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THE SIX HUNDRED AND NINETIETH

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF

GHANA

ENTITLED

THE COPYRIGHT ACT, 2005

AN ACT to replace the Copyright Law, 1985 (P.N.D.C.L. 110); and bring the provisions on copy tight and the Copyright Office in conformity with the Constitution and to provide for related purposes.

DATE OF ASSENT: *17th May, 2005.*

ENACTED the President and Parliament

Copyright

Work eligible for copyright

I. (1) An author, co-author or joint author of any of the following works is entitled to the copyright and protection afforded to that work under this Act

- (a) literary work,
- (b) artistic work,
- (c) musical work.
- (d) sound recording,
- (e) audio-visual work,
- (f) choreographic work,
- (g) derivative work and
- (h) computer software or programmes.

- (2) Despite subsection (1), a work is not eligible for copyright unless (a) it is original in character,
- (b) it has been fixed in any definite medium of expression now known or later to be developed with the result that the work can either directly or with the aid of any machine or device be perceived, reproduced or otherwise communicated, and
- (c) it is
- (i) created by a citizen or a person who is ordinarily resident in the Republic,
 - (ii) first published in the Republic and in the case of a work first published outside the Republic is subsequently published in the Republic within thirty days of its publication outside the Republic, or
 - (iii) a work in respect of which the Republic has an obligation under an international treaty to grant protection.
- (3) The eligibility of a work for copyright is not affected by its artistic quality, the purpose of the author in creating it or by the manner or form of its expression
- (4) For the purposes of this section a work is original if it is the product of the independent effort of the author.

Ideas, concepts excluded from copyright

2. Copyright shall not extend to ideas, concepts, procedures, methods or other things of a similar nature.

Ghana Government and international body copyright

3. The copyright of work shall vest in

- (a) the President on behalf of and in trust for the people of the Republic;
- or
- (b) an international body

if the work is made by or under the direction or control of the President on behalf of and in trust for the people of the Republic or a specified international body.

Folklore protected

4. (1) An expression of folklore is protected under this Act against

- (a) reproduction,
- (b) communication to the public by performance, distribution by cable or other means,
- (c) adaptation, translation and other transformation

(2) The rights of folklore are vested in the President for the people of the Republic.