Copyright Laws & Rules in Ghana

Rights

Ghana’s current copyright law is Act No. 690 issued by the Parliament of the Republic of Ghana. It was enacted on May 17, 2005, and replaced Parliament’s Act No. 110, the country’s previous copyright law from 1985. The copyright law affords protection to a variety of works, grants copyright holders rights to their work and defines the duration of that copyright protection.

Categories of Works

In Ghana, the following works are eligible for copyright protection: art, sound recordings, literature, musical works, choreography, audio-visual works, and computer programs and software. In addition, any derivative works (any work based on an already copyrighted work) is also granted copyright protection. However, there is a specific criterion a work must meet in order to be protected. For example, the work must be original and must already be “fixed in [a] definite medium of expression.” Ideas or concepts are not entitled to copyright protection. Additionally, the creator must be a citizen of Ghana, or the work must have been published in Ghana before anywhere else.

- Ghana’s copyright law grants several moral rights to a copyright holder. First, the author must be credited whenever his work is referenced. Second, if the author’s work is misused in any way that might prejudice the author’s reputation, he has the right to request that a court prevent any further misuse and award any damages the author suffered.

The copyright holder also has several exclusive economic rights, allowing him to control how his work is used in the commercial market. For example, no one is permitted to reproduce the work in any form without the author’s permission. In addition, the copies cannot be rented, sold or otherwise distributed without authorization from the copyright holder. A copyrighted work cannot be arranged, translated, adapted or otherwise altered without the copyright holder’s permission. The author also has exclusive broadcast and performance rights.

Transfer

- Only the copyright holder is permitted to transfer rights. The copyright holder can transfer all or only some of his rights. However, that transfer is limited only to economic rights. Even when the copyright holder transfers all of his economic rights, he retains control of both of his moral rights. The copyright holder can also issue a license to use his work. This means that the copyright holder retains control of his rights, but permits the licensee to temporarily share at least one of those rights.

Duration

- A copyright holder’s moral rights never expire. The copyright holder retains his moral rights until his death. At that time, the moral rights are passed to his successors, and the rights continue to pass to the next successors as time passes. As for economic rights, the duration depends on the type of work. Sound recordings and audio-visual copyrights do not expire until 70 years after the work was published. The duration of copyrights for all other
works is 70 years from the author’s death. If a work was published anonymously or under a pseudonym, the copyright expires 70 years after the work was published. However, if the author’s identity is ever discovered, the copyright is extended to 70 years after the author’s death.