Examining Uganda's Legal and Institutional Framework in Curbing Book Piracy

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Abstract

This paper examines the legal framework for curbing book piracy in Uganda. The paper sought to address the following objectives: to establish the forms of book piracy practiced; to establish the existing legal frameworks and efforts to curb book piracy; investigate the level of awareness of the legal framework among book printers and its implications on book piracy; to examine the scope of counter-piracy enforcement powers and the law; to identify the setbacks in the enforcement of the legal framework on book piracy. A case study research design and qualitative research paradigm were adopted. Focus Group Discussions (FGDs), unstructured interviews and Document reviews were the data collection methods. The study findings reveal that: duplication, circumventing e-Books and plagiarism are the common forms of book piracy practiced; the legal and institutional frameworks are in place putting in efforts such as awareness and sensitization, engagement with universities, and promotion of the use of holograms; book printers were found to be moderately aware of the legal framework, but they were not deeply knowledgeable of many provisions of the laws; the laws as they are, are ineffective. The setbacks in the enforceability included: the high cost of registration, difficulty in differentiating between genuine and pirated books. The study concludes that different forms of book piracy are practiced in Uganda and that efforts are being undertaken to avert the practice. The study recommends the revision of the existing legal framework; adoption and promotion of security features and restructuring of the copyright registration process among others.

Keywords: Book Piracy, Legal and institutional framework, Uganda

Introduction

Book piracy is a form of copyright infringement that may involve infringement by an offender him/herself (primary infringement), or facilitating another person or group to infringe on copyright (secondary infringement) (Justia, 2018). Though there are other types of piracies, such as internet piracy, software piracy, music piracy and media piracy, this study looks at book piracy because it is noted that massive piracy has greatly squeezed the profit margins of publishers, forcing some to price their books higher to recoup their investments and others to quit the business (Qidong, 2018 & Kiva, 2018).

Book piracy is the unauthorised copying of copyright-protected work belonging to someone else and selling it without benefiting or compensating the rightful holder (Garwe, 2014). For this article, book piracy is the practice of using and or copying another person's literary works for commercial purposes without the permission or consent of that person (creator or rights holder) and denying that person an opportunity to enjoy the royalties of his or her efforts. On the other hand, legal frameworks are the rules, rights and obligations of companies, governments, and citizens outlined in a system of legal documents called the legal framework (National Resource Governance Institute (NRGI), 2015). Legal framework, on the other hand, is a system of legal instruments that sets the rules, rights, and obligations of government (and its institutions), right-holders (publishers & authors and their representatives) and citizens for the protection of copyright.

According to Kyomugasho-Kainobwisho (2014), Uganda has a proper legal and institutional framework that supports the creation, protection and promotion of copyright though, like many other nations, it has been affected by piracy and infringement of the law. Efforts by URSB with the support of the Uganda Reproduction Rights Organisation (URRO) including sensitisation sessions and raids saw books of over 1.8b Shillings confiscated by the police in 2016 (Kiva, 2018). With the current statistics, it means either these efforts are insufficient, or the problem is with the law. What remains unclear is whether, with this legal framework in place, book piracy is at its lowest or its highest peak? It is also not clear what other legal framework is in place, are the book printers aware of its existence? and whether it's being enforced or not? How effective is the existing legal framework in curbing book piracy? What setbacks could be facing the enforcement of the legal framework to curb book piracy?

The study was conducted on Nasser Road in Kampala district. Sserwaniko (2009) notes that Nasser Road in Kampala is the hub of the printing and photocopying business, while Kiva (2018) stresses that books are being reprinted at Nasser Road. Uganda Manufacturers Association & Uganda Printing & Packaging Association (UMA & UPPA) (2017) indicates that 83 registered members are fully engaged in the printing and photocopying business at Nasser Road. This therefore presented a good case for this study to be conducted at Nasser Road in Kampala.

Statement of the problem

Uganda has made some strides in its pursuit to curb book piracy. Such strides include the development and promulgation of the legal framework; the Copyright & Neighbouring Rights Act, 2006 and its regulations 2010, the establishment of an institutional framework; the Uganda Registration Services Bureau (URSB) and the enforcement police unit, and Uganda Law Reform Commission and licensing the collecting societies particularly Uganda Reproduction Rights Organisation (URRO) to support in the administration of the law (Kimanthi, 2019). Despite these efforts, cases of book piracy have been reported with available literature indicating that rights holders are continually losing revenue to book piracy. For example, Kiva (2018) notes that over 60,000 titles were pirated in 2018, and Talemwa(2014) rights holders lost shillings 10bn in 9 months between October 2013 to June 2014 alone due to book piracy. Available literature from other countries shows that lack of public awareness, weak enforcement and high cost of genuine books (Garwe, 2014), the get-rich-quick syndrome and scarcity of original books (Igesha, et al, 2016) are some of the motivating factors for consumers, and book pirates who come in to fill the gap. As supported by the National Book Trust of Uganda (NABOTU)(2014) the illegal reprint trade in Uganda sustained the gullible consumers who want cheap books, authors, publishers have lost businesses, the government has lost revenue due to nonpayment of tax by book pirates, and this frustrates investment in the industry. URSB working with the enforcement officers and URRO representing authors and publishers has conducted awareness inspections, and raids were pirated books worth billions of shillings were confiscated (Talemwa, 2014 & Kiva, 2018). However, the study by NABOTU (2017) reveals that the industry is exploiting only 8.2% of its estimated revenue due to book piracy. As a result, Magara (2016) notes that this deters people from authoring content in Uganda. As a result, it was not clear whether the loophole is in the law enforcement or the law itself. Several other things do not seem clear, including the forms of book piracy practiced, the scope of counter-piracy enforcement powers and the legal framework, the level of awareness of the legal framework among the book printers, efforts in place to curb book piracy and the setbacks faced in its enforcement. This study sought to provide answers to fill these gaps and propose strategies to curb book piracy.

Objectives of the study

i. To establish the forms of book piracy in Uganda.

ii. To establish the existing legal frameworks and the efforts to curb book piracy in Uganda.

iii. To investigate the level of awareness of the legal framework among book printers and its implications on book piracy.

iv. To identify the setbacks in the enforcement of the legal framework in Uganda.

Review of related literature
Forms of book piracy

Book piracy manifests in many forms which can be electronic or physical. As stated by Muzavazi (2017), book piracy involves the replication of copyrighted literature through scanning, photocopying, printing, and electronic duplication of books, which is now common in the major cities of the world. According to Nkiko (2014), as reported by Omeiza and Lanre (2019), the forms of book piracy include:

i. Local reproduction of fast-moving titles using newsprint or poor textured paper.

ii. Circumventing the e-book version.

iii. Illegal reprography.

iv. Unauthorised excessive production by printers, translation without permission, etc.

Sharma and Begum (2018) point out that conversion or transmutation of original work in an unauthorised way, reproduction of books either by reprinting or by other possible ways for wholesale rate and making Xerox of books and journals for business/commercial/ money-making purposes as the other common forms of book piracy. They associate the high piracy in literary works than in magazines, newspapers, and articles with higher demand.

The Government of India 2017 found reprinting books illegally, publishing books falsely using the name of famous authors, producing the translated versions of foreign-language books in other languages, and mass photocopying as the main forms of print piracy in India (All About Book Publishing, 2017).

Sharma & Begum (2018), notes that with the progressive evolution in digital technologies, piracy is taking a new direction and dimension. The advent of online publishing has made the situation even worse as many people share books digitally without considering the rights of the rights holders. The existence of copyright laws is to prevent the prevalence of these forms. This study ascertained whether these forms exist in Uganda, and what other forms exist.

Causes of book piracy

Book piracy as a practice is as old as publishing itself. By the eighteenth century, the big publishers had begun to take advantage of the demand for books describing them as luxury goods consumed by the wealthy who are ready to pay any price (Balazs, 2011). The insistence of big publishers to maintain the prices of books high led to the growth of smaller printers who began to pirate books on a large scale and sell them at lower prices giving birth to book piracy.

Previous scholars have identified several causes of book piracy. Some of which include the high prices of genuine books, poverty, scarcity of genuine books and get-rich-quick syndrome.

High prices of genuine books: According to Igesha, et al (2016), "the price of the original textbooks has tremendously gone higher in terms of pricing, making it difficult for students to afford". Other scholars like Ahmadu, (2017) & Garwe, (2014) support this view that the cost of genuine textbooks is one of the key factors that has favored the emergence of pirates.

Poverty: Previous scholars have identified poverty as another driver which pushes people to look for cheap alternatives including books. The low-income earners were found to be the highest users of pirated books, (Igesha, et al, 2016). Ahmadu (2017), Garwe (2014) and Magara (2016) all pointed to the fact that poverty and low budgets play a significantly in the activities of piracy. Magara (2016) noted that educational institutions in Uganda often violate copyright laws due to limited budgets.

Scarcity of genuine books: Many previous scholars have identified scarcity of genuine books as another cause of book piracy (Igesha, et al, 2016 & Garwe, 2014). Other causes include ignorance of the law, get-rich-quick and poor enforcement of the copyright laws in Nigeria and Zimbabwe (Ahmadu, 2017 & Garwe, 2014). This study does not agree with this view and believes that the issues of the law are the key factors responsible for the rampant book piracy practices in many countries. This is why the study examined the legal framework for curbing book piracy.

Levels of awareness on the existence of the legal framework:

For any law to achieve its intended purpose, one of the prerequisites is its public knowledge about its existence and the perceived impact of its infringement.

The legal framework to curb book piracy is notably existing in many countries but the issue has been its public awareness. Korletey & Tettey (2015), attributes the cause of illegal photocopying (book piracy) and plagiarism to the lack of awareness of the users. San (2009) notes that raising public awareness and educating the public is an important facet of the fight against copyright piracy. He notes that the Malaysian government has been proactively conducting road shows, increasing public exposure to IP through the media, distributing advertising and educational information packs, among others. However, with all these efforts, it was noted that there were few guidelines for the public on copying for educational use which calls for further clarification of users' rights.

Another case is Zimbabwe, where Garwe (2014) notes that the Zimbabwean public was found not knowledgeable about issues to do with the laws governing intellectual property in the country including in institutions of higher learning.

On the other hand, although some publishers think that book pirates are not aware of the copyright laws, most publishers in Nigeria believe that book

pirates are aware that their activities are a violation of copyright laws (Ahmadu, 2017). In many countries including Kenya, the public and key stakeholders need awareness and training. Igesha et al (2016) recommended the Kenya Copyright Board work with all stakeholders in enhancing proper training and awareness to ensure compliance and respect for copyright and related rights in the country.

Although these scholars looked at the level of awareness in general, none of them studied the awareness level among book printers in particular. It was therefore prudent to establish the level of awareness among the book printers and its implications on book piracy in Uganda.

Setbacks to the enforcement of the legal framework

The effectiveness of the enforcement of the legal regimes globally in curbing book piracy is hampered by several factors. The following are some of the factors identified by previous scholars.

Lack of commitment to enforcing the law: Some reasons for failure to effectively enforce the law may be beyond a single government's control although many people have questioned the commitment of governments to the implementation of antipiracy laws to combat book piracy. For example, Igesha, et al, (2016) noted that "the Kenyan government's failure to protect copyright" provides book pirates with an opportunity to fill the market demand caused by the high demand for parental purchases and course books.

Lack of awareness and training: The common factor impeding the effectiveness of the enforcement measures to deter book piracy is the lack of awareness by both the public and the supposed beneficiaries of the rights. Many people do not know the value of respecting copyright as a property probably because some people still write books as a hobby. Many previous scholars like Magara (2016), Igesha et al (2016), Abinyo (2014) and Garwe (2014) all stressed that the public is not knowledgeable about issues to do with the laws governing intellectual property. They noted the need for an awareness programme about the disadvantages of piracy, penalties for illegal bookshops and the legal provisions. All those involved in the copyright industry need to engage in massive sensitisation and awareness campaigns to the public.

The ingenuity of book pirates: Although there may be enough legal and regulatory frameworks to combat book piracy, book pirates are human beings who will always look for new ways of getting away with the laws. Garwe, (2014) noted that the major huddle comes from the fact that pirates are ingenious, and they stay ahead of enforcement authorities operating in a very complicated system involving the use of skills and speed to create, hide and supply pirated books beating the enforcement officers. This is one of the setbacks identified as impeding the effectiveness of the antipiracy laws in other countries.

Ever-changing technology: The technology is ever-changing, and the laws put in place are likely to have a short-term positive effect on online book piracy. Orme (2014) found two out of the four antipiracy legislations have a reverse of their intended effect. The advancement of technologies poses a big challenge in the fight against book piracy. He observes that as new technologies emerge that facilitate the distribution of illegal content, past laws will become ineffective in regulating these new technologies requiring news laws to deal with these technologies. It is therefore worth noting that the use of advanced technologies poses a serious challenge to the enforcement of the anti-book piracy laws.

Cost of litigation and enforcement: Mahmood & Llyas (2005), notes Pakistan has clear and strict laws, but the cost of enforcement and legal redress is long and costly. The cost involved in the investigation and the long processes of the justice systems in many countries cannot be effectively afforded by many authors. Other previous scholars like Mahmood & Llyas (2005) and Odu & Bassey (2015), observed that other countries like Pakistan and Nigeria have laws but the cost of enforcement and legal redress is long and costly for the authors. This deters people from pursuing justice and redress. The authors support the view that the high cost of litigation affects the process, and, therefore, endeavored to establish whether this setback is also applicable to Uganda, and propose solutions.

Research methodology
Research design and research approach

Research design is the overall research strategy (Cresswell, 2014). This paper adopted a case study research design. Yin (2003) notes that the case study research design involves an in-depth study of a problem and allows the study to break down complex issues through a detailed contextual analysis of a small population. He further notes that case studies are preferred for studies that will focus on a situation or location. This study focused on the existing legal framework and book piracy through a detailed contextual analysis of Nasser Road. This was because Nasser Road is the hub of printing and photocopying

business with reported cases of forgeries and reprinting books (Sserwaniko, 2009 & Kiva, 2018). A qualitative research approach was adopted to guide this research process. The researchers conducted a pilot study before the main study to give a broader and clearer picture of the Legal framework and book piracy in Uganda.

Population of the study

The population of this study was the book printers who were assumed to be practicing the different forms of book piracy (Kiva, 2018) and the Uganda Registration Services Bureau (URSB), the administrator of copyright in Uganda (Ssuuna, 2017). URSB (2017) indicates that there are 248 staff in the Bureau with 24 staff in the Directorate of Intellectual Property. Out of the 24 staff, 7 of these are in the branch offices and the other 17 are in the main office (URSB, 2020). The 17 staff are the target population for this study. For the book printers, the Uganda Bureau of Statistics (UBOS) (2011) figures show that the number of printing and publishing entities in Kampala was 14 in 2001/2 statistics. UMA & UPPA (2017) indicates that 83 members are registered as members of the UPPA directly engaged in book printing and photocopying business at Nasser Road. This 83 was the target population for this study.

Sample size

The sample size is the number of elements or subjects that are used as a representative population of the whole. This sample size was determined using Yamane's formula (1967). The sample size for Book Printers was 45 informants and 14 interviewees drawn from URSB. This sample size was considered given that this was a qualitative study which supports a small sample size for an in-depth analysis.

Purposive sampling

The study employed purposive and convenience sampling techniques to select the population from the rights body (URSB), particularly those in the Intellectual Property Directorate.

The researchers employed these techniques to identify and select respondents from the Bureau particularly those under the Intellectual Property Directorate with specialised knowledge and experience in copyright management and enforcement of the law. This is because the purposive sampling strategy is ideal for qualitative research in selecting information-rich cases related to the topic under study while convenient sampling was also used because it ensured book printers who were conveniently available at agreed times were selected to participate, thus making it easy and economical for the researchers.

Data collection methods

The study employed unstructured interviews, focus group discussions, and document analysis as the methods to guide in gathering data. These are qualitative data collection methods which fit well with the approach adopted. These methods were developed to cover all the target respondents.

Validity and reliability

The researchers conducted one pilot study with three book printers who were equally based in Nasser Road but were not necessarily members of UPPA. The pilot study was conducted at Pan World Building, plot 53 Nkrumah Road, just opposite Nasser Road where informants were easy to access. Additionally, the researchers employed both data and methodological triangulation. A variety of data sources including the URSB, and the book printers took part in the study. Methodological triangulation involved the use of semi-structured interviews, focus group discussions and document analysis to ensure that the data collected is correct and accurate. Although the research did not subject the target respondents to a signed consent form, this study ensured that all respondents were fully informed and agreed to the request to undertake this study through a written request to both URSB and members of UPPA. The researcher also sought permission from respondents if photos would be taken during the discussion and interview. The members of UPPA; that is to say, book printers objected to any video recording and photos. Respondents from the Bureau agreed to record and take a photo. The researcher ensured initial familiarisation with data collected and developed themes that helped to easily categorise the findings for further description and discussion. The researchers read through all feedback from the interviews, and document reviews and relate the findings to the research questions. This enabled the researchers to get familiar with the responses and matters arising from them. Furthermore, under each objective, data answering the research question were grouped into themes for easy representation and easy understanding of the findings. The researcher drew themes from the research objectives and sub-themes from the data collected from the field.

Presentation and discussion of findings

The presentations of the findings were guided by the

objectives of this study article, which include:

Objective One: Forms of book piracy in Uganda

Book piracy can be at the primary level which happens in the supply chains and, or secondary level through unauthorised photocopying, scanning and digital copying. The study sought from all informants the different forms of book piracy practiced in Uganda. The results from the different respondents and the documents reviewed showed that book piracy is being practiced in Uganda, with books on higher demand targeted most. The findings revealed the following forms of book piracy practiced in Uganda:

Duplication and photocopying books

During the group discussions, the informants stated that with the use of advanced machines, there are instances where some printers duplicate original material in high demand for sale. They noted that the duplicated books are commonly sold on the streets and wondered why the enforcement agencies don't start with those books on the streets. One informant stated that

"We have many printers here who duplicate original material on high demand and they sell them so cheaply compared to the original books on the market. I have personally seen the duplicated books being sold on the streets and I have wondered why the copyright police don't start with those books on the streets"

Surprisingly, there was a consensus among informants in all the discussion groups that some of the people entrusted to sell books for the authors ended up duplicating them. Their emphasis was on the street printers on the streets of Kampala as the main culprits of duplicating and pirating books. The study noted that most of the books sold on the streets are pirated books. Whereas book printers were wondering why the government particularly the enforcement agencies were not targeting these street printers, respondents at the Bureau reported that their main target is those with machinery involved in duplicating these books. They argue that selling can always sell from any other place and if those duplicates were apprehended, then the practice can be lessened. On photocopying, book printers submitted that this is not very common at Nasser Road, informing the researcher that photocopying is minimal at Nasser but highly practiced at academic institutions. This corroborated with the findings of Garwe (2014) who found Zimbabwean schools to be at the forefront of photocopying books in disregard of the directive by the state.

Plagiarism and copying from others

Many printers pointed to the fact that some authors come with works that have been copied from other books for printing, but if they are told about plagiarism, they go away to briefcase printers.

What came out clearly from the different discussion groups is that:
Some people bring their work for proofreading and printing, but whenever they are told about such works existing in other books, they get their work and go away to small printers who will not question them.

To them, this is a common practice especially done with primary books. It was noted that the main culprits were teachers themselves who were fond of copying work from other books without acknowledging the source.

During FGDs, informants observed that if the printing and publishing sector was well regulated without what they referred to as briefcase printers, these cases could be managed. Although respondents did not particularly point out this as a key factor, book printers believe that a well-regulated book sector would easily be monitored for compliance with the legal framework.

The authors agree to the need to regulate the printing and publishing sector given that those who have invested heavily in the sector would not want to risk their investment by getting involved in printing such plagiarised and copied work.

Translation of original books

The informants noted that translation is particularly common with religious books mainly translated from English to local languages. Their view is that the poor reading culture could have contributed to the low levels of translation of secular books.

One respondent noted that:
"many religious books have been translated from English to many local languages without any limits. You move to any local bookshop around the country, you will be shocked to find each bookshop having such translated works"

Interviewees from the Bureau also submitted a similar claim that cases of translation of books as a form of book piracy have not been reported before. What came out clearly from the book printers was that many Ugandans are poor in reading, and cases of translation have been done on religious books many people go with to church. This supports observations made by Omeiza & Lanre (2019), that translation without permission is one of the forms of book piracy. Surprisingly, many people think religious books are

exempted from copyright restrictions. This is one factor that research participants hinted at as a cause of the translation of religious books. It is therefore clear that this form of book piracy is not as common as in other countries like India where All About Book Publishing, (2017) found out that producing translated versions of foreign language books in other languages was one of the top three forms of book piracy in the country.

Circumventing e-books

The informants pointed out that technology has played a very significant role in enhancing book piracy. They noted that books existing online are downloaded by individuals and taken to them for printing.

What was noted was that:

"The emergence of technology has also amplified book piracy in the county. Unlike the yester years, now days one has to just download an e-book and make hardcopies out of it. And you can't blame them as much because some e-books are freely available online".

Although the majority of the respondents among the book printers disassociated themselves from printing such works, some were bold to state that they do business purely for the customers even when they are suspicious that such a work seems to have been downloaded from the internet. Omeiza & Lanre (2019) also identified circumventing the e-book as one of the common forms of book piracy. The enforcement officers at the Bureau informed of a case in which one person purchased a book from Amazon, and later circumvented the book. They tried to pursue the case, but the problem was the lack of interest by the author to give reciprocal rights to the Uganda Reproduction Rights Organisation (URRO) to pursue on their behalf. To them, the authors did think there was value in pursuing a case with a poor country. They noted that online piracy and circumvention of books is commonly done to foreign books with high demand.

Excess production and false use of popular author's names

This study sought to establish if excess production of materials and false use of popular authors' names were other forms of book piracy practiced in Uganda.

Informants indicated that even though they do not rule out excess printing as existing, it is not a common form of piracy among the book printers. They submitted that the use of popular authors' names is not a common form of book piracy at Nasser Road.

The researcher captured a comment from one of the discussion groups where an informant noted that:

"These other forms of book piracy like excess printing,
and use of a popular author's name are not common here at Nasser Road."

The researcher sought clarification on why this was the case, and the informants clarified that most of the books pirated are either academic or inspirational books that are already in high demand, and yet these forms apply to new books that no one can predict with certainty how the market will respond when they are supplied. The study considers the market forces responsible for this since the book printers are driven by the demand, and if they were allowed to print books approved for use in the curriculum, there is no guarantee that forms like excess printing would not exist.

On the other hand, interviewees from the Bureau reported that cases of excess printing, transmutation, and use of popular author's names have not been reported to them. They however generally suspect cases of excess printing to be in existence but could not quote any specific incident.

The research findings established that these forms of book piracy are not common on Nasser road, and if they exist, they are practiced on a small scale. This could be attributed to the low levels of reading culture since high reading levels are likely to drive high demand which will influence the various forms of book piracy.

Uganda's legal and institutional framework on book piracy

From the documents reviewed, Ssuuna (2017), Abinyo (2014), Kyomugasho-Kainobwisho (2014), Mpeirwe & Kiyimba 2012 and Magara (2016) among others asserted that there exist both the legal and institutional framework in Uganda. Kyomugasho-Kainobwisho (2014) stresses that Uganda has a "proper legal and institutional framework that supports the creation, protection and promotion of copyright." More documents like the NIPP 2019 also confirmed these but reported poorly coordinated efforts to curb book piracy.

The above agrees with Ssuuna's observation when it was stated that in principle, Ugandan law protects intellectual property rights (Ssuuna, 2017). The legal and institutional frameworks on book piracy in Uganda are:

The legal framework on book piracy

i. The Constitution of the Republic of Uganda, 1995

ii. The National Intellectual Property Policy (NIPP)

iii. Copyright and Neighbouring Rights Act, 2006 and the Copyright and Neighbouring Rights Regulations 2010.

iv. The Copyright and Neighboring Rights Regulations 2010

v. The Computer Misuse Act, 2011

Institutional framework on copyright enforcement in Uganda

i. Ministry of Justice and Constitutional Affairs

ii. Uganda Registration Services Bureau (URSB)

iii. Uganda Law Reform Commission

iv. Uganda Reproduction Rights Organisation (URRO)

v. Uganda Communications Commission (UCC)

vi. Uganda National Bureau of Standards (UNBS)

vii. Customs and Excise Department; Uganda Revenue Authority (URA)

viii. The Police and Directorate of Public Prosecution (DPP).

ix. The judiciary

Level of awareness of the legal framework among book printers and its implications

Korletey & Tettey (2015) define copyright awareness as perceiving, knowing and being conscious that copyright exists in all forms of perception, knowledge and consciousness. Book printers exhibiting a sense of awareness of the legal framework and the dangers posed by book piracy is a first step to enhancing creativity in creating new content since copyright holders will enjoy the economic royalties of their works.

The researcher sought to investigate the level of awareness of the legal framework on book piracy among book printers and its implications as a third objective. All the five FGDs with the book printers indicated that they were aware of the existence of the copyright law as they know it. They however indicated that they were not very conversant with many provisions of the law except for two key Provisions:

a. Which talks about the fair use doctrine where one is allowed to copy a copyrighted work without seeking permission from the rights-holder for study and personal use, and

b. exemption where one is allowed to use a book freely without seeking permission or consent of the right owner fifty (50) years after the death of the author.

The book printers stressed that URSB organised a sensitisation training but noted that the selection criteria for members who attended the training were not clear. As one informant reported:

…there was a training about the copyright, but we just heard after it was done. We don't know how they selected people to attend.

Another informant reiterated that:

…they only invited authors and left out printers and publishers.

In all the Focus Group Discussions, informants submitted that they were left out of such training with some noting that they hear about such training even after they are finished. Indeed, during interviews, interviewees at the Bureau confirmed that they normally organised sensitisation training but the prevailing pandemic affected their 2020 planned programmes.

Interviewees further informed the researcher that they have been organising the awareness training on copyright with the support of the URRO as one of its functions. URRO has been active in organising and participating in sensitisation seminars including during this period of Covid-19. One informant reiterated that on August 5th, 2020, there was a webinar on Copyright Protection and Performing Arts in East Africa where URRO was highly involved.

On review of the Copyright Act, section 58, subsection (b) the researcher found that the act provides for one of the qualifications for registration of a collecting society as *to promote and carry out public awareness on copyright and neighbouring rights.* It is therefore partly the duty of the CMO to plan for any sensitisation training and to mobilise the book printers, rights holders and citizens whenever there are such awareness initiatives.

In two of the FGDs, some informants indicated that they have their company lawyers who take them through some of these laws and the risks involved in infringing on the laws. Another group indicated that they have a social media group (WhatsApp Group) called *Africa Intellectual Property Centre*, where they talk about copyright and related laws. It was revealed that URRO joined this Africa Intellectual Property Centre WhatsApp Group in 2020, and they have been vibrant on issues on copyright.

It was clear from the interaction with the book printers that they are aware of the copyright even though they claim not to know many provisions of the law. Although Magara (2016) noted the lack of awareness of the copyright law among leaders and the people who do photocopying, the level of awareness seems to have improved with the need to focus on the provisions and the implication of infringement. Book

printers stressed that they are aware it's against the law to reproduce or photocopy somebody's work without authorisation, and those who engage in this offence normally do it at night. This view was shared by another interviewee at the Bureau who reported that:

...It is hard to get these people since they do the book duplication at night.

However, book printers reported that they did not know the implication of not complying with the law. As voiced out by one informant:

We know the law is there, but we do not know what happens if you go against it. What penalties are there since you never hear what has been done to anyone caught.

This then calls for all stakeholders in enhancing proper training and awareness to ensure awareness, understanding and respect for the copyright and other related legal frameworks as identified by previous scholars like (Igesha et al, 2016).

Setbacks faced in the enforceability of existing laws
High cost of registration

On review of the C&NRA, 2006, the researcher established that section 4 provides for any original works reduced to a material form to be entitled to copyright protection without being subject to any formality. Unfortunately, the challenges faced in a situation where infringement has been reported and the need to prove ownership necessitated registration of copyrighted material to keep a record of a true copy and also serve as a prima facie evidence as noted by previous scholars like (Kyomugasho-Kainobwisho, 2014).

The registration fee is fifty thousand shillings (50,000/-) and another four hundred and fifty thousand shillings (450,000/-) for publication of the

Copyright	Application for Registration	50,000/=
	Advertisement in the Uganda Gazette	Advertisement in the Uganda Gazette
	After 60 days from the date of advertisement, a certificate of registration is Issued.	No fees charged
	Application for registration of assignment or transfer	50,000/=

Figure 1. An online Intellectual property fees guide (URSB Website, 2022)

notice of registration in the gazette as a requirement. The literature reviewed indicates the procedures for registration of copyright involve: an application for registration is made to the Registrar of Copyright and an application fee of UGX 50,000 paid; a copy of the work for which protection is sought must be attached e.g Books, CD, DVD; the application is then published in the Uganda Gazette for 60 days, and if no objection is made, a certificate is issued at no cost to the applicant" (URSB, n.d).

The available literature on the number of applications and registration made between 2012 and 2014 shows that 83 copyright applications were made to the Bureau, out of which, 47 were registered while the other 36 were not registered (Abinyo, 2014).

Challenges in acquiring reciprocal arrangements with foreign authors

Internationally, copyright protection is not limited to citizens of a particular country. International treaties like the Berne Convention and the TRIPS agreement provide for equal treatment of domestic and foreign works.

According to the findings, Uganda has tried to enforce this requirement as it is provided for in the copyright laws of Uganda in section 81 which provides for reciprocal protection. The challenge however is the lack of interest by the foreign authors and copyright holders to support efforts in Africa when their books are pirated and the culprits are taken to court. When the need to prove ownership is reached, the foreign copyright holders do not support the efforts to pursue the case. The enforcement team and the URRO find challenges in continuing with the case.

In one of the interviews, an interviewee stressed that:

...we hit a snag when we are asked who the complainant is. CMO is required to get reciprocal arrangements but some foreign rights owners are not interested in Africa they deem as poor.

1. Lack of regulations on the printing and publishing industry

The other setback which stood out is the lack of a regulated printing and publishing industry. Book printers observed that people easily penetrated the

industry without any regulation.

As one of them was submitted during one of the FGDs:

...the problem is anyone can join and quit the printing business without anyone knowing. There are very many briefcase printers and publishers whose role is to look for business and move from one printing house and to another for specific services.

Another questioned,

"If the government is asked how many people are involved in the business of printing and publishing books here at Nasser Road, do you think they know?".

It was clear that book printers interviewed wanted the government to intervene and develop some kind of regulations and standards for the sector so that cases of book piracy can be curbed.

Most book printers believe that the main offenders are those briefcase printers who only have small printers and can easily move from one place to another, making it difficult for the enforcement team to inspect and apprehend in case of any copyright infringement.

2. Lack of support from the library professionals

One of the setbacks raised during interviews was the lack of support in the enforcement of copyright protection by library professionals. Given that librarians and other information professionals have a big role to play as custodians of books and other research works, interviewees believe they should be at the centre of enforcement of copyright in academic institutions and libraries.

Unfortunately, one interviewee noted that:

...some of the efforts are frustrated by the librarians who focus on two aspects, fair use principle and open access initiatives to make materials freely accessible to the users.

The researcher noted that librarians and other custodians instead of promoting the need for users to pay for the materials by promoting the acquisition of a secondary or copying license from the collecting society are instead looking for ways of beating enforcement including allowing users to copy more than permitted in the fair use and opting for freely accessible materials.

This validates the previous findings of Magara (2016) that educational institutions were facilitating copyright infringement with their libraries operating photocopiers and providing other reprographic services for a fee.

Garwe (2014) asserts that it is not clear whether librarians should be held responsible for policing clients to check what they do with the books they borrow. This study takes the view that the librarians together with their professional associations particularly (the Uganda Library and Information Association (ULIA) take a share of the blame in case of a high prevalence of book piracy in information centres because they have a civil duty to create awareness and promote respect for copyright.

During the interviews, the authors were informed that librarians have been misled by the Electronic Information for Libraries (EIFL) partnership project, a body that offered sponsorship for electronic resources. It is believed that the offer of sponsorship to librarians to access e-resources is a trick to make them get used to the resources, and at the closure of the project, institutions have to find ways of subscribing and continuing with these e-resources. The strategy of winning the professionals would have been achieved.

It was reported that since the project came into force in 2011, most librarians in Uganda especially those under the Consortium of Uganda University Libraries (CUUL) turned against any effort to support local authors and protect copyright but focused on sponsored subscription-based resources.

3. Advancements in technology

Sharma & Begum, (2018) notes that with the progressive evolution in digital technologies, piracy is taking a new direction and dimension.

This is true in the area of book piracy as book printers and staff of the Bureau pointed to the fact that technology has made scanning and reproduction of books easy. Advanced scanners are known to produce duplicate copies that are difficult to differentiate from genuine ones.

This was also reported by the enforcement officers who submitted that the advanced scanners and printers used by book pirates produce quality which has posed a serious challenge in producing evidence in form of exhibits in cases involving book piracy.

This is also confirmed by scholars like Korletey & Tettey (2015) and Nwogu, (2014), as reported in Odu & Bassey (2015), that the dawn of the information age and the advancement of technology in the reproduction of information and intellectual goods created a favourable infrastructure for pirates making it easy and cheap to photocopy, plagiarise and pirate materials.

Similarly, the ever-changing technology affects the effectiveness of the laws. Laws are normally effective on technologies already existing and easily understood by lawmakers. Future changes are hard to predict

rendering existing laws unable to effectively deal with them. This validates findings from Orme (2014) who stressed that anti-piracy laws cannot predict future technologies for creating and distributing illegal content, making it hard to develop enforceable rules for them.

4. Cost of enforcement and limited resource envelope

This study found out that the cost of enforcement was high yet there is little funding from the government.

The interviewees reported that the government is supposed to fund the enforcement activities but due to limited resources envelope, enforcement officers sometimes request complainants or rights owners to facilitate them when there is a need to raid suspecting infringing houses or printers.

Generally, the cost of court redress starting from facilitating officers to go for raids and following up the case to its conclusion is costly for many authors. This is not unique to Uganda as previous scholars like Mahmood & Llyas (2005) and Odu & Bassey (2015) also noted that countries like Pakistan and Nigeria have laws but the cost of enforcement and legal redress is long and costly for the authors.

5. Lack of security features to differentiate genuine books

One major way of enforcing the legal framework to mitigate book piracy is conducting raids. However, this exercise is hampered by the difficulty in differentiating between genuine and pirated copies. The researcher found that an initiative by the Uganda Reproduction Rights Organisation (URRO) to enforce the use of holograms as security features on genuine materials has been unsuccessful. It was hindered by a lack of legal backing as one interviewee indicated that:
...the use of holograms to distinguish the pirated book from the genuine one was a good step which proved effective, unfortunately, it is not provided for in the laws.

The existing laws do not provide for use of holograms as a security feature and do not explicitly provide for authors to adopt any security feature. Another issue was the challenges stemming from the management of the CMOs which saw some holograms in the hands of book pirates. It was reported that there was connivance between some staff and book pirates to illegally get holograms.

Holograms are capable of providing the much-needed security features for distinguishing pirated books from original genuine books as a prerequisite to enforcement.

6. Reported cases of corruption on the side of enforcement agencies

One of the most reported cases was the high levels of corruption among bodies that are mandated to enforce the law to curb book piracy.

According to most book printers, the officers are compromised and inspected for two reasons:

i. When they want to account for the money they received or used in their offices, and

ii. When someone facilitated their raiding and confiscation of materials from their rivals.

In all the discussion groups, Book Printers reported that those who are caught pirating materials pay bribes and are left without trial. In one of the FGDs, a voice was noted that:
...many people do not respect laws in this country because they know they can bribe their way out of any situation.

Enforcement of any law is the duty of the state, and any weakness like lack of facilitation will compromise their perception from the public. However, issues of corruption have also been reported in Kenya when Igesha, et al (2016) noted that "...there are complaints of corruption on the part of the law enforcing officials and of delayed judicial justice". Enforcement officers blamed the lack of sufficient facilitation on the low funding from the government for enforcement activities which forced them to seek facilitation for raids from the copyright holders. The researcher learnt that the wrangles among some of the book printers are blamed for this perception being targeted.

During one of the interviews, one interviewee reported that:
...there are cases during enforcement where you end up being entangled in the business disputes among and between the book printers.

This does not stop their operations as interviews affirmed to the researcher that they normally continue to carry out inspections and raids with the intent to confiscate materials suspected of pirating books whenever there is any complaint irrespective of the politics and conflicts on the ground.

7. Poor enforcement of the legal framework

During the FGDs, informants reported insufficient and ineffective enforcement of the existing laws. Two of the five groups who participated in the discussion raised the issue of the inconsistency in raids made by enforcement of offices and the lack of commitment to enforcing the law.

The view that copyright is a private right and raids and confiscation of pirated material can only

be done with a complaint from copyright holders has created inconsistency in enforcement. The enforcement officers interviewed confirmed this position to the researcher when they said:

We cannot raid and confiscate books even if we suspect the book vendor to be pirating books because copyright is a private right and we cannot be seen as the complainants. Also, we are not in the right position to tell which book is genuine and which is pirated.

As a result, this creates a lapse in the enforcement process. This was also reported by Magara (2016) who noted that the legal framework was poorly enforced due to weak regulations, poor infrastructure and the absence of an active piracy monitoring body in Uganda. Igesha, et al, (2016) also noted a similar situation in Kenya when they blamed "the Kenyan government's failure to protect copyright" for allowing pirates to fill the market demand with pirated books.

The researcher learnt that enforcement officers do regular inspections with a view of sensitising suspected book printers to respect the copyright law without necessarily raiding them. Given that authors and rights holders may not be in a position to do the monitoring of their work, it is clear that book piracy is almost left to flourish because of poor enforcement.

8. Limited knowledge on the provisions of the law.

This study established that the level of knowledge and consciousness of the legal framework among the book printers at Nasser Road is moderate. It is clear most book printers know of the existence of the copyright law but are not knowledgeable about the provisions.

Most informants during FGDs stated that very little effort is being put in by the government to create a sufficient level of awareness. This supports the previous findings of Odu & Bassey (2015) who asserted that the majority of printers had a reasonable level of awareness with many reporting to have heard about copyright, but don't understand it. Magara (2016) attributes this to the absence of awareness of the copyright laws by authors, custodians of copyright materials, and implementers. This kind of awareness is not beneficial and does not present opportunities for the rights holders to enjoy the economic benefits of their work. This is a setback inhibiting deterrence of the piracy.

9. Lack of sufficient skills among IP professionals

The lack of sufficient skills among the IP professionals did not come from the book printers or interviewees from the URSB but the literature reviewed in the Bureau. One of the key setbacks to the enforcement of the legal framework identified in the NIPP, 2019 is the "lack of skills among the IP professionals". This is why one of the objectives of the NIPP 2019 is to "develop and enhance human resource capacity for the generation, protection, commercialization and enforcement of IP". This supports the findings of Garwe (2014) who reported that the major huddle in the enforcement is that pirates are ingenious and stay ahead of enforcement authorities operating in a very complicated system involving the use of skills and speed to create, hide and supply pirated books beating the enforcement officers.

The enforcement officers and IP professionals will not be able to beat the book piracy system if they do not have sufficient skills. The officials must be ahead of the system and ingenious if they are to eliminate this practice.

The coming into force of the NIPP 2019 is hoped to provide the necessary facilitation to the recruitment and equipping of staff to mitigate this challenge.

Strategies to address the setbacks faced

The setbacks identified above have a negative impact on the legal framework in satisfying the deterrence theory in the fight against book piracy. Some of the possible solutions identified during this study are as discussed below:

1. Assenting to international treaties on digital piracy

The researcher found out that plans to ratify international treaties relating to digital copyright protection so that Uganda can incorporate such provisions into its law. During the interview, one interviewee submitted that:

...cabinet paper has been prepared for cabinet consideration seeking authority for the country to ascend to the Berne, Beijing treaty, WPPT and WCT.

It is on the ratification of these treaties that provisions relevant to curbing online piracy can be incorporated into Uganda's legal system. Useful legal provisions dealing with digital book piracy are already provided for in these treaties and it only requires Uganda to ratify those treaties so that such provisions can be domesticated.

Other mechanisms to deal with digital piracy such as pulling down websites sharing pirated books should be adopted given that technology is the biggest threat to the enforcement of legal framework.

2. Revision of the law

The core requirement for effective mitigation of book piracy is the need for a strong law. During the interview, interviewees noted that the law having been promulgated in 2006 needs revision to cater to the new developments and techniques of the pirates.

One interviewee observed that:

"...there is a need for a holistic study of the whole law on copyright.

This could mean that they have faced real challenges in the use of the law and they appreciate the need for its revision. This view is shared by Orme (2014) who observed that new technologies emerge that facilitate the distribution of illegal content making past laws ineffective in regulating these technologies.

Another interviewee also noted that the law should be amended to provide for an *Extended Collective Mandate.* This is where the collecting society is given powers to enforce copyright and collect royalties for all authors in the country even though they have not signed any mandate together. The collecting society will then hand over the money to the authors but where it is not possible, handover it over to the government. Although some informants during the FGDs stressed that poor enforcement is the key factor, some URSB staff believe that the law should be revised to provide for stricter and deterring penalties and to provide ways of curbing online or digital book piracy. This is supported by Magara (2016) who stressed that the penalty should be increased from the current fine of one hundred currency as a deterrent to offenders.

The common voice from both the FGDs and interviews was the need to revise the law to provide for ways of differentiating between original books, and the pirated book so that enforcement can be eased and culprits can easily be apprehended.

3. Introduction of security features-holograms

The introduction of security features on genuine books is seen as one of those key initiatives that will help in the fight against book piracy. Ahmadu (2017) also recommends publishers use security features in producing books like EU marks, glitch patterns, watermark papers and micro text that will prevent pirates from duplicating their books.

In Uganda, the use of holograms as an initiative has been challenged by the lack of legal backing. One of the things interviewees recommended is the inclusion of clauses providing avenues of distinguishing original material from pirated copies. As stated by one interviewee:

The use of a hologram is a very good initiative that should be incorporated into the legal framework.

It is worth noting that legalizing and or formalizing the use of holograms and other distinguishing features will help in handling the cases related to book piracy especially criminal aspects of the cases. Magara (2016) also supports this initiative when he observed that the use of holograms will ease the work of inspectors as they rid the market of pirated books.
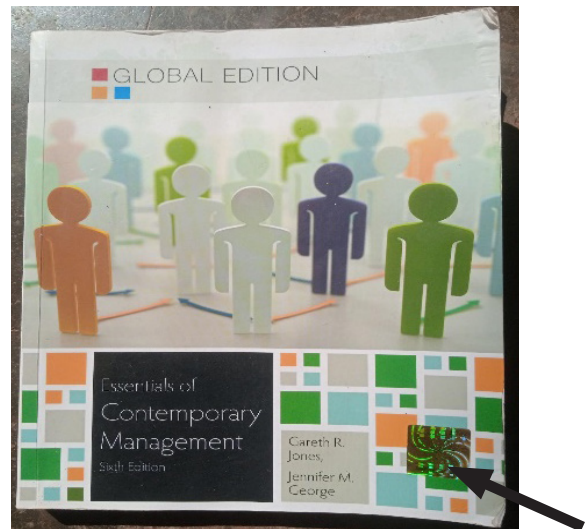
Figure 2. Sample Book with a security feature-Hologram.

Although their use had been appreciated, and some local and international authors had adopted the use of a hologram, authors and other copyright holders should be encouraged to continue using this feature and any other security features that can be developed as this will play a significant role in distinguishing genuine books from pirated books.

4. Strengthening enforcement efforts

It is clear from the research findings and the literature reviewed that Uganda has the legal and institutional framework to enforce the laws and fight book piracy.

Unfortunately, one of the challenges is the weak enforcement and the poor coordination among the enforcement agencies.

All those who participated in the study agreed that there should be more concerted efforts to strengthen the enforcement of the legal framework against book piracy. Interviewees noted that more finances should be channeled to the enforcement activities to support regular inspection of suspected areas, create a network of collaborators with the communities and create the local monitoring units across the country.

The reporting mechanism should be made easy and accessible to the public with enforcement units in all local police posts so that reports can be easily

handled decisively.

5. Establishment of a copyright tribunal

The researcher sought to investigate how relevant the establishment of a Copyright Tribunal would be in settling disputes related to book piracy. The majority of the participants from both the book printers and the Bureau supported the idea of establishing a Copyright Tribunal saying it would offer prompt and cost-effective adjudication of book piracy-related cases.

During the interviews, one of the interviewees observed that:

...such a body would very much help to quickly settle cases since they can be easily accessible to the public and the cases will not escalate quickly into criminal offences which have given the enforcement officers and the DPP challenges in presenting evidence.

Here, it is said that offenders may not be threatened into much defensive approach like in courts where the whole issue is to win the case and not necessarily to amicably settle the disputes.

However, some were pessimistic stressing that the biggest problem now is corruption, and to them, it doesn't matter which institution is established.

It was generally accepted that the idea of the tribunal composed of different highly respected members of society with backgrounds from different sectors can be adopted and established in all the regions or even districts of the country.

6. Instituting more awareness and sensitisation trainings

It was generally supported by all those who took part in this study that there is a need for more awareness and sensitisation training if the practice is to be mitigated. The prevalence of book piracy can be attributed to the lack of awareness of its negative consequences like demoralizing the authors thus killing creativity and the positive energy to author content in the book industry. Deliberate efforts should be made to ensure that all citizens, especially book printers, are conversant with the negative impacts of book piracy and the provisions of the law. This view is also supported by Magara (2016) who stressed that there is a need for an awareness programme about the disadvantages of piracy, penalties for illegal bookshops, the legal provisions and enforcement of the law and the copyright policies.

Interviewees from the Bureau intimated that more funds should be allocated to awareness campaigns to facilitate the exercise if any success is to be realised.

7. Establishment of a culture fund

Many of those who took part in this study across the board alluded to the idea of establishing a fund by the government to support the authors and other creative artists. There was a call for the government and sector players to fast-track the establishment of a Culture Fund in Uganda that would be handy in supporting all those undertaking projects in the creative industry.

Asinde, (2020) observed that if Uganda is to achieve the middle-income status it desperately wants, authors and others who play a significant role in the production of works that reflect the history, culture and social setting of the country must be given due attention. Similarly, the National Culture Forum had made the same appeal for Creative Industries Fund as an initiative to support the sector and ensure it doesn't suffer further declines in harsh times like the Covid-19 pandemic (Asinde, 2020).

One of the news highlights on Ark TV, a local television on 11th December 2020 at 9:00 pm read *"Government sets aside 780 million for artists",* and Daily Monitor Newspaper on 1st November 2019 *"Government gets Shs 18b for creative industry".* If these headlines are to go by, it might be challenging to manage the fund and distribute or share this money among the artists without such a fund in place, it would be easy for the government to deposit money into the fund and the rest can be handled by the responsible entities such as the responsible ministry(ies) and the collecting management organisations.

This fund can act as a protective cover and safety net that will enable the authors to mitigate the negative impacts posed by the threat of book piracy, and also support the creation of content.

8. Strengthening the collecting management organisations (CMO)

The findings show that few authors have registered with Uganda Reproduction Rights Organisation (URRO), the society licensed by URSB to help rights holders, which renders it weak.

The researcher was informed that about two hundred and thirty (230) members have signed the mandate to work with URRO in the management of copyright (Batambuze, 2020).

Interviewees observed that there should be ways of bringing all authors and copyright holders to join the membership of the URRO so that they are stronger together. One of these approaches is a revision of the law to provide for an extended collective mandate where the collecting society is given the mandate to collect royalties on behalf of all authors including those not members of the collecting society and royalties/

money is given to them or the government if they are not accessible.

Mindset change among the authors and copyright users like universities to appreciate the role played by the collecting society to create and promote collaborative efforts to safeguard IPRs.

9. Adoption of technology to fight book piracy

During the FGDs, informants hinted at the need to develop technological solutions that can be employed to monitor and mitigate book piracy. They opined that technology can be used in registering books for copyright, monitoring online book piracy, monitoring websites and tracking pirated books, and monitoring the printing and publishing sector. In this era of rapid technological changes, Orme (2014) notes that "…constructing effective anti-piracy policies fundamentally lies in the development of technology that can circumvent the goals of such policies".

Even with the level of technological advancements, this has not been practically possible.

On having systems to fight book piracy, one voice from the discussion groups stated:

"Uganda needs to develop a system similar to the one used by Uganda Revenue Authority to register business and monitor compliance".

It was surprising that book printers were actually at the forefront of advocating for technological solutions to deter book piracy which shows that some book printers are indeed against the practice.

Technology can support differentiating pirated from genuine books as noted by Garwe (2014) who proposed the use of advanced technologies such as watermarks and encryption of e-books with powerful codes to allow online access to subscribers only.

Given that we are in an era where technology is being blamed for aiding book piracy, it is equally necessary that technology is used to counter the negative impacts posed by technology.

10. Regulation of the printing and publishing industry

There was a general call by the book printers to the government to regulate the book sector.

Due to the lack of a regulated printing and publishing industry, many book printers called on the government to set some standards for the sector to attract serious investors.

It was noted that book piracy can be minimised if the briefcase printers were eliminated.

When the researcher requested an example of a well-managed printer in Uganda, at least each group mentioned In-Line print Services. They are known for maintaining a high level of integrity, keeping records and training their staff on issues like copyright law.

The researchers paid a courtesy visit to In-Line Print Services and, indeed found a high level of organisation within the business. However, it was clear that the capital invested in the organisation was high and worthy of every penny.

The informants blamed the high book piracy cases on small briefcase printers moving from one printing or publishing house to another for different services such as one to produce the plates, another to do the printing and another to bind. And if these people are eliminated, the sector can beat the practice. Given the cost of investment for such high-level printing services, many book printers and potential small-scale investors may not afford it. It is therefore prudent that basic and workable ideas need to be sought by the government and its agencies on how to regulate the sector without subjecting it to the high investment costs required.

This research notes that book printers can be involved to suggest work proposals. Some of the proposals may include: ensuring a linkage between the Bureau and the International Standard Book Number (ISBN) agency; a legal deposit Centre to keep a record of the publication; ensuring good keeping measures.

From the above findings and discussions, it can be observed that the researcher got a wealth of responses from both the book printers and the staff of the Bureau.

Findings presented and discussed have covered all the basic areas of the study including the forms of book piracy which found duplication, circumventing e-books and translation as commonly practiced; the legal and institutional frameworks in Uganda; efforts in place to curb book piracy; level of awareness of the legal framework among book printers and its implications on book piracy; the scope of counter-piracy enforcement powers and the legal regime; setbacks faced in the enforcement of the legal framework to curb book piracy; and strategies to address the setbacks.

Conclusions

The study examined the legal framework in curbing book piracy in Uganda so that if the situation is found wanting, strategies to address the challenges would be proposed.

Based on the evidence of the study findings, it can be concluded that the forms of book piracy not common in Uganda are because of the low demand

for materials and not because of the efficiency of the law and its enforcement. The legal regime and institutional frameworks are in place but not sufficient in thwarting book piracy because the current efforts are uncoordinated, and the operationalisation of the National Intellectual Property Policy, 2019 is hoped to create some harmony among the institutions since hindering factors were ably identified during the development of the policy.

The existing efforts do not seem to resonate with the existing trends of book piracy and the genuine book printers were dissatisfied with the efforts from the government and other responsible stakeholders. The study discovered that book printers were moderately aware of the existence of the legal regime but were not sufficiently knowledgeable about the key provisions of the laws. Deliberate efforts are needed to ensure awareness and compliance with the existing laws.

The study also found that the scope of counter-piracy powers and the legal regime was inherently inefficient to curb book piracy because of the factors categorised as impeding factors (those within the law that are detrimental) and the missing ingredients that would otherwise foster enforcement and compliance. These among the various setbacks in the enforcement of the law have created an enabling environment for the book pirates and the book piracy as a practice to thrive in Uganda. The inherent factors within the law need to be addressed through an amendment while the missing ingredients need to be included in the law for it to deter or curb book piracy in Uganda

Based on the assumptions of deterrence theory, it is clear that there are no strong and serious punitive actions to deter people from engaging in book piracy in the future. The prevailing setbacks can be categorised as ineffective legal framework, ineffective enforcement and lack of sufficient capacity from the institutions and the personnel to deal with the vice.

Recommendations

Following the aim of this study which was "to examine the legal framework in curbing book piracy in Uganda so that if the situation was found wanting, strategies to curb book piracy would be proposed", the study makes the following recommendations or strategies based on the study findings that showed significant gaps in the law and its enforcement to deter book piracy.

The researchers believe that a comprehensive and multifaceted approach ought to be adopted for the legal framework to satisfy the assumption of deterrence theory.

Revision of the anti-book piracy laws

The study recommends a holistic review of the existing laws by the Ministry of Justice and Constitutional Affairs with the support of the Ministry of Internal Affairs to establish the loopholes for revision. Proposals should be submitted to Uganda Law Reform Commission for their compilation.

This research study recommends that the law should be revised to include among others:

a. Extended Collective Mandate for the collecting societies.

b. Compulsory Secondary licenses to the academic institutions.

c. Stricter penalties for copyright violators and book pirates in particular.

d. Clarity on the aspects of fair use to mitigate abuse, especially limiting production, reproduction, translation and adaptation for any use without acknowledgement and reasonable evidence of limitation to access authenticity. Clear fair use regulations are needed.

e. Additional mandate to copyright inspectors or creation of an equivalent office for coordinating copyright enforcement efforts within the structure of URSB.

f. Shutting down of websites and online platforms hosting and, or sharing pirated content to thwart digital piracy.

g. Domesticating some of the provisions in the international treaties on digital piracy into our copyright laws. This implies the need to ratify some of the relevant global treaties.

h. Mandating URSB to publish their gazette notices of applicants for registration of copyright in their internal publications instead of using the Gazette by Uganda Printing Publishing Corporation (UPPC) is costly for many authors.

i. Revision of the forms used for application for registration of copyright to include ISBN/ ISSN and legal deposit number to create a linkage between these institutions.

Restructuring the registration process

The researcher recommends that the Ministry of Justice and Constitutional Affairs and Ministry of Local Government with the support of the Uganda Registration Services Bureau and Ministry of Local Government in coordination with the Uganda Local Government Association should work together to

restructure the copyright registration process to ease registration and mitigate the costs associated with registration. The copyright registration should be included in the local government structure with an approval made by the Registrar of Copyright at the URSB. The role of registering copyright and other related rights should be cascaded down to the Sub-county level. The applicant for copyright registration should apply to the Sub-county Chief, who in turn forwards the application to the Chief Administrative Officer (CAO) of the District, who will issue a provisional certificate of protection. The CAO then forwards the application to the Registrar of Copyright for further processing including publication of the application in the gazette notice.

As part of taking services near the people, this service should be included in the roles and responsibilities of the district and local government structure to ease the registration process and promote registration for copyright and other related rights.

Adoption and promotion of security features

This research recommends that the use of security features by publishers and authors should be adopted and promoted. Uganda Reproduction Rights Organisation with the backing of the law should work together with the authors, printers and publishers to ensure that all books bear the security features. The law should include the promotion of security features as a role of society.

This will ease the identification of pirated books and facilitate the handling of book piracy-related cases, especially in criminal cases. Security features like holograms, watermarks, micro text and glitch patterns which will reveal marks when the original book is pirated can be adopted and promoted so that the public is informed on how to differentiate a genuine book from a pirated book. This study recommends that the use of these features, particularly the hologram already in use in Uganda for physical books need to be formalised or legalised to create consistency. It will also make it easier for the government to both investigate and prosecute those who have violated copyrights.

Sensitisation and awareness programmes

This study also recommends that more sensitisation and awareness programmes should be conducted for all the different stakeholders to promote the use and respect of copyright and related rights. URSB under the roles of Copyright Inspectors or a position created to coordinate enforcement can work together with the CMOs and professional associations like ULIA to promote sensitisation and awareness of copyright. Given that copyright cuts across all the sectors of the economy, it is imperative that all the different players including those in the book sector like authors and book printers, academia, information professionals, government agencies and enforcement entities are fed with sufficient knowledge for them to appreciate the role of copyright as property, existing laws, penalties for perpetrators and the impacts of book piracy.

This can be achieved through regular media engagements like radio and television programmes, intensified stakeholder engagements, and community outreach programmes on IPRs.

Strengthening enforcement of the laws

This researcher also recommends that more concerted efforts should be put in place by the government to ensure that enforcement efforts are strengthened. The Ministry of Justice and Constitutional Affairs and Ministry of Internal Affairs should work together to strengthen enforcement by:

i. Channelling more funds to support enforcement and inspection activities

ii. Additional manpower to the enforcement units

iii. Creation of monitoring and enforcement units in all police units across the country

iv. Enhancing facilitation and coordination of the URSB regional offices.

v. Fast-tracking the operationalisation of the National Intellectual Property Policy 2019

vi. Collaborative efforts in detecting and reporting book piracy-related practices by all stakeholders including the public. This will ensure that the efforts are visible and create an impact in the fight against book piracy in the country.

Establishment of Copyright Tribunal

The researcher recommends that a Copyright Tribunal charged with settling book piracy-related disputes should be established. The researcher recommends that the Ministry of Justice and Constitutional Affairs with the support of the Judicial Service Commission and the different stakeholders like the CMOs put in place a Copyright Tribunal.

The body should be tasked with settling book piracy-related cases outside the judiciary since the judiciary is normally faced with a lot of case backlog to promptly settle book piracy disputes.

This body should be composed of highly trained members and people of integrity, chaired or headed by a retired lawyer in a position of a judge conversant with Intellectual Property laws. The tribunal should have the powers of a High Court. It is possible that its mandate can be expanded to include other intellectual property disputes, and called 'The Intellectual Property Tribunal'.

The Copyright Tribunal will reduce the cost of redress in handling book piracy cases which stood out as an obstacle for many authors in taking forward cases in the courts of law.

Regulation of the book sector

The researcher recommends that the government should develop regulations for the book sector to ensure that whoever is engaged in the business has a clear address and keeps proper records. The researcher recommends that the Ministry of Trade, Industries and Cooperatives and Ministry of Gender, Labour and Social Development with the support of the CMOs should work together to develop standards for the book sector.

The researcher believes that intellectual property rights work best in a well-structured economy where records are properly kept. The regulations should include measures to ensure that different agencies like the International Standard Book Number (ISBN)/ International Standard Serial Number (ISSN) agency, legal deposit agency and URSB for registration of copyright are interlinked so that authors and publishers are encouraged to standardise the production of their literary works and foster compliance. The reason is that the application for an ISBN/ISSN requires the applying entity to be registered in the agency database and therefore will act as evidence of who owns the copyright or who authored and published the work first.

The National Bibliography which contains all publications published in the country, or about the country and by the citizens of the country deposited as legal deposits are listed for public information and use. Other efforts should also be developed to ensure that all those engaged in the printing and publishing sector and the kind of services they offer are known and accessible.

The regulations should also include ways of ensuring that authors join the collecting management society so that they can have a stronger voice in advocating for their interests.

Establishment of a Culture Fund

There is an urgent need to establish a culture fund for the creative sector general and a specific culture fund for the book sector so that royalties can be deposited and managed here. This fund is a creation of the government to facilitate and reward authors to motivate them to create more content relevant to our cultures and traditions. This fund can be used to cushion authors or copyright holders in harsh times like during a pandemic like Covid-19, act as a benevolent and provident fund for actors in retirement or old age, and also support awareness initiatives.

This fund can be created so that money collected in the form of royalties can be deposited here before distribution to the beneficiaries. The allocation of these funds either as a reward, privilege or compensation to the authors can be done using bibliometrics to determine what publications of each have been used or sold.

This study recommends the Ministry of Gender, Labour and Social Development under the Department of Culture together with the Ministry of Trade, Industries and Cooperatives and development partners like UNESCO work together to create and fund the Culture Fund.

Adoption of technology to fight book piracy

The researcher recommends the adoption of technological solutions in the registration of copyright, promotion of copyright, monitoring and other related activities geared to protecting copyright and deterring book piracy. Technology has presented opportunities like improvement in the quality of print and also the ability to share materials electronically. It has also presented challenges like digital book piracy where people share electronic materials without permission.

It is important to note that the rate of technological advancements poses challenges in the existing legal framework. This study recommends that technological solutions that can circumvent the goals of policies and laws in the wake of technological changes should be developed to assure the effectiveness of the laws. The technology can also be useful in distinguishing genuine materials from pirated copies, monitoring online book piracy, monitoring websites that host and share pirated materials, and monitoring the printing and publishing sector. The technology should also be used by the authors in the printing books with codes and encryptions to allow authorised users to access.

The researcher recommends that the Ministry of Information and Communication Technology and

National Guidance with the support from the Ministry of Trade, Industries and Cooperatives in consultation with other stakeholders should develop technological solutions to support the sector.

Education and Training on Intellectual Property

Following the identified challenges associated with the limited skill set, the researcher recommends that aspects of intellectual property be included in the education curriculum starting from the secondary level possibly as subject content in Business subjects like Commerce, Economics and Entrepreneurship or under business ethics, and specific programmes at the graduate and postgraduate level should be introduced. Based on the current status of IP laws education in Uganda where copyright and neighbouring rights are taught in the Bachelor of Laws curriculum, the IP aspects must be included in other programmes like the information science courses, Business courses at graduate programmes covering both the substance and procedural provisions of the law and as an ethical code in all other fields. It is fit to have specialised postgraduate programmes to teach IP laws and more career development programmes for IP officers, enforcement officers, the IP Coordination Working Group (CWG) and staff of different agencies to equip them with necessary copyright skills.

The researcher recommends that the Ministry of Education and Sports through the National Curriculum Development Centre (NCDC) working with both national, regional and international partners should ensure that intellectual property aspect are covered in the curriculums of the different levels of education so that people appreciate the role of IPRs.

Appropriation of more funds

The researcher recommends that government should commit itself to the promotion and enforcement of antipiracy laws by appropriating more funds to support activities geared to fostering IP activities. The Ministry of Justice and Constitutional Affairs should lobby for more funds from the Ministry of Finance, Planning and Economic Development and the Parliament of the Republic of Uganda for the IP offices and the supporting entities to:

i. Facilitate regional offices of the Bureau to be able to coordinate activities in promoting respect for copyright.

ii. Facilitate enforcement initiatives like inspection and raids.

iii. Support in copyright registration including publication of gazette notices.

iv. To facilitate case handling including facilitating witnesses to come to courts to testify.

v. Acquire secondary licenses for academic institutions to facilitate the acquisition of licenses to reproduce work without limit for academic purposes.

Formation of linkages and alliances

The researcher recommends that more linkages and alliances ought to be formed and strengthened with other players.

Book piracy is a global vice that can only be mitigated with both local, regional and international collaborations. The Bureau needs to forge a good working relationship with the research and development institutions like Universities, innovators, collecting societies, and other regional and global Ip offices to achieve a visible and more meaningful fight against book piracy and other related vices. Efforts to ensure URRO signs more bilateral agreements with collecting societies of other countries should be prioritised to increase collaboration in fighting book piracy across states.

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