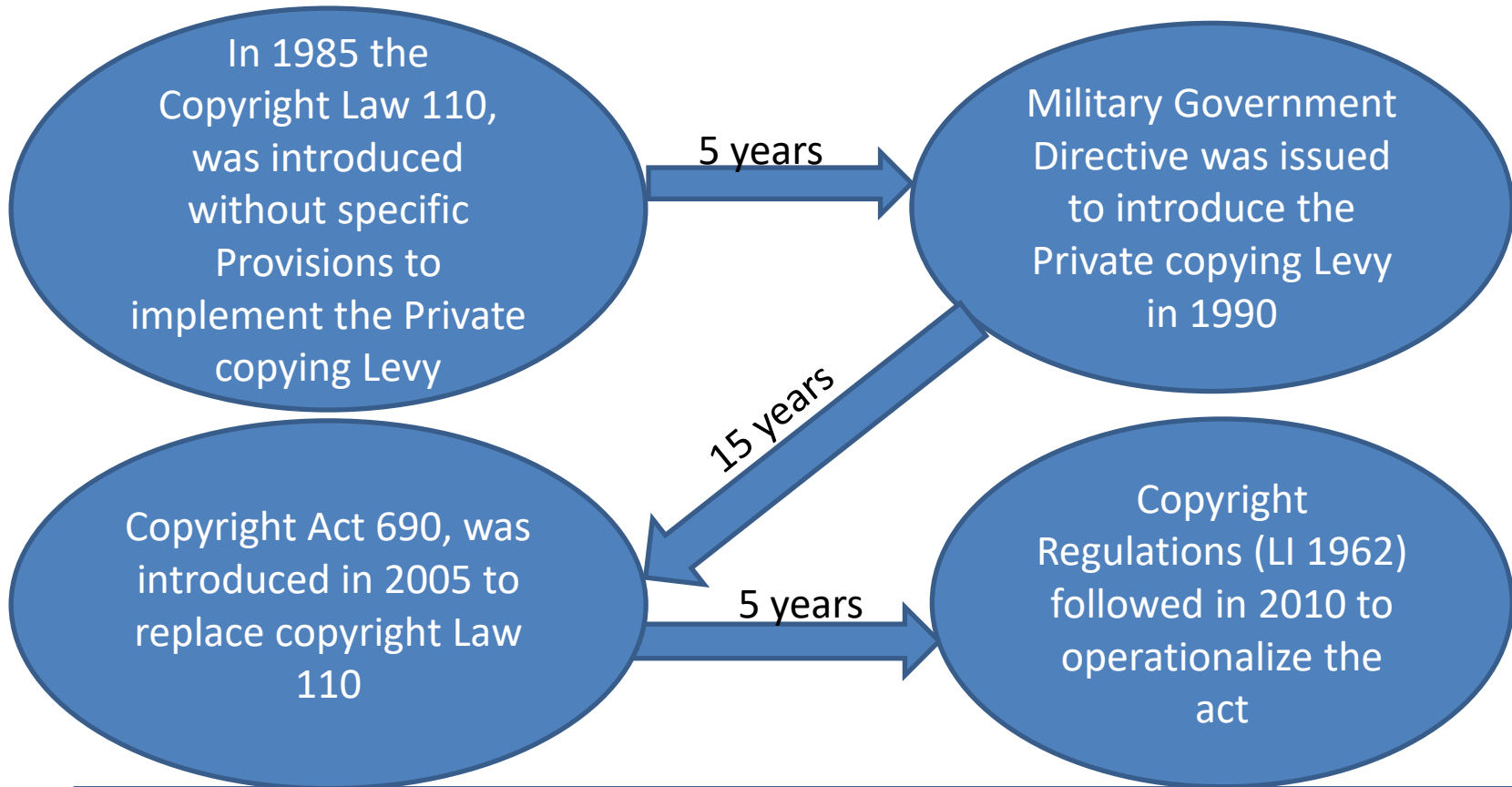


REFORMING THE LEVY SYSTEM IN GHANA

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BRIEF BACKGROUND



A stakeholder meeting was organized on Thursday, December 05, 2019 by the Joint Committee for Collective Management Organizations and the Copyright Office of Ghana to address challenges of the current Copyright Act and Regulations

CHALLENGES OF ACT 690 AND L.I 1962

- **Inexplicit wording of some sections and regulations in both the Copyright Act and the subsidiary legislation**
- **Rapid technological advancement rendering most of the devices captured for levying under the L.I. obsolete**
- **Modern devices capable of being used to copy or store copyright protected materials not captured under L.I 1962**
- **Total monies collected annually from blanket levy for distribution fall far below potential amount**

Total Levies Collected between 2016 - 2019

YEAR	AMOUNT GHS	AMOUNT USD
2016	9,285,551.00	1,674,514.48
2017	6,604,405.00	1,191,008.00
2018	10,709,867.51	1,931,369.31
2019	7,028,623.50	1,267,510.33
Total	<i>(1,516,190.85)</i> <i>(x 4 yrs.)</i>	6,064,763.43

AMENDMENT PROPOSALS FOR L.I. 1960 (*REGULATIONS 14-20*)

- **Regulation 14 (Imposition of Levy)**

Suggested Heading Text:

*Levy on devices capable of being used **TO COPY
AND/OR STORE COPYRIGHT PROTECTED
WORKS***

- **Suggested Text for Regulation 14:**

There is imposed on the devices specified in Regulation 15, capable of being used to copy **AND/OR STORE** copyright works, a levy on the cost, insurance and freight value of the devices as follows:

**Current Devices under Regulation
15 (20% of CIF)**

- a) Devices capable of copying works with integral storage: (*Video cassettes, Audio cassettes, MP3, CD R/RWs, (data disc), DVD-R/RWS set top boxes*)
- b) Pen drives/data disk
- c) Ipods
- d) Diskettes
- e) CD copiers

Proposal:

***Category 'A': a – j (15% of CIF,
Could be bargained to 12% of CIF)***

New Devices Proposed

- f) Memory cards
 - g) External hard drives
 - h) Decoders/digital boxes
 - i) Smartphones
 - j) Tablets
-
- k) Photocopiers, Scanners, Printers, Fax Machines;
 - l) Digital and analogue video Camera, camera drones,
 - m) any other device that the Minister by L.I may prescribe

Category 'B': K and L (5% of CIF,

Regulation 17 (Exemptions from payment of levy)

Suggested New Addition:

Submission of Statement of Accounts on Collections of the Levy

17(1) The Commissioner of the Customs Division of the Ghana Revenue Authority (GRA) shall furnish the Copyright Administrator with a comprehensive statement of accounts including exemptions under Regulation 17 once every 6 months.

Regulation 17 – Cont'd

All the provisions under Exemptions shall be maintained.

New addition under Regulation 17:

17(1)(d) Tablets assembled in the country or imported into the country solely for supply to educational institutions are exempt from the levy imposed under Regulation 14.

Regulation 18(Fee on Reprographic Reproductions)

- **Suggestions:**

18(1) A reprographic rights collective administration society shall determine a fee in respect of photocopying **AND DIGITAL COPYING** of works protected by copyright and related rights by educational institutions and any other **OUTFITS** where reprography is carried out on a **REGULAR** basis.

Regulation 18 – Cont'd

(2) In furtherance of sub-regulation (1), the reprographic rights collective administration society shall collect the fee on behalf of rightsholders **AND DISTRIBUTE TO SAME.**

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

Regulation 19 (Distribution of Levies Paid):

- **Suggestions:**

19 (1)(a) 10 percent for cultural activities to be collectively administered by the collective administration Societies;

(b) 10 percent for development purposes of the collective administration societies;

(c) 4 percent to the Customs Division of GRA

(d) 6 percent to the Copyright Office

(2) The Minister shall distribute the remaining SEVENTY percent equally among the various rights groups...

Suggested New Addition:

The Cultural Activities Fund & Development Fund

20(1) The establishment of a body to manage the funds under Regulation 19(1)(a) and (b) as follows:

(2) Each of the rightsholder groups namely audiovisual rights, literary rights and music rights, shall nominate not more than three (3) representatives to serve on the body.

(3) A representative from the Copyright Office shall be a member of the body.

(4) The body shall adopt appropriate rules and regulations to manage the funds for the benefit of rights holders.

(5) The body shall submit regular reports of its activities and audited accounts to the Copyright Administrator.

REVIEW PROCESS

- Copyright Regulation 2010 is an LI hence can be easily reviewed without going through rigorous parliamentary processes.
- The Copyright Office and the JCCMO have put together the proposals received from the Stakeholder meeting to be submitted to the Attorney General
- After negotiations and discussions, the Attorney General shall consult the finance Minister, if both are satisfied with the proposals, a reviewed L.I would be sent to parliament,
- After 21 days if there is no compelling argument against the L.I that could get the support of two-thirds of members of the house, the reviewed L.I shall be passed

Constraints To Progress:

1. The Covid 19 Pandemic
2. 2020 being an election year in Ghana

Thank you

