

Influence of copyright exceptions and limitations on access to information in Kenya, Ghana and Uganda libraries

Influence of
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Abstract

Purpose – Copyright exceptions promote access to information by users without breaching copyright. This research paper reviews copyright exceptions in Kenya, Ghana and Uganda and how they influence access to information in libraries. Objectives were to find out the implications of copyright exceptions in Kenya, Ghana and Uganda; advantages and disadvantages of copyright exceptions for libraries; and recommend best practices of copyright exceptions.

Design/methodology/approach – This is a desktop research reviewing empirical literature and incorporating authors' experiential knowledge in their information profession. Authors have interrogated copyright exceptions in their home countries' copyright acts, policy documents and peer-reviewed articles on copyright and information access. They analysed the documents as stated to deduce key recommendations regarding ideal copyright exceptions.

Findings – The study established that copyright exceptions do not always improve access as intended because they are inadequate, ignoring key library functions. Major inconsistencies exist in the exceptions in these countries; key terminologies have not been defined; and the concept is not well understood. Librarians lack sufficient knowledge on exceptions, hence lack self-efficacy in educating users. Kenya, Ghana and Uganda should improve and harmonize their copyright acts to cover key library functions.

Originality/value – This study provides in-depth analysis of historical and modern practices of copyright exceptions in the three countries revealing useful comparative insights. Previous studies looked at the issues from individual countries perspective.

Keywords Fair dealing, Copyright exceptions, WIPO, IFLA, Intellectual property, Fair use, Information access, Kenya, Uganda, Ghana, Limitations on liabilities

Paper type Literature review

Introduction

Copyright is intellectual property that includes giving exclusive rights to originators of ideas to regulate use of their intellectual creations for a limited time (Bothma *et al.*, 2014). They broke down the definition in three ways: “The right in the first instance accrues to the author or creator”, “The work in which copyright vests must be original”, and “The work must be in



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material form". This means that the owner of the copyright is responsible for enforcing the copyright; the author should be the originator of that idea and for the work to be recognized as having copyright, it must be expressed in written material form. Copyright vests: if one is a creator of a work, for a publisher who gets rights through transfer and for users acquiring rights through exceptions and limitations.

Libraries are places where public and proprietary needs meet (Wahid, 2017). They are central in meeting peoples' information needs. Copyright owners hope that users observe their copyrights as they optimally use their works in generation of knowledge to inform policy, research and other functions. Libraries bridge the gap between copyright owners and users as information professionals, representing interests of both parties. Finding a balance is hard, because most library functions require sufficient access to information beyond provided exceptions.

Background to the study

Invention of printing press in the 1450s led to the emergence of copyright laws. Copyright law dates back to 1710 Statute of Anne which spelled authors' rights and sanctions for their violations (Bowker, 2012; UNESCO, 2010). England established a system of privileges in the Stationers' Company, with the sole right to print books in perpetuity which became known as "copyright" (right to make copies), so as to control printing of religious and political documents. Simiyu and Otiike (n.d.) attribute the current copyright laws to the royal decrees and statutes made between 15th and early 18th century.

Copyright entails protection of works of authors and creators while promoting users' rights to access information. Copyright law operates properly due to its scheme of exceptions and boundaries to an author's rights and protection of his creation or inventions (Darkey and Akussah, 2008). Copyright exceptions are still misunderstood by people despite many scholars writing on copyright. Nilson (2016) indicated that most librarians work involves aspects of copyright. Knowledge of copyright entails understanding copyright law; ethical use of information and how licences and use of free resources interact with legislation. Librarians need to understand international copyright laws. Empirical literature mostly covers general intellectual property rights, information ethics and interdisciplinary nature of copyright. Minimal literature on copyright exceptions exists for libraries especially on its influence on information access.

Copyright exceptions enable use of copyrighted works to promote information access. Studies on exceptions include document supply, interlibrary lending and reproduction for preservation and replacement. WIPO provides a balanced intellectual property system promoting innovation and creativity for social, cultural and economic development of all countries (WIPO, 2019).

IFLA traces the origin of studies related to exceptions and limitations to the year 2004 when Chile advised WIPO through its Standing Committee on Copyright and Related Rights to undertake exception and limitation studies within the context of intellectual property. WIPO began this studies in 2005. One study analysed statutes in 149 countries and observed that 21 countries had no library exceptions and 27 countries had only general exceptions. Their scope of exceptions covered areas of preservation and replacement, private study and research, copy machines in the library, limitations on remedies and technological protection measures (Crew, 2014)

Statement of the problem

Kenya, Ghana and Uganda have variances in the scope and terminologies of their copyright exceptions. There's disharmony in how they handle. Librarians in the region lack self-efficacy

to assist users regarding copyright, due to limited knowledge and inconsistencies in copyright exceptions. [Nilson \(2016\)](#) notes that academic librarians are uncertain about their understanding of copyright issues, hence shy off from taking the role of copyright experts. Kenya and Uganda have general exceptions while Ghana has some specialized exceptions. Specialized exceptions include making available on the premises, preservation and replacement, private study and research, copy machines in the library and document delivery. General exceptions allow for making copies of works, guided by various conditions, not limited to particular purposes. Inadequate or total lack of exceptions in their acts poses adverse conditions for accessing knowledge which is a precursor for a dysfunctional education ecosystem.

[WIPO \(2015a, b\)](#) reported that libraries and archives work under a patchwork of provisions differing in scope and effect between countries. Established in the print era, these provisions increasingly fail to address the legal and policy challenges of the global digital environment. [Crew \(2019\)](#) established that African countries have disproportionately no exceptions (13) or have only a general exception (14) while specialized exceptions are almost entirely limited to preservation and study (26). [Smith \(2015\)](#) discovered that copyright is viewed by librarians as a hindrance to their full potential and libraries would benefit more if exceptions were uniform in countries. This paper reviewed the inconsistencies in exceptions in Kenya, Ghana and Uganda regarding information access.

Purpose of the study

This paper describes copyright exceptions for libraries provided for in the statutes of Kenya, Ghana and Uganda with a view to establishing their influence on information access.

Objectives of the study

- (1) To find out the implications of copyright exceptions in Ghana, Kenya and Uganda
- (2) To outline the advantages and disadvantages of copyright exceptions for libraries in Ghana, Kenya and Uganda
- (3) To recommend best practices of copyright exceptions for libraries in Ghana, Kenya and Uganda

Literature review

[Fernandez-Molina \(2003\)](#) and [West \(2015\)](#) indicated that digital information and the Internet have greatly improved global information access but posed problems for copyright of all types of intellectual works. In the absence of exceptions, copyright owners would have absolute control over use of their materials, causing limited information access ([EIFL, 2016](#)). [Schonwetter et al. \(2010\)](#) and [Usadel \(2016\)](#) observed that copyright is one legal and practical issue affecting access to knowledge.

Implications of copyright exceptions in Kenya, Ghana and Uganda

Copyright exceptions are regulated under Intellectual Property Rights. They arose through formation of the World Trade Organization in 1995 and formulation of the Agreement on the Trade Related Aspect of Intellectual Property (TRIPS). It supersedes all intellectual property regulations, setting minimum standards governing all countries under WTO ([Sikoyo et al., 2006](#)).

Kenya, Ghana and Uganda’s copyright laws are influenced by their colonial histories, which led to insufficient Intellectual Property Rights for the colonies until 1985 when Ghana amended its copyright laws then in 2005, Uganda in 1991 and 2006, Kenya in 1966, 2001 and recently in 2019. The Kenya Copyright Board, Ministry of Justice and Uganda Performing Right Society oversee copyright issues in Kenya, Ghana and Uganda, respectively.

Inconsistencies exist in adoption of copyright laws in the three countries. For instance, in Kenya, government works are in the public domain but not government-funded works. In Uganda, the law prevents “public benefit works” from copyright protection but gives trusteeship of such works with government (Schonwetter *et al.*, 2010). Ghana has not addressed issues related to government works.

WIPO (2017) indicates that countries with a general library exception are permitted to make copies of works, under various conditions, but not limited to particular purposes. The

Exceptions	Ghana	Kenya	Uganda
Who can copy	Libraries and archives for non- financial gain	Prescribed public libraries, non-commercial documentation centres and scientific institutions with no conditions attached	Public libraries, non-commercial documentation centres, scientific institutions and educational institutions Translation allowed
Purpose and quantity to be copied	Research, or private learning at individual’s request for educational purposes according to fair practice	Copying must be in public interest with no income generated. Any number of copies allowed for permanent or temporary storage	Not specified
Materials to be copied	Published articles, other short works and short extracts of works. For preservation, replacing a lost copy or one rendered unusable	Literary, musical, artistic and audio-visual works	Literary, artistic and scientific work
Medium of copying	Reprographic provision (Not defined by the copyright exceptions of the country)	Reproduction (producing any number of copies in any form for temporary or permanent storage) under the copyright exceptions of the country	Reproduction (producing one or more copies in any form or manner for permanent or temporary storage) under the copyright exceptions of the country
Other provisions	Subject to the interest of the copy- right holder	Not specified	Determined by the Minister in charge of Justice
Miscellaneous (personal copying, public lending, fair dealing, needs of disabled persons etcetera)	Personal copying for educational purposes only	Allows fair dealings and reproduction	Allow personal use, quotation, teaching purposes, persons with disability, fair use and defined terms (terms defined include copy, minister and reproduction
Anti-circumvention of technological protection measures	Prohibits circumvention	Prohibits circumvention	No circumvention provisions

following table summarizes copyright exceptions in Ghana, Kenya and Uganda, compiled by [Crew \(2017\)](#).

Inconsistencies and lack of clarity in terminologies for describing exceptions in the three countries are apparent. [Flynn \(2015\)](#) reported that the copyright exceptions that make it possible for quoting a copyright work differ from country to country.

Ghana allows libraries and archives to make a single copy by reprographic reproduction where there is no collective licence. Reprographic reproduction isn't defined for Ghana, which means it could be interpreted anyhow. Kenya and Uganda define reproduction as making one or more copies of a work in any material form and including any permanent or temporary storage of such works in electronic or any other form. Differences in provisions relate to types of libraries, number of copies and in describing reproduction. Variability and vagueness in describing these provisions could cause misinterpretations and wariness leading to poor access of information.

Unanswered questions arise. For example, where they state that income should not be generated through copying for use in research and education, what about the cost of the copying machine used and the medium on which it was copied? Does the monetary gain from these activities amount to infringement on copyright? Specification about the scope of infringement is necessary. [EIFL \(2016\)](#) observed that WIPO draft laws on copyright and related rights, 2005 do not meet the needs of libraries in third world sufficiently.

Uganda indicates materials to be copied, not purpose of copying, unlike Ghana and Kenya. Kenya allows copying of literary, musical, artistic or audio-visual works in public interest without financial gains. Uganda allows copying of literary, artistic or scientific work in original or translated language. Ghana allows copying for an isolated case occurring on separate and unrelated occasions without financial gain, for scholarship or private research on request by an individual, under limited conditions and for educational uses according to fair practice. Ghana also permits use of a copyright-protected literary or artistic work for teaching or broadcast in educational institutions. The source must be acknowledged and used in line with permitted use. Permitted use has not been defined. Kenya focusses on copying in public interest, Ghana allows for scholarship or private research, whilst Uganda just specifies language. This is inconsistent in the countries. Process of ascertaining that the conditions hold in Kenya and Ghana is vague and laborious which may lead to poor information access. Not specifying the purpose in Uganda would discourage information access.

Ghana permits published articles, short works or short extracts of a work for study, research or scholarship. [Simiyu and Otiike \(n.d.\)](#) pointed out that Kenya copyright laws do not permit the reproduction of whole works for teaching purposes but only for broadcasts. Kenya allows copying of literary, musical, artistic and audio-visual works while Uganda allows literary, artistic and scientific works. In Kenya and Uganda, it is not clear whether an institution can copy short works, materials intended for study, research or scholarship unlike in Ghana. This lack of specificity discourages efficient information access. [Shihanya \(2008\)](#) stated that there are no specific provisions for exceptions for distance and e-learning. Lack of provision of exceptions inhibits information access.

Copyright exceptions grant the right to make materials accessible to people with special needs. Hence, a disabled person is allowed to access a copyrighted work in a convenient format, such as from written to sign language or use of Braille ([Stobo, 2016](#)). Kenya amended its copyright act in the year 2019 ratifying the Marrakesh treaty. This treaty addresses access by people with disabilities to works protected by copyright and related rights. Kenya goes beyond visual impairment and print disability to cover perceptual impairment, reading disability and physical disability ([Kenya Copyright Amended Act, 2019](#)). Ghana has no specific mention regarding copyright exceptions for people with disabilities. Uganda permits transcription into braille or sign language for educational purposes of persons with

disabilities and provides for visual and hearing disabilities (Reid and Ncube, 2019). Uganda makes specific mention in its copyright law of the needs of the disabled, stipulating that it is not an infringement when a copyright-protected work is adapted into Braille or sign language to assist disabled people. This helps the disabled to access the information they want and acquire education, hence improving their standards of living. All the three countries signed the Marrakesh Treaty which enables cross-border transfer of specially adapted materials for use by the blind, visually impaired and print disabled (WIPO, 2019). While this is an encouraging factor promoting information access to the visually challenged, Ghana and Uganda need to expand provisions in their acts for information access to accommodate other physical disabilities.

Fair use is a right given to someone other than the copyright owner for use of copyrighted work without seeking permission from the owner or paying a fee (Story *et al.*, 2006). Fair dealing is the permission-free use of copyright-protected material for purposes of research, private/personal study, private/personal use, criticism and review and news reporting. Fair practice is where courts decide on the merits of a case according to the individual circumstances presented. All concepts permit fair uses with different flexibilities. Kenya uses fair dealing, Uganda fair use and Ghana fair practice.

In fair use, the legal provision to access copyright protected works lies in a set of specific exceptions for uses such as private study, education and by libraries and archives. Uganda act elaborately describes what constitutes fair use in the purpose and character of use, nature of protected work, amount and substantiality of portion used in relation to whole work and the effect of use upon the potential market value of the work. Stim (2020) gave an example that acknowledgement of the source material may be a consideration in a fair use determination, but it will not protect against a claim of infringement. In Kenya, exceptions on fair dealings do not apply to computer programs. The law does not elaborate on the issue of tampering on digitized library and archive collections. Fair dealing is limiting in promoting information access as compared to fair use and fair practice. Band and Gerafi (2015) stated that fair dealings come with some restrictions; an example is copying must be in the interest of the public. The ideal is fair practice as it provides a flexible open norm in information use.

Technological Protection Measures are digital technologies, blocking access to and/or use of digital content on an absolute or conditional basis (Garnett, 2008). If allowed to supersede copyright laws, they prevent efficient access to digital materials, resulting to poor access to information. Kenya and Ghana prohibit circumvention, whereas Uganda is silent on the matter. Provision for circumvention promotes access to information. Anti-circumvention and silence on circumvention for the three countries lead to poor access to information because librarians will be apprehensive about breaching copyrights.

In Kenya, the copyright exceptions do not restrict copying of entire works. All three countries allow personal and private uses and some degree of private copying of non-digital works, hence creating more copies of information. These practices promote information access in these countries in a big way but at the same time may lead to abuse of copyrighted materials in cases where there's non-observance and non-enforcement of copyright law.

WIPO (2017) outlined specific areas of copyright exceptions as inter-library lending; cross-border uses, preservation; parallel importations of information materials; orphan works, retracted and withdrawn works, works out of commerce; limitations on liability of libraries and archives in different formats including reprinting, photocopying, putting in form of MP3s, CDs, DVDs.

Ghana, Kenya and Uganda signed the Marrakesh treaty which provided for gathering resources together to convert published work into accessible formats and exchanging across borders for access by beneficiaries at a low cost (ARIPO, 2016). This greatly improves information access for these countries.

Cadavid (2014) defines legal deposit as an author's responsibility to leave a copy of his or her work in the national library so as to promote a historical relationship with copyright legislation. One aim of the legal deposit is to ensure the collection, preservation, organization and protection of intellectual works for the posterity of humankind. It increases information access to different publications, improving on their library collections, promoting creativity and innovation. It also helps publishers to market their publications. Copyright exceptions also make provision for electronic deposit of published materials in software format.

According to WIPO's copyright registration and deposit systems survey, there are disparities in how legal deposit is practiced in Kenya, Ghana and Uganda. Ghana has The Public Records and Archives Administration Act 535 (1997) as the national legislation regulating the legal deposit, Kenya has Books and Magazines Act (revised in 2002). Publishers should deposit two copies with the Director, Kenya National Library Service and not more than three copies to the Registrar of Books and Newspapers as may be specified. Uganda deposits should be made in three centres, Makerere University Library, Uganda Management Institute and National Library of Uganda (Matovu and Musoke, 2012). This leads to overburdening of depositors, discouraging publication and subsequently access to information.

Legal deposit is mandatory in Kenya but not in Ghana and Uganda. It has a connection with copyright in Ghana but not in Kenya (WIPO, 2010). Legal deposit provides preservation and access to a nation's intellectual and cultural heritage over time. However, these deposits are only accessible in offline mode in the three countries. This limits information access. In Ghana, there are provisions to make copies from legal deposit for preservation purposes but not in Kenya and Uganda, a fact that limits information access in the two countries.

Stobo (2016) explains that libraries and archives have freedom to copy literary, dramatic and musical works within their permanent collection for preservation. This improves information access, because the works may be utilized many years down the line by many users at the same time. Ghana allows copying for replacement or preservation of a book that is lost or destroyed and for authorized recording for presentation to the national archives. It may also reproduce for archival purpose and replacing a computer program if lost, destroyed or rendered unusable. Kenya allows making one copy for preservation if a book cannot be found in the country and for broadcasting work with exceptional documentary value. Uganda allows preservation of a copy of a recording of a broadcast. With regard to books, Ghana is advantaged for information access through preservation unlike Uganda and Kenya.

Copyright exceptions provide for inter-library lending of information, improve information sharing and access by covering the information gap of the information seeker. If a resource is not available in one institution, they borrow from other collaborating institutions. Kenya, Ghana and Uganda acts do not mention issues to do with inter-library lending. This limits information sharing.

Limitations on liabilities of libraries and archives exempt them from liabilities that occur during information dissemination. Unintentional infringement of copyright during their duties saves them from being penalized by law. Libraries continue to perform their duties without facing legal liabilities as long as they act in good faith (WIPO, 2017).

Copyright exceptions allow for translation of information, and people from different nationalities access the same information in their convenient languages, bridging language barriers and improving access. A library or a person giving or receiving instruction is allowed to translate works for private educational, teaching and research purposes but not for commercial purposes (EIFL, 2016). Uganda allows translation for broadcasting for teaching and scientific research or Braille and in fair use for personal use. One can apply for an exclusive right to translate work through the minister. However, this is only allowed one year after the work is published in material form, and the translation must be used only within the country. Ghana allows literary artistic work to be translated for personal use by an individual, for public works. Kenya act gives owners right to control their works' translation

and distribution to public, but provides limitations to rights of owners through fair dealing. The conditions embedded in translations for all countries limit efficient access to information.

Copyright exception allows parallel importation of information materials, whereby information materials are imported and sold locally. These include grey literature. Countries with few publications access information from other countries, broadening their information base. Those countries can borrow ideas of how different publications are done. In all three countries, importation is provided for personal or private use. This means that the value of importation of works isn't exploited fully because access is limited to personal uses only.

WIPO (2017) relayed the principle of exception for orphan works to benefit libraries and archives in enabling users' access of valuable information. They can also be historical materials whose authors are difficult to determine or contact (Flynn, 2015). Retracted or withdrawn works and out-of-commerce works are made available by digitization, for access. Copyright exception protects a library from copyright law in case the owner of the work shows up later (Urban, 2012). Libraries will not suffer any blame in making those orphan works available for research as long as the limitations do not affect legitimate moral and economic rights of authors and other right holders. Ghana, Kenya and Uganda do not have these exceptions. The effect is poor access of information.

Advantages and disadvantages of copyright exceptions in Kenya, Uganda and Ghana

Copyright exceptions improve information access to generate knowledge. Knowledge affects economic, cultural, physical, mental and social human development. ACA2K (2008) and Rens *et al.* (2008) indicated that access to knowledge is fundamental for economic development, individual fulfilment, cultural realization and is a basic human right.

Information technology has revolutionized creation, dissemination and access to information. There is information explosion due to massive amounts of information generated. Ponelis and Holmner (2015) indicated that besides improving access to education across Africa, ICTs have greatly improved the quality of access through online and mobile learning platforms. Exceptions have enabled exchange of information in different formats enabled by ICTs. This results in increased global knowledge sharing.

Studies indicate that a balance between freedom to access information by users and keen observance of intellectual property results in improved information and knowledge. Schonweter and Ncube (2011) stated that learning using ICT improves if copyright law is used wisely. If it is restricted too much, it limits access to knowledge. One advantage of copyright exceptions is that most types of work are made available for research and private study copying (Stobo, 2016).

Exceptions enable access to populations that cannot subscribe to most costly online resources in developing countries such as Kenya, Ghana and Uganda. Researchers access varieties of information from different sources without breaching copyright.

In Ghana, Kenya and Uganda, exceptions favour copyright owners because the more researchers access their works, more knowledge is generated creating a platform for future research.

Exceptions support teaching and learning in Ghana, Kenya and Uganda, through permitting reproduction of works. A lecturer can copy a chapter of a document to make students learning more efficient.

Exceptions enable libraries to offer space-shifting services in Kenya, Ghana and Uganda because private use is allowed. Users access resources online or by using different media such as mobile phones, without any breach of law and wherever they are. Nilson (2016) stated that the role of the librarian is changing because of the emerging technologies and having to work in multiple formats. The multiple formats include hard copies and soft copies.

Exceptions enable knowledge sharing amongst scholars through email, social media and manually through printing of work. This has to be done without soliciting financial gains from the work. Acknowledging sources leads to high standards of peer review which is an advantage to the author. [Stobo \(2016\)](#) argues that quoting from copyrighted works that are in the public domain whether for criticism, review or to elaborate on a point is not infringement on the copyright of an author.

Disadvantages of copyright exceptions

[Schonweter and Ncube \(2011\)](#) studied Ghana, Kenya, Uganda among other African countries and noted that the copyright exceptions and limitations were generally not adequate to support sufficient access to knowledge.

Fair use, fair practice and fair dealing represent different scopes of copyright exceptions for Uganda, Ghana and Kenya, respectively. This brings about misunderstanding of the concept due to variances in permissions and restrictions.

In Ghana, Kenya and Uganda, some international treaties and agreements that protect copyright supersede exceptions. These include: The Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), WIPO Copyright treaty (WCT), WIPO Performances and Phonograms Treaty (WPPT), Berne Convention for Protection of Literary Works and some free trade agreements.

In Kenya, Ghana and Uganda, use of digital technologies has led to massive downloading violating copyrights. There are no adequate systems to enforce the law. Publishers are forced to impose stringent regulations to institutions to protect their interests, getting into contracts that limit effective access and usage of information materials. These licensing agreements protect them by defining authorized users and imposing heavy usage restrictions. In many instances, librarians are aware of copyright issues but the users do not know specific licensing agreements for individual databases. Consequently, the students will violate copyright laws or licensing agreements as they use digital library resources ([Wu et al., 2010](#)).

Discussions and Conclusions

- (1) Copyright implications in Kenya, Ghana and Uganda

Kenya, Ghana and Uganda,

- (1) Lack of adequate copyright exceptions to facilitate adequate access to information as required for learning and research needs.
- (2) Suffer from vague or total lack of proper definitions for key copyright exceptions terminologies, which has contributed to misunderstanding of the concepts and inefficient use of exceptions to support information needs.
- (3) Lack of exhaustive scope for library exceptions which results in wariness of breach of copyrights by librarians and subsequently inefficient access to information.
- (4) Suffer from inconsistencies in provisions for exceptions such as who is allowed to copy, what works are allowed for copying, use of translations, preservation aspects and so on.
- (5) Do not have copyright exceptions for e-learning.
- (6) Subscribe to the Marrakesh treaty which allows cross-border uses and favours the visually challenged. However, apart from Kenya, Ghana and Uganda do not expressly mention about this. In addition, Kenya's act is more elaborate and covers the physically challenged as well.

- (7) Subscribe to different degrees of fair use. Kenya deals with fair dealing, Uganda talks of fair use and Ghana uses fair practice. Fair practice is more flexible than fair use and fair dealing in scope of provisions.
- (8) Are affected by Technical Protection Measures. Kenya and Ghana do not allow anti-circumvention but Uganda is silent on the matter. In all instances, this inhibits adequate information access.
- (9) Have not catered for specialized exceptions such as inter-library lending, parallel importations, orphan works, retracted and withdrawn works, works out of commerce in their copyright exceptions.

(2) Advantages and disadvantages of copyright exceptions

In Kenya, Ghana and Uganda, copyright exceptions improve access to information to an extent especially for the less privileged populations, in various formats enabling generation of knowledge. However, exceptions are sometimes unclear in scope and inadequate, causing poor access to information. They may lead to abuse of copyrights where they are vague and enforcement of copyright laws is poor.

Conclusions

Kenya, Ghana and Uganda

Should revise their copyright acts to achieve better clarity in the scope of exceptions, engage in initiatives to harmonize copyright exception terminologies, embed detailed units on copyright in their educational institutions curricula, broaden their copyright acts to include e-learning contexts, specialized exceptions such as inter-library lending, parallel importations, orphan works, retracted and withdrawn works and works out of commerce for copyright exceptions and establish initiatives for sensitization on the issues of copyright exceptions in the region.

Copyright exceptions in Kenya, Ghana and Uganda differ causing inefficient information access. To some limited extent, they have encouraged creativity, innovation, equality and fairness in information access. However, they can be improved immensely through revision of the copyright acts, harmonizing exceptions in the region, better defining of terminologies and providing for inter-library lending, parallel importations, orphan works, retracted and withdrawn works, works out of commerce and so on. It is also important to educate people on copyright issues.

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