



ARIPO

*African Regional Intellectual
Property Organization*



**African Regional Intellectual
Property Organization**

THE USE OF COPYRIGHT STATISTICS

Maureen Fondo
Head, Copyright & Related Rights

Harare, 14 Sept, 2016

**Fostering Creativity and Innovation for
Economic Growth and Development in Africa**

Outline

1. Introduction
2. Use of copyright & related rights statistics
3. Conclusion





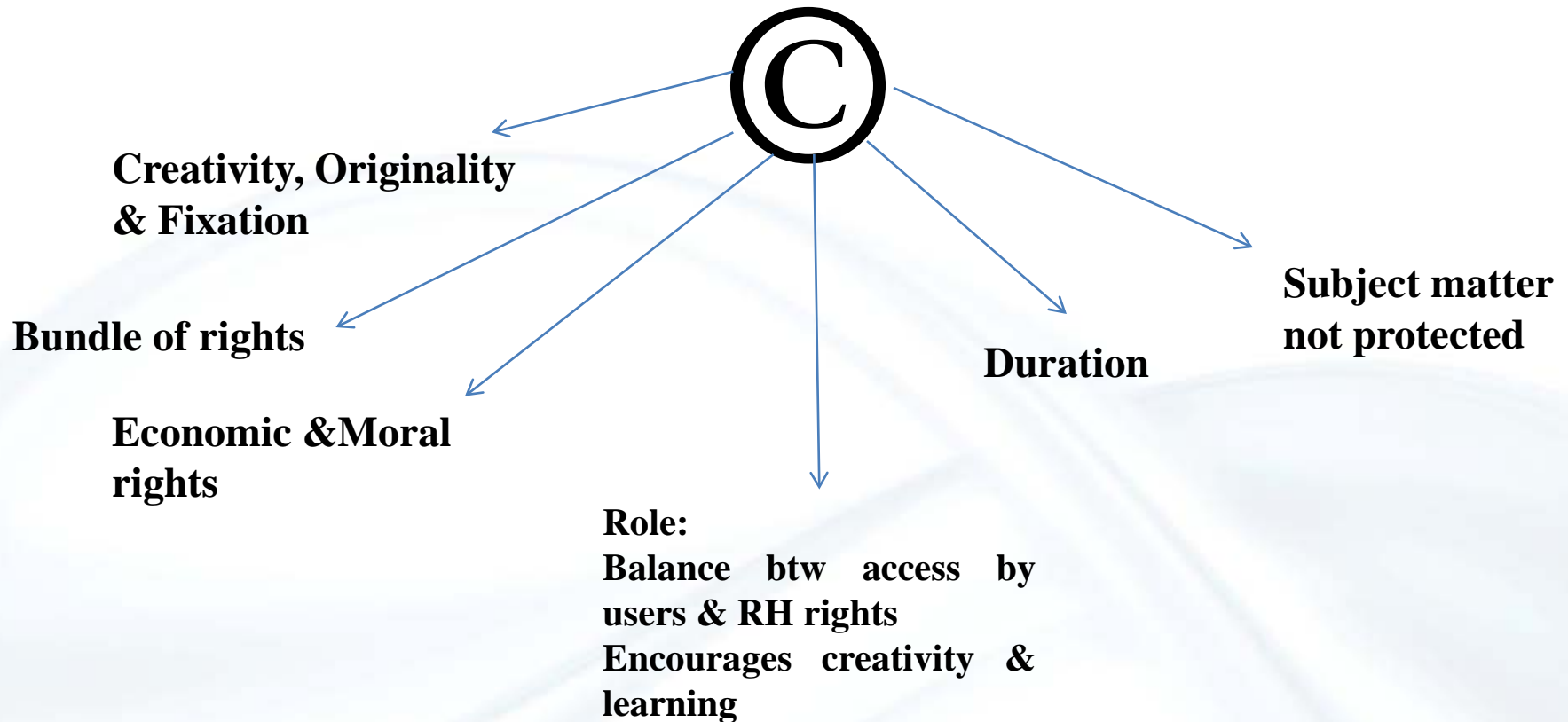
Africa:
 30.3 million km
 square
 population
 1.186.178.000
 (2015)

Source:
<http://populationpyramid.net/africa/2015>



Fostering Creativity and Innovation for Economic Growth and Development in Africa

Introduction



Cont...

- Copyright is a fundamental Human Right-UDHR Art. 27 (2)
“Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author”
 - ✓ The Author - right to make a living out of his work
 - ✓ The Publisher - right to harvest from the investment



WIPO *Guide* on Surveying the Economic Contribution of the Copyright-Based Industries

- Summarize existing experiences
- Suggest a common framework within which to conduct policy research on copyright industries (creative industries).
- Sought to provide a system for measuring the size of copyright industries and to offer meaningful comparisons of these industries with other sectors, in each country and between countries.
- Methodology contained in the *Guide* has been tested, used in national surveys of the creative sector. By the end of 2014, it had been applied in over 40 countries.



What are Creative Industries?

- Creative industries also known as Cultural Industries, Copyright-based Industries.
- These are industries requiring creativity, skill and talent, with the potential for wealth and job creation through exploitation of their intellectual property
- Industries that produce tangible and intangible creative works;
- Produce knowledge and products that have cultural and social meaning;
- Exploitation of the works has potential to generate wealth.



Categories of Creative Industries:

- the Core Copyright Industries,
- the Interdependent Copyright Industries,
- the Partial Copyright Industries, and
- the Non-Dedicated Support Industries.



Cont...

- **Core Copyright Industries**

- Industries that are wholly engaged in the creation, production, manufacturing, distribution, broadcasting, performance of copyright protected works.
- Examples; Music, theatrical productions, visual and graphics arts, photography, collective management organizations, television, radio etc



Cont...

- **Interdependent industries**

- Industries that are engaged in the production, manufacture and sale of equipments which facilitate the creation, production or use of copyright works they are consumed with those in the Core Industries
- Examples: manufacture, wholesale & retail and distribution of televisions, radio, CD recorders, computers, musical instruments, photocopying machines, etc



Cont...

- **Non-dedicated Support Industries**

- Industries which a portion of it facilitates the broadcasting, communication, distribution, sale of products & works.
- Examples: telephony, transportation, internet etc



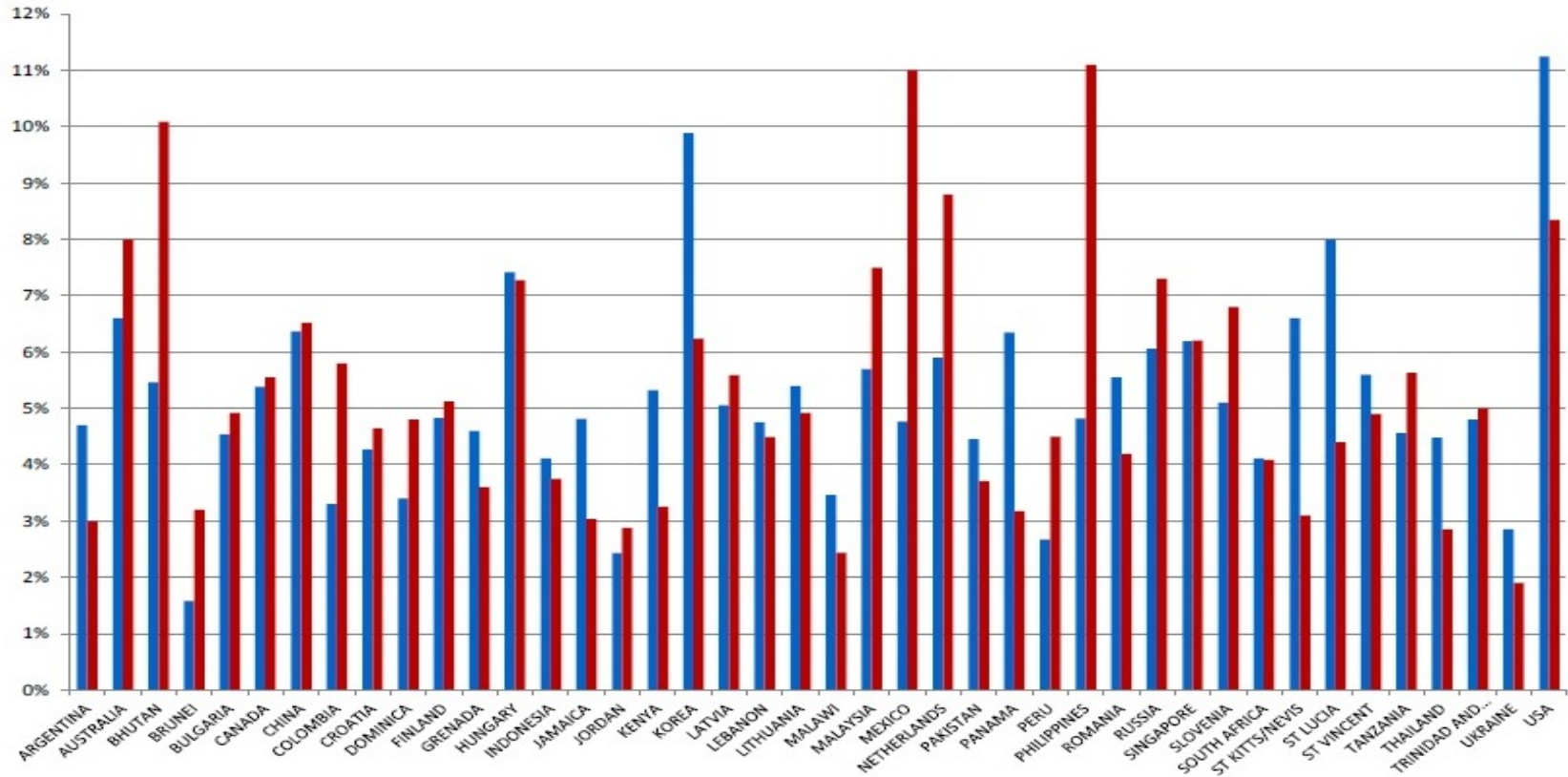
Cont...

- **Partial Copyright Industries**

- Industries which only a specific proportion of their production is associated with products protected by copyright & related rights.
- Examples: Crafts, Jewellery, Architecture, furniture, restaurants etc



STUDIES ON THE ECONOMIC CONTRIBUTION



Source: WIPO

- % share of GDP
- % share of employment



Fostering Creativity and Innovation for Economic Growth and Development in Africa

STUDIES ON THE ECONOMIC CONTRIBUTION

- It was established that the overall contribution of copyright based industries to GDP & Employment range from 3 to 5% in Kenya (2009), Malawi (2013) and Tanzania (2012).
- Enable policy makers to make informed decisions, put in place relevant provisions in legislations, build infrastructures to enhance creative industries.

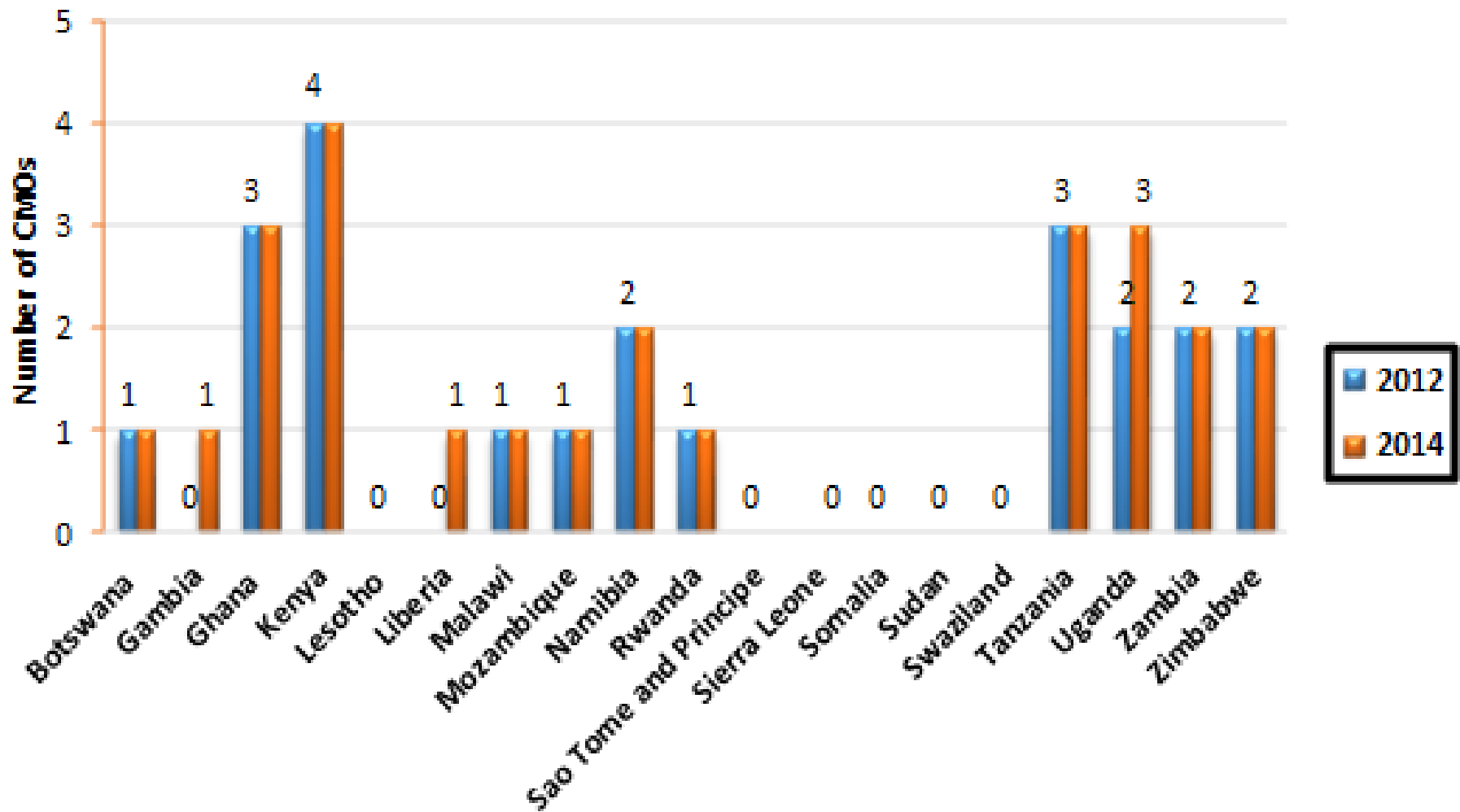


CMO

Member state	Provision for CMOs in the Act	Relevant Sections
Botswana	Yes	Section 36A
Gambia	Yes	Section 66
Ghana	Yes	Section 49
Kenya	Yes	Sections 46-48
Liberia	Yes	Section 2.44
Malawi	Yes	Sections 41-42 & 46
Mozambique	Yes	Section 74
Namibia	Yes	Sections 56-60
Rwanda	Yes	Articles 253-254
Tanzania	Yes	Sections 46-47
	Yes	Sections 38 -39
Zanzibar		
Uganda	Yes	Sections 57-68 & 85
Zambia	Yes	Section 54 (b)
Zimbabwe	Yes	Sections 91-92



CMOs in ARIPO Member States



CMO is a portion of the creative industries contributes as an economic activity. *Source: Status of CMOs in ARIPO member states*

Member state	Population (millions)	2013	2013	Percentage of GDP
		GDP (billion US\$)	Collections by CMOs	
Botswana	2.2	14.979	92 375,00	0,0006
Gambia	1.9	0.891	0	0
Ghana	26.7	48.585	1 279 667,05	0,0026
Kenya	44.8	54.931	3 614 613,62	0,0066
Liberia	4.3	1.945	0	0
Malawi	16.7	3.884	251 170,00	0,0065
Mozambique	27.2	15.457	24 778,00	0,0002
Namibia	2.4	12.932	375 924,18	0,0029
Rwanda	11.2	7.522	0	0
Tanzania	51.8	44.333	94 369,29	0,0002
Uganda	37.7	24.703	70 700,02	0,0003
Zambia	15.7	26.821	248 727,00	0,0009
Zimbabwe	15.2	13.490	1 217 880,00	0,0090



Status on Royalty Distribution. *Source: Status of CMOs in ARIPO member states*

CMO	Royalty Distribution 2011	Distributions (US\$) 2012	Distributions (US\$) 2013	Change in Distributions	Distribution intervals
COSBOTS	No	-	64,625.00	+64,625.00	Twice a year
CSG	N/A	-	-	-	N/A
ARSOG	N/A	-	0	0	Likely Twice a year
CopyGhana	No	5,263.00	105,293.00	+99,976.00	Annually
GHAMRO	No	890,097.00	271,668.00	-618,429.00	Twice a year
MCSK	NI	637,491.80	1,097,379.60	+459,887.80	Varies
KAMP	No	7,601.00	68,182.00	+60,581.00	Annually
KOPIKEN	Yes	8,830.00	7,888.00	-942.00	Annually Likely twice in 2014
PRISK	No	0	66,068.00	+66,068.00	Annually
COSLIB	N/A	-	-	-	N/A
COSOMA	Yes	135,182.00	251,117	+115,935.00	Varies
SOMAS	NI	22,975.00	19,369.00	-3,606.00	Annually

Status on Royalty Distribution

CMO	Royalty Distribution 2011	Distributions (US\$) 2012	Distributions (US\$) 2013	Change in Distributions	Distribution intervals
NAMRRO	NI	0	0	0	N/A
NASCAM	Yes	71, 428.69	129, 174.00	+57,745.31	Twice a year
RSAU	N/A	0	0	0	N/A
KOPITAN	No	0	0	0	NI
COSOTA	NI	81, 111.67	61, 925.00	-19, 186.67	Varies
COSOZA	NI	Need clarity	Need clarity		Twice a year
URRO	No	0	0	0	N/A
UPRS	NI	18, 498.35	28, 280.01	+9, 781.66	Annually
ZAMCOPS	Yes	95, 264.00	155, 927.00	+60, 663.00	Twice a year
ZARRSO	No	NI	NI	-	NI
ZIMURA	Yes	579, 096.00	625, 829.00	+46, 733.00	Annually
ZIMCOPY	No	0	0	0	N/A



Kenya 2015 Royalty distribution

- Safaricom Skiza Tunes owed Ksh 152 million to artists.
- Music millionaires emerged:
 - MCSK: Eric Wanaina, Paul Mwai, Bahati, Lydia Joy, Brother Enock, Joyce Wangu, Rosemary Wangari etc.
 - PRISK: Wyre, Willy Paul, Sauti Sole, P.Unit, Alexander Njonde, Daddy Owen, Rkay etc.



Berne Convention

- Berne Convention for the Protection of Literary and Artistic Works 1886 “to protect, in as effective and uniform a manner as possible, the rights of authors in their literary and artistic works.
- ARIPO MS party to Berne Convention: Botswana, The Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Namibia, Mozambique, Rwanda, Sudan, Swaziland, Tanzania, Zambia, Zimbabwe
- Not party: Sierra Leone and Uganda.



Marrakesh Treaty

- Coming into force September 30, 2016
- Over 285 million population are blind
- More than 90% world books not in accessible format creating
BOOK FAMINE
- ARIPO MS signatories: Ghana, Kenya, Namibia, Sao Tome & Principe, Sierra Leone, Sudan, Uganda and Zimbabwe
- None ARIPO MS has ratified or acceded
- Rwanda has provisions for the VIP
- In Africa Mali Ratified in Dec 16, 2014 but not yet domesticated



Namibia

The 2001 Census, conducted by the Government of Namibia estimated approximately 85,000 disabled people living within the country, this being roughly equivalent to 5% of the total population. The Census showed that there was an equal proportion of men and women who were registered as disabled.

*Source: DISABILITY POLICY AUDIT IN NAMIBIA, SWAZILAND, MALAWI AND MOZAMBIQUE
Final report July, 2008. Research Commissioned by the Southern African Federation of the
Disabled's DFID-funded Research Programme*



Swaziland

According to the 1997 census, there are 27,698 disabled persons in Swaziland, or 3% of the population. 86% of them live in rural areas.

*Source: DISABILITY POLICY AUDIT IN NAMIBIA, SWAZILAND, MALAWI AND MOZAMBIQUE
Final report July, 2008. Research Commissioned by the Southern African Federation of the
Disabled's DFID-funded Research Programme*



Malawi

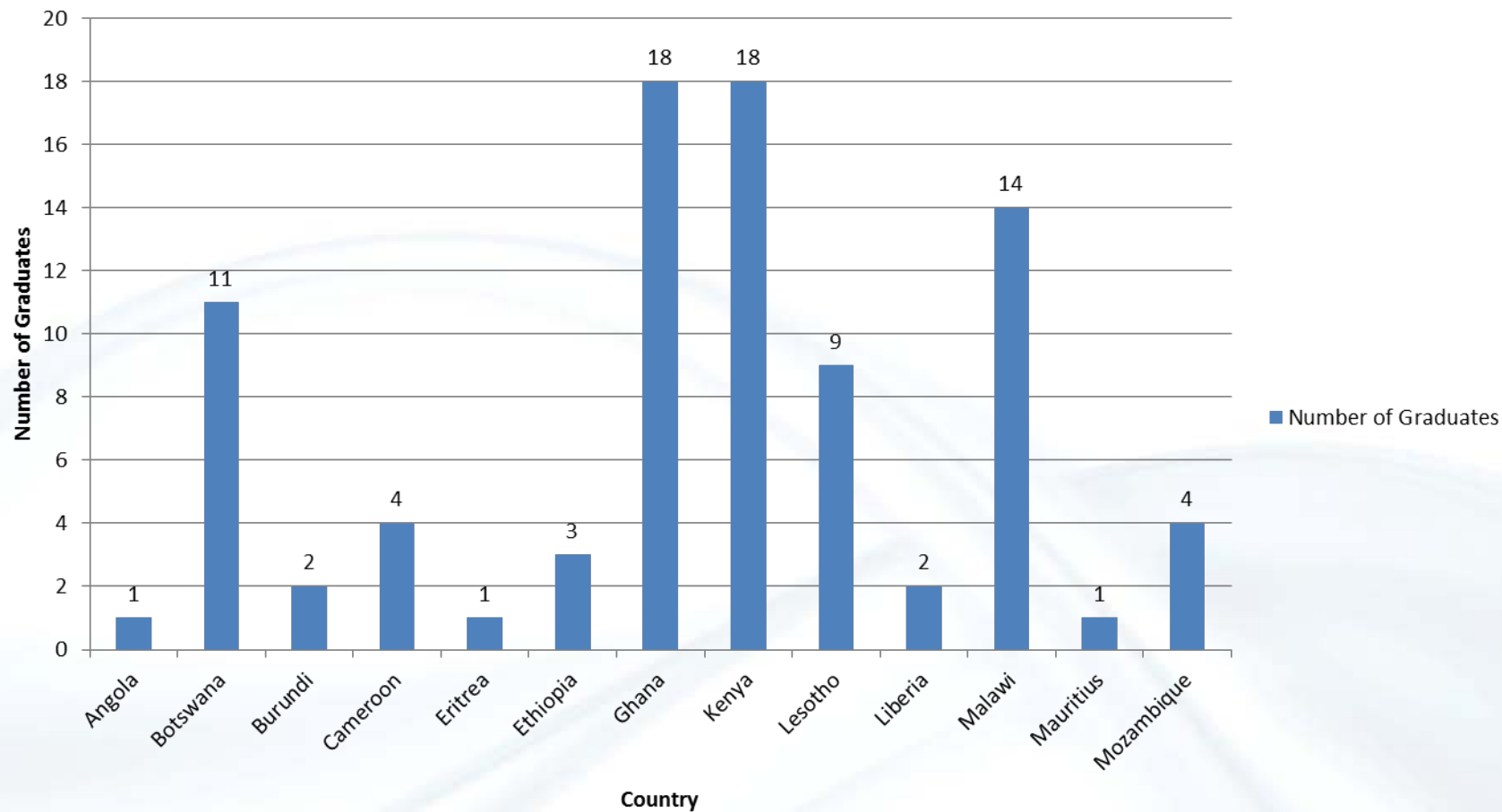
- National survey conducted in 1983, estimated 190,000 people with disabilities in the country, this being equivalent to 2.9% of the total population at the time. Estimated 54% were male and 46% were female.
- estimated 45% of disabled people aged between 15 and 45, and that 24% were aged over 50.

*Source: DISABILITY POLICY AUDIT IN NAMIBIA, SWAZILAND, MALAWI AND MOZAMBIQUE
Final report July, 2008. Research Commissioned by the Southern African Federation of the
Disabled's DFID-funded Research Programme*



Capacity building

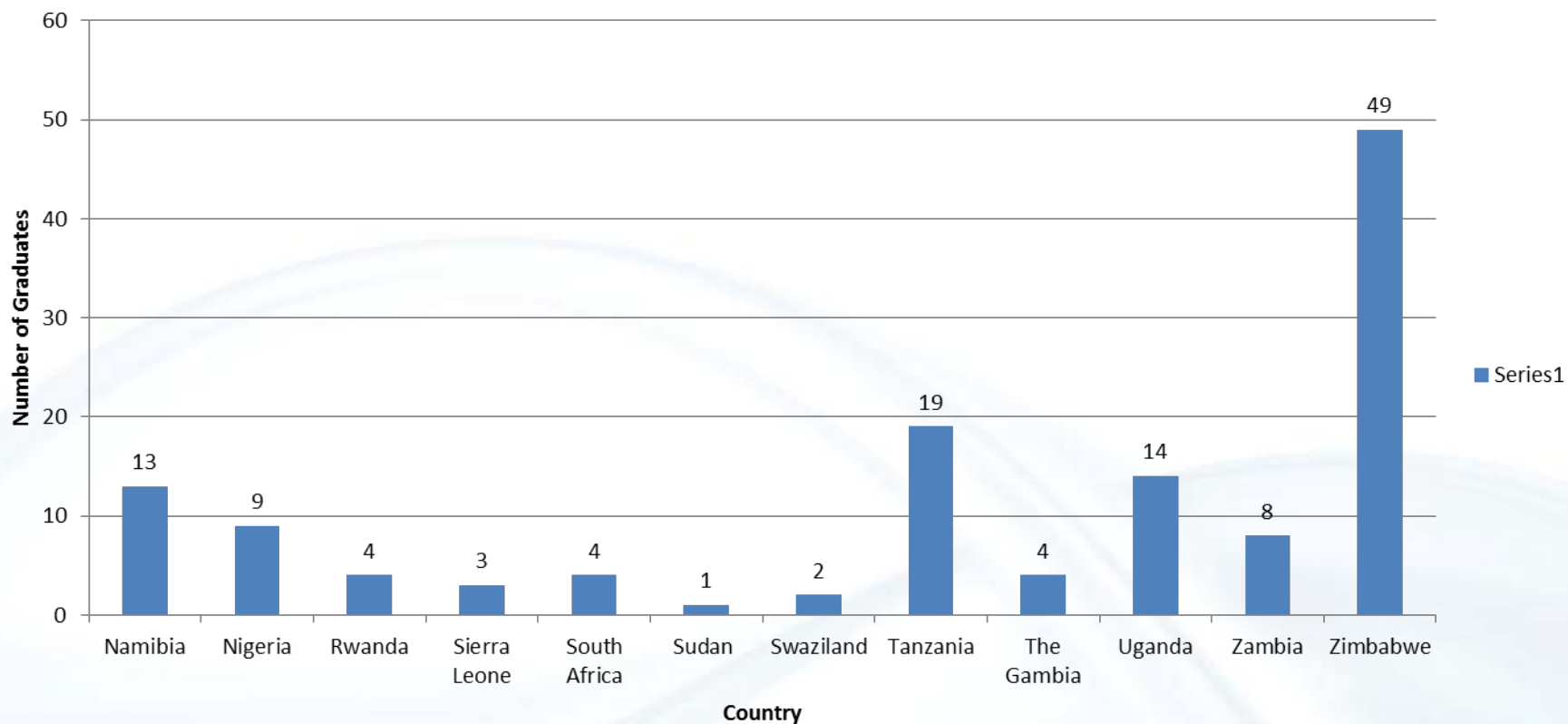
Trained Masters in Intellectual Property Africa University



Fostering Creativity and Innovation for Economic Growth and Development in Africa

Cont...

Trained Masters in Intellectual Property Africa University



Conclusion

- Informed decision to come up with policy, laws & regulations
- Provide implementable legislations & continuous awareness creation
- Enables international norms minimum standards be set, need to ratify or accede & domesticate
- Need to undertake studies in other ARIPO MS, Review
- Encourage local production: BUY AFRICA PROMOTE AFRICA
- Technical Assistance
- Establish network
- Capacity and institutional building



**THANK YOU
FOR
YOUR ATTENTION
HAVE YOU CREATED TODAY?**



Fostering Creativity and Innovation for Economic Growth and Development in Africa



African Regional Intellectual Property Organization

- ▶ Address: 11 Natal Road, Belgravia,
Harare, Zimbabwe
- ▶ Tel: **+263 4 794 065 /6/8/54/74**
- ▶ Fax: **+263 4 794 072**
- ▶ Email: mail@aripo.org,
mfondo@aripo.org
- ▶ Website: www.aripo.org

*Fostering Creativity and Innovation for
Economic Growth and Development in Africa*