.
- (3) The Tribunal shall promote reconciliation, encourage and facilitate settlement of disputes in an amicable manner between persons over whom the Tribunal has jurisdiction.

Regulation 43—Review

The Tribunal may review its decisions on its own or on application by an aggrieved party.

Regulation 44—Fees

The Tribunal may charge fees for its services.

Regulation 45—Offences

- (1) Where a penalty has not been stipulated for an offence, a person who contravenes a provision of these Regulations commits an offence and is liable on summary conviction to a fine of not less than one hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not more than two years or to both.
- (2) Where the offence is committed by a body corporate, every member of the governing body of that body corporate and every director, manager, secretary or similar officer of that body is deemed to have committed that offence.
- (3) A member of the governing body, director or an officer shall not be deemed to have committed an offence under subregulation (1) and (2), if the member, director or officer proves that the act in respect of which the member, director or officer is charged was committed by some other person without the member's, director's or officer's consent or connivance and that the member, director or officer exercised due diligence to prevent the commission of that offence as the member, director or officer ought to have exercised having regard to all the circumstances.

Regulation 46—Interpretation

In these Regulations unless the context otherwise requires

“Act” means the Copyright Act, 2005 (Act 690);

“channels of commerce” include

- (a) shops,
- (b) streets,
- (c) internet,
- (d) open spaces, and
- (e) premises

Where sound recordings, musical and audiovisual works and other copyright and related rights works are sold or made available to the public;

“court” means a court of competent jurisdiction;

“inlay card” means

- (a) labels,
- (b) drawings,
- (c) pictures, or
- (d) writings, prints or designs

That are used to illustrate or provide detailed information on

- (e) sound recordings,
- (f) audio-visual works, and
- (g) musical works

In furtherance of sections 10 and 11 of the Copyright Act, 2005 (Act 690)”

“licensing body” means a society or organization that has as its main object the negotiation or grant of copyright licences for works of more than one author either as

- (a) owner or holder of Copyright or related right,
- (b) prospective owner or holder of Copyright or related right, or
- (c) agent of owner or holder of Copyright or related right;

“monitoring team” means the Copyright Monitoring Team established in section 50 of the Act;

“premises” include a shop an open space, a road, lane and path;

“security agency” includes the Police, Customs, Excise and Preventive Services and Bureau of National Investigation;

“Society” means a collective administration society licensed under these Regulations.

SCHEDULE

FIRST SCHEDULE

APPLICATION FOR COPYRIGHT REGISTRATION

FORM C

(regulation 1(2))

APPLICATION FOR COPYRIGHT REGISTRATION

APPLICATION NUMBER

DATE OF APPLICATION

No.

for use by individuals

APPLICANTS COPY ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE CONTINUATION SHEET (FORM CR/ACR-CS)

A

B TITLE OF WORK (COMPILATION)

PREVIOUS OR ALTERNATIVE TITLE (if any) NATURE OF DEPOSIT:

DEMO

PUBLISHED

MANUSCRIPT

INDICATE WORKS UNDER THE COMPILATION:

TITLES	DURATION
--------	----------

(If Composers/Author(s) of the titles listed above are different from the applicant complete section

G) TYPE OF DEPOSIT:

CASSETTE

COMPACT DISC

LONG PLATE

CD ROM

MANUSCRIPT

NOTE: UNDER THE LAW THE "AUTHOR" of a work made for hire is the employer (Copyright Act, 2005, Act 690 SEC. 7). If any part of this work was made for hire or in the course of your employment check "YES" and give the name of the employer as Author and leave space for date blank including a copy of the contract for employment.

IS THIS WORK MADE FOR HIRE? YES NO

C

NAME OF APPLICANT (print surname first)

NAME OF BAND (if registration is being made in the name of a band)

(You are required to add the list of composers)

D

AUTHOR'S NATIONALITY

OR (Domiciled in.)

(name of country)

Citizen of)
PUBLICATION

DATE AND PLACE OF FIRST

(name of country)

YEAR IN WHICH WORK WAS COMPLETED
YEAR.....

DATE: MONTH.....DAY.....

YEAR.....

PLACE:.....

(This portion must be completed)

(Complete only if work is published)

E NAME AND ADDRESS(ES) OF COPYRIGHT CLAIMANT(S)

GHANA COPYRIGHT OFFICE, P.M.B. MINISTRIES, ACCRA, GHANA.

F

TRANSFER (if the copyright claimants) named above are different from the author give a brief statement of how the claimant obtained ownership of the copyright) REF CS.

G RE-ARRANGEMENTS AND ADAPTATION

If any of the works listed above were either of folkloric origin, re-arranged or adapted by applicant. Kindly list them here providing their original authors/composer if known.

TITLE

COMPOSER

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

H

PRODUCER/PUBLISHER

NAME (Firm/Co./Person)

LABEL/PRODUCTION MARK

ADDRESS

I

PREVIOUS REGISTRATION

*Has registration for this work, or an earlier version of this work been made in the copyright office?
Yes..... No.....

If YES, why is another registration being sought? (Check the appropriate box)

() This is the first published edition of the work previously registered in unpublished demo form.

() This is the first application submitted by this author as Copyright claimant

() This is a changed version of the work.

If your answer is YES give the following information.

Previous Registration number

Year of Registration

Were you issued with a certificate Yes..... No.....

If Yes give the Certificate Number.....

J

DERIVAT-
IVE WORKS

COMPILATION OR DERIVATIVE WORKS (Read the Instruction)

.....
.....
.....
.....

MATERIAL ADDED TO THIS WORK (Give a brief statement of the material added)

.....
.....
.....
.....

K

CINEMATO
GRAPHY
CINEMATOGRAPHIC WORKS

VIDEO FORMAT

CELLULOID

NAME OF SCRIPT WRITER:..... ADDRESS:.....

NAME OF PRODUCER: ADDRESS:
.....

DO YOU HAVE ABOVE NAME CONSENT BEFORE FILMING THE SCRIPT YES.....
NO....

(You are required to provide documentary evidence in all cases)

Number of Performers: (Kindly provide the documentary agreements)

CERTIFICATION: *I, the undersigned, hereby certify that I am the: (Tick one)

() author/composer () producer/publisher () owner of exclusive right OR

() authorised agent of:

(name of author/other copyright claimant/exclusive right owner)

Handwritten signature (x)

Typed or printed name Date:

STAMP OF RECEIVING OFFICE

SECOND SCHEDULE

APPLICATION FOR APPROVAL OF SECURITY DEVICE

(regulation 5(3))

FORM A

ANTI-PIRACY

APPLICATION FOR THE APPROVAL OF SECURITY DEVICE

Name of Producer

ADDRESS

Title of work for which approval of security device is being sought

Security device required

Name(s) of author(s) of work

Has the producer obtained the consent of the author/composer to produce and/or reproduce the work?

Yes

No

I/We declare on my/our honour that the information given above is true to the best of my/our knowledge and belief and that any misinformation given by me/us renders my/our application null and void.

Day Month Year

Declared at on

Applicant's Signature

*Authorization from the author/right owner of the work to produce the said work(s) for which the approval for application of security device is being sought must be attached.

GRANT OF APPROVAL FOR SECURITY DEVICE

(regulation 5(4))

FORM B

ANTI-PIRACY

In case of reply the
number and date of
this letter should be
quoted.

Day Month Year

Our Ref. No. Date:

Your Ref. No.

APPROVAL OF SECURITY DEVICE FROM
(COMPETENT AUTHORITY) I.R.S.

Approval is hereby given to

of for security devices

Numbered to in respect of the sound/audiovisual recording(s) of

entitled

from the (competent device issuing authority)

LEGAL OFFICER

Note: Security devices are not transferable from one work to another.

APPLICATION FOR PURCHASE OF SECURITY DEVICE

(regulation 7(1))

COPYRIGHT OFFICE (ANTI-PIRACY)

FORM C

APPLICATION FOR THE PURCHASE OF SECURITY DEVICE

Name of Producer

Address

Title of work for which security device is being procured

No of security device required

Name(s) of author(s) of work

Has the producer obtained the consent of the author/composer to produce and/or reproduce the work?

Yes

No

I/We declare on my/our honour that the information given above is true to the best of my/our knowledge and belief and that any misinformation given by me/us renders my/our application null and void.

Day Month Year

Declared at on

Applicant's signature

*Authorization from the author/right owner of the work to produce the said work(s) for which the approval for application of security device is being sought must be attached.

THIRD SCHEDULE

GRANT OF APPROVAL FOR PURCHASE OF SECURITY DEVICE

(regulation 8)

COPYRIGHT OFFICE (ANTI-PIRACY)

FORM D

In case of reply the
number and date of
this letter should be
quoted.

Day Month Year

Our Ref. No.

Date:

Your Ref. No.

APPROVAL TO PURCHASE SECURITY DEVICE FROM

(COMPETENT AUTHORITY) I.R.S

Approval is hereby given to

of to purchase security devices

numbered to in respect of the sound/audiovisual recording(s) of

entitled

from the (competent device issuing authority)

COPYRIGHT/LEGAL OFFICER

Note: Security devices are not transferable from one work to another.

FOURTH SCHEDULE

APPLICATION FOR APPROVAL TO OPERATE A COLLECTIVE ADMINISTRATION SOCIETY

(regulation 22)

APPLICATION FORM

1. Name of the Society

.....

.....

...

2. Is the society registered under the Companies Act, 1963 (Act 179). Yes No.....

(if the answer is Yes provide evidence of registration).

3. Give the location of the address of the society's registered office
.....
.....
.....

4. What is the entire membership strength of the society? (provide evidence of membership indicating where members are domiciled and the nature and title of published works owned by them.

5. What type of right does the society intend to administer (Tick as appropriate)

- (i) Music
- (ii) Performers
- (iii) Audiovisual
- (iv) Literary
- (v) Others

6. We the undersigned hereby declare that the information provided above is accurate to the best of our knowledge.

i. Signature

Full Name

Position

ii. Signature

Full Name

Position

FOR OFFICIAL USE

Comments

FIFTH SCHEDULE

MISCELLANEOUS FORMS

.....
NAME AND EMBLEM OF COLLECTING SOCIETY

WORKS DECLARATION FORM

(FORM A)

(regulation 35)

TITLE DURATION:.....

SUBTITLE: YEAR OF RELEASE:.....

TEMPO: DESC:.....

FOR OFFICE USE ONLY

WORK CODE:

File Ref:

Genre:

DESIGNATION	SURNAME	FIRST NAME	PSEUDONYM.	LABEL	MARK
SHARE					

COMPOSER PR MR

ARRANGER(S)

PRODUCER

PUBLISHER

LYRICIST

This in an

ORIGINAL WORK

SIGNATURE:

RE-ARRANGED WK

NAME:

FOLKLORE

REF. OVERLEAF

(for detailed explanation)

.....
NAME AND EMBLEM OF COLLECTING SOCIETY

APPLICATION FOR PUBLIC PERFORMANCE LICENCE

FORM 1

(regulation 37(1))

No.....

I/WE

..... of.....
.....

require a licence to use/performance to be performed audiovisual work/Drama/Concert or any other work which is protected by copyright at a.....

I/we intend to organize the Performance at.....

Date of Performance	Nature of Performance	Place of Performance	Seating	Capacity
Gate Fee	Time			

I/We agree that based on the licence given me by..... (name of collecting society) upon the above information which I certify to be true, I shall pay(name of collecting society) a minimum deposit of I agree that within 7 days of the performance I shall pay a balance based on percent of the daily gate proceeds.

I certify that the above information is true to the best of my knowledge and belief.

DATE:

APPLICANT

SIGNATURE OF

.....

(NAME AND ADDRESS OF COLLECTING SOCIETY)

.....

NAME AND EMBLEM OF SOCIETY

FORM D

(regulation 37 (5))

MONTHLY RETURNS OF WORKS USED OR PERFORMED

Name of User or Performance of Work Type of use or Performance.....

Date: Time-Form:.....To:..... Compiler/Producer:.....

Item	Title of Work	Duration	Work Origin	Type of Work	Work	Code
	Creator/Composer/ Author		Producer/Publisher			

I/We declare on/our honour that the return of works stated above as broadcasted were actually broadcast to the best of my/our knowledge and belief.

DATE: MANAGER OF USER OR PERFORMER.....SIGNATURE:.....

RETURN COMPLETED FORM TO.....(NAME OF SOCIETY) WITHIN 7 DAYS OF THE USE OR PERFORMANCE

EXPLANATORY NOTES:

1. ITEM

Chronological numbering.

2. TITLE OF WORK:

Title of the music broadcast

3. DURATION:

The duration of the music broadcast

4. MUSIC ORIGIN:

Origin of music broadcast i.e. local (L) foreign (F)

5. MUSIC TYPE:

The type of music broadcast i.e. hiplife (H), gospel (G), traditional/folklore (TF) or contemporary (C)

6. MUSIC CODE:

The code of the music broadcast i.e. featured (F), background (B), commissioned (X) or signature tune (S)

A typical example below:

ITEM	TITLE OF WORK	DURATION	MUSIC ORIGIN	MUSIC TYPE	MUSIC CODE	COMPOSER	PRODUCER
------	---------------	----------	--------------	------------	------------	----------	----------

1.

2.

3.

4. Agya woo nkoa

Jesus Loves me

Kpanlongo

God is great 4.00

2.40

0.30

1.50 L

F

L

L H

C

H

G F

B

S

X Solomon Ofosuware

Whitney Houston

Nakorex

Jonathan Cudjoe E. G. Omane

W.H./Citirock

Nakorex

COSGA

Attorney-General and Minister for Justice

Date of Gazette Notification: 25th January, 2010.

Entry into force: 17th March, 2010.