

**AN ACT
ADOPTING A NEW COPYRIGHT LAW
OF THE REPUBLIC OF LIBERIA**

APPROVED JULY 23, 1997

**PUBLISHED BY AUTHORITY
MINISTRY OF FOREIGN AFFAIRS
MONROVIA, LIBERIA**

JULY 30, 1997

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It is enacted by the Transitional Legislative Assembly of the Liberia National Transitional Government of the Republic of Liberia, in Legislative Assembled:

Section 1. That immediately after the passage of this Act, chapter 2 of Title 25 of the Liberia Code of Laws of 1956 is hereby repealed and there shall be enacted in its stead and Act entitled: "AN ACT ADOPTING A NEW COPYRIGHT LAW OF LIBERIA" herein recited verbatim:

Section 2. This Act shall take effect immediately upon the publication.

Any Law to the Contrary, Notwithstanding.

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SECTION: 2.1 DEFINITIONS

Except when the context or a specific provision of law otherwise requires, the following terms when used in this Chapter, for the purpose of this Chapter, shall have the meaning as ascribed to them in this section:

- (a) The term “applicant” includes the author or a literary, scientific or artistic work, his heirs and assigns, and the proprietor thereof;
- (b) The term “author” refers to the person who has created a literary, scientific or artistic work and includes writers, playwrights, composers, designers, painters, architects, sculptors, engravers, lithographers, illustrators, photographers, translators, arrangers, adaptors, and all other creators of literary, scientific or artistic works. However, where the work is produced by officials, employees, or workers, as part of their duties, the persons who employ them shall be entitled to copyright originally, unless the contrary results from a contract or regulations applying to the parties concerned. Further, where the work is commissioned by a person who is not the employer of the author and who pays or agrees to pay for it and the work made in pursuance of that commission, the person who so commissioned the work shall be entitled to copyright originally, unless there is a stipulation to the contrary or he has not fulfilled his agreement;
- (c) A work is “created” when it is fixed in a copy or sound recording for the first time; where a work is prepared over a period of time, the portion of it that has been fixed at any particular time constitutes the work as of that time, and where the work has been prepared in different versions and each version constitutes an separate work.
 - i. An “anonymous work” is a work on the copies or sound recordings of which no natural person is identified as author.
 - ii. “Audiovisual works” are works that consist of a series of related images which are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes in which works are embodied.
 - iii. A “collective work” is a work which has been created by two or more physical persons at the initiative and under the direction of a physical person or legal entity with the understanding that it will be disclosed by the latter person or entity under his or its own name and that the identity of the contributing physical persons will not be indicated in the work.
 - iv. A “derivative work” is a work based upon one or more preexisting works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgement, condensation, or any other form in which a work may be recast, transformed, or adapted. A work consisting of editorial revision annotations, elaboration, or other modifications, which as a whole, represent an original work of authorship, is a “derivative work”.
 - v. A “joint work” is a work prepared by two or more authors with the intention that their contributions be merged into inseparable or interdependent parts of a unitary whole.

- vi. "Literary works" are works, other than audiovisual works, expressed in words, numbers, or other verbal or numerical symbols or indicia regardless of the nature of the material objects, such as books, periodicals, manuscripts, sound recordings, film, tapes, disks, or cards, in which they are embodied.
 - vii. A "Pseudonymous" is a work on the copies or sound recordings of which the author is identified under a fictitious name.
- (d) A "compilation" is a work formed by the collection and assembling of pre-existing materials or of data that are selected, coordinated, or arranged in such a way that the resulting work as a whole constitutes an original work of authorship.
- i. A "work of the Republic of Liberia Government" is a work prepared by an officer or employee of the Liberian government as part of that person's official duties.
 - ii. A "work made for hire" is -
 - (1) a work prepared by an employee within the scope of his or her employment; or
 - (2) a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an international text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire.
- (e) "Copies" are material objects, other than sound recordings, in which a work is fixed by any method now known or later developed, and which the work can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term "copies" includes the material object, other than a sound recording, in which the work is first fixed.
- (f) "Copyright Owner", with respect to any one of the exclusive rights comprised in a copyright, refers to the owner of that particular right.
- (g) A "device", "machine", or "process" is one now known or later developed.
- (h) To "display" a work means to show a copy of it, either directly or by means of a film, slide, television image or any other device or process or, in the case of a motion picture or other audiovisual work, to show individual images non-sequentially.
- (i) "Motion pictures" are audiovisual works consisting of a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.
- (j) To "perform" a work means to recite, render, play, dance or act it, either directly or by means of device or process or, in case of a motion picture or other audiovisual work, to show its images in any sequence or to make the sounds accompanying it audible.
- (k) "Sound recordings" are material objects in which sounds, other than those accompanying a motion picture or other audiovisual work, are fixed by any method now known or later developed, and from which the sounds can be perceived,

reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term "sound recordings" includes the material object in which the sounds are first fixed.

- (l) "Pictorial, graphic, and sculptural works" include two-dimensional and three-dimensional works of fine, graphic, and applied art, photographs, prints and art reproductions, maps, globes, charts, technical drawings, diagrams, and models. Such works shall include works of artistic craftsmanship insofar as their form but not their mechanical or utilitarian aspects are concerned; the design of a useful article, as defined in this section, shall be considered a pictorial, graphic, or sculptural feature that can be identified separately from, and are capable of existing independently of, the utilitarian aspects of the article
- (m) "Publication" is the distribution of copies or sound recordings of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies or sound recordings to a group or persons for purposes of further distribution, public performance, or public display, constitutes publication. A public performance or display of a work does not of itself constitute publication.

To perform or display a work "publicly" means -

- (1) to perform or display it at a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered; or
 - (2) to transmit or otherwise communicate a performance or display of the work to a place specified by clause (1) or to the public, by means of any device or process, whether the members of the public capable of receiving the performance or display receive it in the same place or in separate place and at the same time or at different times.
- (n) A "transfer of copyright ownership" is an assignment, mortgage, exclusive license, or any other conveyance, alienation, or hypothecation of a copyright, or any of the exclusive rights comprised in a copyright, whether or not it is limited in time or place of effect, but not including a non exclusive license.
- (o) A "transmission program" is a body of material that, as an aggregate, has been produced for the sole purpose of transmission to the public in sequence and as a unit.
- (p) To "transmit" a performance or display is to communicate it by any device or process whereby images or sounds are received beyond the place from which they are sent.
- (q) A "Computer program" is a set of instructions expressed in words, codes, schemes or in any other form, which is capable, when incorporated in a medium that the computer can read, or causing a computer to perform or achieve a particular task or result.
- (r) Anti-trust laws - statutes directed against unlawful restraints of trade and monopolies.
- (s) Person - an individual, partnership, corporation, trustee and legal representation having certain legal rights and responsibilities.

SECTION: 2.2 SUBJECT MATTER OF COPYRIGHT: IN GENERAL

- (1) Copyright protection subsists, in accordance with this chapter, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated either directly or with the aid of a machine or device. Works of authorship shall include literary, dramatic-musical and artistic works and, in particular:
- (a) books, pamphlets, computer programs and other writings;
 - (b) lectures, addresses, sermons and other works of the same nature;
 - (c) dramatic and dramatic-musical works;
 - (d) musical works (vocal or instrumental);
 - (e) choreographic works and pantomimes;
 - (f) audiovisual works;
 - (g) works of drawing, painting, architecture, sculpture, engraving, lithography and tapestry;
 - (h) photographic works, including works expressed by processes analogous to photography;
 - (i) works of applied art, whether handicraft or produced on an industrial scale;
 - (j) illustrations, maps, plans, sketches and three-dimensional works relative to geography, topography, architecture or science;
 - (k) work inspired by expressions of folklore;
 - (l) translations, adaptation, arrangements and other transformations of the literary, dramatic-musical and artistic works and works inspired by folklore (and derivative works)
 - (m) compilations of literary or artistic works, such as encyclopedias and anthologies and of mere data (data bases), whether in machine readable or other form, provided that such compilations are original by reason of the selection, coordination or arrangement of their contents.
- (1) Copyright protection of any work referred to in this subsection shall subsist irrespective of its form of expression, its quality and the purpose for which it was created.
- (2) In no case copyright for an original work of authorship extend to any idea, procedure, process, system, method or operation, concept, principle, discovery, or mere data regardless of the form in which it is described, explained, illustrated or embodied in such work.

SECTION: 2.3 SUBJECT MATTER OF COPYRIGHT: DERIVATIVE WORKS AND COMPILATIONS

- (a) The subject matter of copyright as specified by section 2.2 (m) and (n) includes compilations and derivation works, but protection for a work employing pre-existing material in which copyright subsists does not extend to any part of the work in which such material has been unlawfully.
- (b) The copyright in a compilation or derivative work extends only to the material contributed by the author of such work, as distinguished from the pre-existing material employed in the work, and does not imply any exclusive right in the pre-existing material. The copyright in such work is dependent of, and does not affect or enlarge the scope, duration, ownership, or subsistence of, any copyright protection in the pre-existing material.

SECTION: 2.4 SUBJECT MATTER OF COPYRIGHT: NATIONAL ORIGIN

- (1) Unpublished works: the works specified by section 2.2 while published, are subject to protection under this chapter without regard to the nationality of domicile of the author.
- (2) Published works are:
 - (a) The works specified in section 2.2, when published, are subject to protection under this chapter, if, on the date of the first publication, one or more of the authors is a national or domiciliary of the Republic of Liberia, or is a national, domiciliary or sovereign authority of a foreign nation that is a party to a copyright treaty to which the Republic of Liberia is also party or is a stateless person wherever that person may be domicile, or if the work has been first published in the Republic of Liberia is also a party. And such countries at the date hereof and what in the schedule and this act.
 - (b) When any country other than Liberia, becomes or ceases to be a party to a copyright treaty to which Liberia is a party, the Minister of Justice shall by (legislative instrument) amend the schedule to this Act by inserting or deleting the name of the country as the case may be;
 - (c) For the purposes of this section, a publication in Liberia or in any other country shall not be treated as being other than the first publication by reason only of an earlier publication elsewhere if the publication took place within the period of 30 days.

SECTION: 2.5 SUBJECT MATTER OF COPYRIGHT: LIBERIAN GOVERNMENT WORKS AND WORKS OF PUBLIC BENEFITS

Copyright protection under this chapter is not available for any works of the Government or works of public benefit, including the following:

- (a) laws and decisions of courts and administrative bodies, as well as to official translations thereof;

- (b) reports made by commissions of inquiry appointed by the Government or any agency of the Government and published by the Government;

However, the Liberian Government is not precluded from receiving and holding copyrights transferred to it by assignment, bequest or otherwise.

SECTION: 2.6 EXCLUSIVE RIGHTS OF OWNERS OF COPYRIGHT

- (1) Subject to Section 2.7 through Section 2.11, the owner of copyright in a work under this chapter has the exclusive rights to do and to authorize any of the following, to
 - (a) reproduce the copyrighted work in copies or sound recordings;
 - (b) prepare derivative works based upon the copyright work;
 - (c) distribute copies or sound recordings of the copyrighted work to the public including by way of importation, regardless of whether such copies were made and distributed lawfully in any other country, by sale or other transfer of ownership, or by rental, lease, or lending;
 - (d) communicate the copyrighted work to the public by display, performance, broadcasting, distribution by cable, motion picture, images, audiovisual work or any other means.
- (2) In addition to the rights referred to in subsection (1) of this Section, the author of such a work shall also have the exclusive moral rights to:
 - (a) claim authorship of his work and, in particular, to demand that his name or pseudonym be mentioned when any act referred to in subsection (1) of this section is done in relation to his work; save in cases where it would be unreasonable for him to do so.
 - (b) object, and to seek relief in connection with, any distribution, mutilation, or other modification of the work where such act would be or is prejudicial to his honor or reputation.

SECTION: 2.7 LIMITATION OF EXCLUSIVE RIGHTS: FAIR USE

Notwithstanding the provisions of Section 2.6, the Fair use of a copyright work, including such use by reproduction in copies or sound recordings or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use, the factors to be considered shall include:

- (a) the purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes;
- (b) the nature of the copyright work;

- (c) the amount and substantially of the portion used in relation to the copyrighted work as a whole; and
- (d) the effect of the use upon the potential market for or value of the work.

This Section does not include the reproduction of a computer program which is provided for in Section 2.14.

SECTION: 2.8 LIMITATION OF EXCLUSIVE RIGHTS: COMPULSORY LICENSES FOR RECORDING MUSICAL WORKS

- (1) Where the owner of copyright in a musical work has already authorized a person to make a sound recording of a performance of the work and such recording has been made in, or imported into the Republic of Liberia, any other person may make recording of the musical work without the authorization of the owner, provided that such other person, before making the sound recording gives to the copyright owner a proper notice of his intention to make it, and pays to the owner such equitable remuneration as (the Copyright Board) may prescribe by order. The foregoing provisions shall apply also to any words accompanying the music.
- (2) The mode and manner of the assessment and payment of remuneration under sub-section (1) shall be as prescribed by the Copyright Board.

SECTION: 2.9 LIMITATION OF EXCLUSIVE RIGHTS: REPRODUCTION BY LIBRARIES AND ARCHIVES

- (a) Notwithstanding the provisions of Section 2.6, it is not an infringement of copyright for a library or archives, or any of its employees acting within the scope of their employment, to reproduce no more than one copy or sound recording, of a work, or to distribute such copy or sound recording, under the conditions specified by this section, if -
 - (1) The reproduction or distribution is made without any purpose of direct or indirect commercial advantage.
 - (2) The collections of library or archives are (i) open to the public or (ii) available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also persons doing research in a specialized field; and
 - (3) The reproduction and distribution of the work includes a notice of copyright.
- (b) The rights of reproduction and distribution under this section apply to a copy or sound recording of an unpublished work duplicated in facsimile form solely for purposes of preservation and security for deposit for research use in another library or archives of the types described by clause (3) of sub-section (a), if the copy or sound recording reproduced is currently in the collection of the library or archives.
- (c) The right of reproduction under this section applies to a copy or sound recording of a publication in facsimile form solely for purposes of replacement of copy or sound recording that is damaged, deteriorating, lost or stolen, if the library or archives has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price.

- (d) The rights of reproduction and distribution under this section apply to a copy, made from the collection of a library or archives where the user makes his or her request or from that of another library or archives, of no more than one article or other contribution to a copyright collection periodical issue, or to a copy or sound recording of a small part of any other copyrighted work, if -
 - (1) The copy or sound recording becomes the property of the user and the library or archives has had no notice that the copy or sound recording would be used for any purpose other than private study, scholarship, or research; and
 - (2) The library or archives displays prominently, at the place where orders are accepted, and includes on its order form a warning of copyright in accordance with requirements that the Director General of Copyrights shall prescribe by regulation.
- (e) The rights of reproduction and distribution under this section apply to the entire work, or to a substantial part of it, made from the collection of a library or archives where the user make his or her request or from that of another library of archives, if the library of archives has first determined, on a basis of a reasonable investigation, that a copy or sound recording of the copyrighted work cannot be obtained as a fair price, and if -
 - (1) The copy of sound recording becomes the property of the user, and the library or archives has had no notice that the copy or sound recording would be used for any other purpose other than private study, scholarship, or research; and
 - (2) The library or archives displays prominently, at the place where orders are accepted, and includes on its order form, a warning or copyright in accordance with requirements that the Director General of copyright shall prescribe by regulation.
- (f) Nothing in this Section -
 - (1) Shall be construed to impose liability for copyright infringement upon a library or archives or its employees for the unsupervised use of reproducing equipment, displays a notice that the making of a copy may be subject to the copyright law;
 - (2) Excuses a person who uses such reproducing equipment or who requests a copy or sound recording under sub-section (d) from liability for copyright infringement for any such act, or for any later use of such copy or sound recordings, if it exceeds fair use as provided by Section 2.7;
 - (3) Shall be construed to limit the reproduction and distribution by lending of a limited number of copies and excerpts by a library or archives of an audiovisual news program, subject to clauses (1), (2), and (3) or sub-section (a); or
 - (4) In any way affects the right of fair use as provided by section 2.7 or any contractual obligations assumed at any time by the library or archives when it obtained a copy or sound recording of a work in its collections.
- (g) The rights of reproduction and distribution under this section extend to the isolated and unrelated reproduction or distribution of a single copy or sound recording of the

same material on separate occasions, but do not extend to cause where the library or archives, or its employees -

- (1) Is aware or has substantial reason to believe that it is engaging in the related or concerted reproduction or distribution of multiple copies or phonorecords of the same material, whether made on one occasion or over a period of time, and whether intended for aggregate use by the individual members of a group; or
 - (2) Engages in the systematic reproduction or distribution of single or multiple copies or sound recordings of material describes in sub-section (d) provided that nothing in this clause prevents a library or archives from participating in interlibrary arrangements that do not have, as their purpose or effect; that the library or archives receiving such copies or sound recordings for distribution does so in such aggregate quantities as to substitute for a subscription to our purchase of such work.
- (h) the rights of reproduction and distribution under this section do not apply to a musical work, a pictorial, graphic or sculptural work, or a motion picture or other audiovisual work dealing with news, except that no such limitation shall apply with respect to rights granted by sub-section (b) and (c), or with respect to pictorial or graphic works published as illustrations, diagrams, or similar adjuncts to works of which copies are reproduced or distributed in accordance with sub-section (d) and (e).

SECTION: 2.10 LIMITATIONS ON EXCLUSIVE RIGHTS: EXEMPTION OF CERTAIN PERFORMANCES AND DISPLAYS

Notwithstanding, the provision of Section 2.6 the following are not infringement of copyrights:

- (1) Performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a non-profit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images, is given by means of a copy that was not lawfully made under this title, and that the person responsible for the performers knew or had reason to believe was not lawfully made;
- (2) Performance of a non-dramatic literary or musical work or display of work, by or in the course of a transmission, if -
 - a) The performance or display is a regular part of the systematic instructional activities or a governmental body or a non-profit educational institution; and
 - b) The performance or display is directly related and of material assistance to the teaching content of the transmission, and
 - c) The transmission is made primarily for -
 - i) Reception in classroom or similar places normally devoted to instruction; or
 - ii) Reception by person to whom the transmission is directed because their disabilities or other special circumstances prevent their

attendance in classrooms or similar places normally devoted to instruction, or

- iii) Reception by officers or employees of governmental bodies as part of their official duties or employment.
- (3) Performance of a non-dramatic literary or musical work or of a dramatic-musical work of a religious nature, or display of a work, in the course of services at a place of worship or other religious assembly;
 - (4) Performance of a non-dramatic literary or musical work otherwise than in a transmission to the public, without any purpose of direct or indirect commercial advantage without payment of any fee or other compensation for the performance and without payment of any fee or other compensation for the performers, promoters, or organizers, if -
 - (a) There is no direct or indirect admission charges; or
 - (b) The proceeds, after deducting the reasonable cost of producing the performance, are used exclusively for educational, religious, or charitable purposes and not for private financial gain, except where the copyright owner has served notice of objection to the performance under the following conditions:
 - (i) The notice shall be in writing and signed by the copyright owner or such owner's duly authorized agent; and
 - (ii) The notice shall comply, in form, content, and manner of services, with requirements that the Director General of copyright shall prescribe by regulation;
 - (iii) The notice shall be served on the person responsible for the performance at least 7 days before the date of the performance, and shall state the reasons for the objection.
 - (5) Communication of a transmission embodying a performance or display of a work by the public reception of the transmission on a single receiving apparatus of a kind commonly used in private homes, unless -
 - (a) A direct charge is made to see or hear the transmission;
 - (b) The transmission thus received is further transmitted to the public;
 - (6) Performance of a non-dramatic musical work by a governmental body or a non-profit agricultural or horticultural organization, in the course of an annual agricultural or horticultural fair or exhibition conducted by such body or organization: the exemption provided by this clause shall extend to any liability for copyright infringement that would otherwise be imposed on such body or organization, under doctrines of vicarious liability or related infringement, for a performance by a concessionaire, business establishment, or other person at such fair or exhibition, but shall not excuse any such person from liability for the performance;
 - (7) Performance of a non-dramatic musical work by a vending establishment open to the public at large without any direct or indirect admission charge, where the sole purpose of the performance is to promote the retail sale to copies or sound recordings

of the work, and the performance is not transmitted beyond the place where the establishment is located and is within the immediate area where the sale is occurring;

- (8) Performance of non-dramatic literary work, by or in the course of a transmission specifically designed for and primarily directed to blind or other handicapped persons who are unable to read normal printed material as a result of their handicap, or deaf or other handicapped persons who are unable to hear the aural signals accompanying a transmission of visual signals, if the performance is made without any purpose of direct or indirect commercial advantage and its transmission body; or (ii) a non-commercial educational broadcast station or (iii) a radio sub-carrier authorization and (iv) a cable system.
- (9) Performance on a single occasion of a dramatic literary work published at least ten years before the date of the performance, by or in the course of a transmission specifically designed for and primarily directed to blind or other handicapped persons who are unable to read normal printed material as a result of their handicap, if the performance is made without any purpose of direct or indirect commercial advantage and its transmission is made through the facilities of a radio sub-carrier authorization referred to in clause (8) (iii), provided, that the provisions of this clause shall not be applicable to more than one performance of the same work by the same performers or under the auspices of the same organization.
- (10) Notwithstanding paragraph 4 above, the following is not an infringement of copyright: performance of a non-dramatic literary or musical work in the course of a social function which is organized and promoted by a non-profit veteran organization or a non-profit fraternal organization to which the general public is not invited, but not including the invitees of the organizations, if the proceeds from the performance, after deducting the reasonable costs of producing the performance, are used exclusively for charitable and not for financial gain. For purposes of this section the social functions of any college or university fraternity or sorority shall not be included unless the social function is held solely to raise funds for a specific charitable purposes.

SECTION: 2.11 LIMITATIONS ON EXCLUSIVE RIGHTS: EFFECT OF TRANSFER ON PARTICULAR COPY OR SOUND RECORDING

- (a) Notwithstanding the provisions of section 2.6 (c), the owner of a particular copy or sound recording lawfully made under this Chapter or any person authorized by such owner, is entitled without the authority of the copyright owner to sell or otherwise dispose of the possession of that copy or sound recording.
- (b) Notwithstanding the provisions of (a),
 - (1) unless authorized by the owners of copyright in the sound recording, or the owner of copyright in a computer program (including any tape, disk or other medium embodying such program), and in the case of a sound recording and in the musical works, embodied therein, neither the owner of a particular sound recording nor any person in possession of a particular copy of a computer program (including any tape, disk or other medium embodying such program) may, for the purposes of direct or indirect commercial advantage, dispose of, or authorizes the disposal of, the possession of that sound recording or computer program (including any tape, disk or other medium embodying such program) by rental, lease and lending or by any

other act or practice in the nature of rental, lease, or lending. Nothing in the preceding sentence shall apply to the rental, lease, or lending of a sound recording for non-profit purposes by a non-profit library or non-profit educational institution. The transfer of possession of a lawfully made copy of a computer program by non-profit educational institution to another non-profit institution or to faculty, staff and students does not constitute rental, lease or lending for direct or indirect commercial purposes in this section.

- (2) Any person who distributes a sound recording in violation of clause (1) is an infringement of copyright under section 2.40 of this Chapter and is subject to the remedies set forth in section 2.42. Such violation shall not be a criminal offense under section 2.52 or cause such person to be subject to the criminal penalties.
- (c) Notwithstanding the provisions of section 2.6 (d), the owner of a particular copy lawfully made under this Chapter or any person authorized by such owner, is entitled without the authority of the copyright owner to display that copy publicly, either directly or by the projection of no more than one image at a time, to viewer present at the place where the copy is located.
- (d) The privileges prescribed by sub-section (a) and (b) do not, unless authorized by the copyright owner, extend to any person who has acquired possession of the copy or sound recording from the copyright owner, by rental, lease, loan, or otherwise, without, acquiring ownership of it.

SECTION: 2.12 LIMITATIONS ON EXCLUSIVE RIGHTS: SECONDARY TRANSMISSIONS

(a) CERTAIN SECONDARY TRANSMISSIONS EXEMPTED.

The secondary transmission of a primary transmission embodying a performance or display of work is not an infringement of copyright, if -

- (1) The secondary transmission is not made by a cable system, and consists entirely of the relaying, the management of a hotel, apartment house, or similar establishment, of signals transmitted by broadcast station licensed by the Minister of Post and Telecommunications or any similar foreign public authority within the local services area of such station, to the private lodgings of guest or residents of such establishment and no direct charge is made to see or hear the secondary transmission; or
- (2) The secondary transmission is made solely for the purpose and under the conditions specified by clause (2) of Section 2.10; or
- (3) The secondary transmission is made by any carrier who has no direct or indirect control over the content or selection of the primary transmission or over the particular recipients of the secondary transmission, and whose activities with respect to the secondary transmission and do not exempt from liability the activities of others with respect to their own primary or secondary transmission; or
- (4) the secondary transmission is not made by a cable system but is made by a governmental body, or other non-profit organization, without any purpose of direct or indirect commercial advantage, and without charge to the recipients

of the secondary transmission other than assessments necessary to defray the actual and reasonable costs of maintaining and operating the secondary transmission service.

(b) SECONDARY TRANSMISSION OF PRIMARY TRANSMISSION TO CONTROLLED GROUP -

Notwithstanding the provisions in subsections (a) and (c), the secondary transmission to the public of a primary transmission embodying a performance or display of a work is actionable as an act of infringement under Section 2.43 and is fully subject to the remedies provided by Section 2.45 if the primary transmission is not made for reception by the public at large but is controlled and limited to reception by particular members of the public; provided however, that such secondary transmission is not actionable as an act of infringement if -

- (1) The primary transmission is made by a broadcast station licensed by the Ministry of Post and Telecommunications
- (2) The carriage of the signals comprising the secondary transmission is required under the rules, regulations, or authorizations of the Ministry of Post and Telecommunications;

(c) SECONDARY TRANSMISSIONS BY CABLE SYSTEMS

- (1) Subject to the provisions of clauses (2), (3) and (4) of this sub-section, secondary transmissions to the public by a cable system of a primary transmission made by a broadcast station licensed by the Ministry of Post and Telecommunications embodying a performance display of a work shall be subject to compulsory licensing upon compliance with the requirements of sub-section (d) where the carriage of the signals comprising the secondary transmission is permissible under the rules, regulations, or authorizations of the Ministry of Post and Telecommunications.
- (2) Notwithstanding the provisions of clause (1) of this sub-section, the willful or repeated secondary transmission to the public by a cable system of a primary transmission made by a broadcast station licensed by the Ministry of Post and Telecommunications and embodying a performance or display of work is actionable as a act of infringement under section 2.40 and is fully subject to the remedies provided by section 2.42, 2.48 through 2.52, in the following cases:
 - (A) Where the carriage of the signals comprising the secondary transmission is not permissible under the rules, regulations, or authorization of the Ministry of Post and Telecommunications, or
 - (B) Where the cable system has not recorded the notice specified by sub-section (d) and deposited the statement of account and royalty fee required by sub-section (d).
- (3) Notwithstanding the provisions of clause (1), of this sub-section to the provisions of sub-section (e) of this section, the secondary transmission to the public by a cable system of a primary transmission made by a broadcast station licensed by the Ministry of Post and Telecommunications and embodying a performance or display of a work is actionable as an act of infringement under Section 2.40, and is fully subject to the remedies

provided by Section 2.42, 2.48 through 2.52, if the content of the particular program in which the performance or display is embodied, or any commercial advertising or station announcements transmitted by the primary transmitter during, or immediately before or after, the transmission of such program, is in any way willfully altered by the cable system through changes, deletions, or alterations, except for the alterations, deletion, or substitution of commercial advertisements performed by those engaged in television commercial, advertising market research; provided, that the research company had obtained the prior consent of the advertiser who has purchased the original commercial advertisement, the television station broadcasting that commercial advertisement, and the cable system performing the secondary transmission; and provided further, that such commercial alteration, deletion or substitution is not performed for the purpose of deriving income from the sale of that commercial time.

SECTION: 2.13 LIMITATIONS ON EXCLUSIVE RIGHTS: EHPERMANAL RECORDINGS

- (a) Notwithstanding the provisions of Section 2.6 and except in the case of a motion picture or other audiovisual work, it is not an infringement of copyright for a transmitting organization entitled to transmit to the public a performance or display of a work, under a license or transfer of the copyright, to make no more than one copy of sound recording of a particular transmission program embodying the performance or display, if -
 - (1) the copy or sound recording is retained and used solely by the transmitting organization that it, and no further copies or sound recordings are reproduced from it; and
 - (2) The copy or sound recording is used solely for the transmitting organization's own transmission within its local service area, or for purposes of archival preservation or security; and
 - (3) Unless preserved exclusively for archival purposes, the copy or sound recording is destroyed within six months from the date the transmission program was first transmitted to the public.
- (b) Notwithstanding the provisions of Section 2.6, it is not an infringement of copyright for a government body to make no more than thirty copies or sound recordings of a particular transmission program embodying the performance or display if -
 - (1) No further copies or sound recordings are reproduced from the copies or sound recordings made under this clause; and
 - (2) Except for one copy or sound recording that may be preserved exclusively for archival purposes, the copies or phonorecords are destroyed within seven years from the date the transmission program was first transmitted in the public.
- (c) Notwithstanding the provisions of Section 2.6, it is not an infringement of copyright for a government body or other non-profit organization to make for distribution no more than one copy or sound recording for each transmitting organization specified in clause (2) of this sub-section, of a particular transmission program embodying a

performance of a non-dramatic musical work of a religious nature, or a sound recording or such musical work, if -

- (1) There is no direct or indirect charge for making or distributing any such copies or sound recordings; and
 - (2) None of such copies of sound recordings is used for any performance other than a single transmission to the public by a transmitting organization entitled to transmit to the public a performance of the work under license of transfer of the copyright; and
 - (3) Except for one copy or sound recording that may be preserved exclusively for archival purposes, the copies or sound recordings are all destroyed within one year from the date the transmission program was first transmitted to the public.
- (d) Notwithstanding the provisions of Section 2.6, it is not an infringement of copyright for a governmental body or other non-profit organization entitled to transmit a performance of a work under Section 2.10 to make no more than ten copies or sound recordings embodying the performance, or to permit the use of any such copy or sound recording by any governmental body or non-profit organization entitled to transmit a performance of work under Section 2.10 (8) if -
- (1) Any such copy or sound recording is retained and used solely by the organization that made it, or by a governmental body or non-profit organization entitled to transmit a performance of a work under Section 2.10 (8) and no further copies or sound recordings are reproduced from it; and
 - (2) Any such copy or sound recording is used solely for transmissions authorized under Section 2.10 (8), or for purposes of archival preservation or for security; and
 - (3) The governmental body, non-profit organization permitting any use of any such copy or sound recording by any government body or non-profit organization under this section does not make any charge for such use.
- (e) The transmission program embodied in a copy or sound recording made under this section is not subject to protection as a derivative work under this title except with the expressed consent of the owners of copyright in the pre-existing works employed in the program

SECTION: 2.14 LIMITATIONS ON EXCLUSIVE RIGHTS: COMPUTER PROGRAMS

Notwithstanding the provisions of Section 2.6, it is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:

- (1) That such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner; or
- (2) That such new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the

computer program should cease to be rightful. Any exact copies prepared in accordance with the provisions of this section may be leased, sold or otherwise transferred along with the copy from which such copies were prepared, only as part of the lease, sale, or other transfer of all rights in the program. Adaptation so prepared may be transferred only with the authorization of the copyright owner.

SECTION: 2.15 SCOPE OF EXCLUSIVE RIGHTS IN PICTORIAL, GRAPHIC AND SCULPTURAL WORKS

- (A) Subject to the provisions of sub-sections (b) and (c) of this section, the exclusive rights to reproduce a copyrighted pictorial, graphic, or sculptural work in copies under Section 2.6 includes the right to reproduce the work in or on any kind of article, whether useful or otherwise.
- (B) This title does not afford, to the owner of copyright in a work that portrays a useful article as such, any greater or lesser right with respect to the making, distribution, or display of the useful articles so portrayed than those afforded to such works under the law.
- (C) In the case of work lawfully reproduced in useful articles that have been offered for sale or other distribution to the public, copyright does not include any right to prevent the making, distribution or display of picture or photographs of such articles in connection with advertisements or commentaries related to the distribution or display of such articles, or in connection with news reports.

SECTION: 2.16 SCOPE OF EXCLUSIVE RIGHTS IN SOUND RECORDINGS

- (A) The exclusive right of the owner of copyright in a sound recording under clause (a) of Section 2.6 is limited to the right to duplicate the sound recording in the form of sound recordings, or of copies of motion pictures and other audiovisual works, that directly or indirectly recapture the actual sounds fixed in the recording. The exclusive right of the owner of copyright in a sound recording under clause (b) of Section 2.6 is limited to the right to prepare a derivative work in which the actual sound fixed in the sound recording are re-arranged, re-mixed, or otherwise altered in sequence or quality. The exclusive rights of the owner of copyright in a sound recording under clauses (a) and (b) of Section 2.6 do not extend to the making or duplication of another sound recording that consists entirely or an independent fixation or other sounds, even though such sounds imitate or stimulate those in the copyrighted sound recording. The exclusive rights of the owner of copyright in a sound recording under clauses (a), (b) and (c) of Section 2.6 do not apply to sound recordings included in educational, television and radio programs distributed, transmitted by or through public broadcasting entities; provided that copies or sound recordings are not commercially distributed by or through public broadcasting entity to the general public.
- (B) This section does not limit or impair the exclusive right to perform publicly, by means of a sound recording, any of the works specified by Section 2.6 (d).

SECTION: 2.17 SCOPE OF EXCLUSIVELY RIGHTS IN NON-DRAMATIC MUSICAL WORKS COMPULSORY LICENSE FOR MAKING & DISTRIBUTING SOUND RECORDINGS

In the case of non-dramatic musical works, the exclusive rights provided by clauses (a) and (b) of Section 2.6, to make and to distribute sound recordings of such works are subject to compulsory licensing under the conditions specified by this Section.

(A) AVAILABILITY AND SCOPE OF COMPULSORY LICENSE

- (1) When sound recording of non-dramatic musical work have been distributed to the public in Liberia under the authority of the copyright owner, any other person may, by complying with the provision of this section, obtain a compulsory license to make and distribute sound recordings of the work. A person may obtain a compulsory license only if his or her primary purpose in making phonorecords is to distribute them to the public for private use. A person may not obtain a compulsory license for use of the work in making of sound recordings duplicating a sound recording fixed by another, unless:
 - (i) such sound recording was fixed lawfully; and
 - (ii) the making of the sound recordings was authorized by the owner of copyright in the sound recording.
- (2) A compulsory license includes the privilege of making a musical arrangement of the work to the extent necessary to conform it to the style or manner of interpretation of the performance involved, but the arrangement shall not change the basic melody of fundamental character of the work, and shall not be subject to protection as a derivative work under this title, except with the expressed consent of the copyright owner.

(B) NOTICE OF INTENTION TO OBTAIN COMPULSORY LICENSE

- (1) Any person who wishes to obtain a compulsory license under this section shall, before or within thirty days after making and before distributing any sound recordings of the work, serve notice of intention to do so on the copyright owner. If the registration or other public records of the Copyright Offices do not identify the copyright owner and include an address at which notice can be served, it shall be sufficient to file the notice of intention in the Copyright Office. The notice shall comply, in form, content, and manner of service, with requirements that the Director General of Copyrights shall prescribe by regulation.
- (2) Failure to serve or file the notice required by clause (1) forecloses the possibility of a compulsory license and in the absence of a negotiated license, renders the making and distribution of sound recordings actionable as acts of infringement under Section 2.40, and fully subject to the remedies provided by Sections 2.42, 2.48 through 2.52.

(C) ROYALTY PAYABLE UNDER COMPULSORY LICENSE

- (1) To be entitled to receive royalties under a compulsory license, the copyright owner must be identified in the registration or other public records of the

Copyright Office. The owner is entitled to royalties for sound recordings made and distributed after being so identified, but is not entitled to recover for any sound recordings previously made and distributed.

- (2) Except as provided by clause (1) the royalty under compulsory license shall be payable for every sound recording and distributed in accordance with the license. For this purpose, a sound recording is considered "distributed" if the person exercising the compulsory license has voluntarily and permanently parted with its possession. With respect to each work embodied in the sound recording, the royalty shall be prescribed by the Copyright Board.
- (3) A compulsory license under this section includes the right of the maker of a sound recording of a non-dramatic musical work under sub-section (a) (1) to distribute or authorize distribution of such sound recording by rental, lease or lending (or acts or practices in the nature of rental, lease or lending). In addition, a royalty shall be payable by the compulsory licensee for every act of distribution of sound recording by or in the nature of rental, lease or lending, by or under the authority of the compulsory licensee. With respect to each non-dramatic musical work embodied in the sound recording, the royalty shall be a proportion of the revenue received by the compulsory licensee from every such distribution of the sound recording under clause (2) that is payable by a compulsory licensee under that section. The Director General of copyright shall issue regulations to carry out the purpose of this clause.
- (4) Royalty payments shall be made on or before the 30th day of each month and shall include all royalties for the month next preceding. Each monthly payment shall be made under oath and shall comply with requirements that the Director General of Copyright shall prescribe by regulations. The Director General shall also prescribe regulations under which detailed cumulative annual statements of account, certified by a Certified Public Accountant, shall be filed for every compulsory license under this section. The regulations covering both the monthly and annual statements of account shall prescribe the form, content, and manner of certification with respect to the number of record made and the number of records distributed.
- (5) If the copyright owner does not receive the monthly payment and the monthly and annual statements of account when due, the owner may give written notice to the licensee that, unless the default is remedied within thirty days from the date of the notice, the compulsory license will be automatically terminated. Such termination renders either the making or the distribution, or both, of all sound recordings for which the royalty has not been paid, actionable as acts of infringement under Section 2.40 and fully subject to the remedies provided by Sections 2.42 , 2.48 through 2.52.

SECTION: 2.18 SCOPE OF EXCLUSIVE RIGHTS IN NON-DRAMATIC WORKS: PUBLIC PERFORMANCES BY MEANS OF COIN-OPERATED SOUND RECORDING PLAYERS

A. LIMITATIONS OF EXCLUSIVE RIGHTS

In the case of non-dramatic musical or embodied in a sound recording, the exclusive right under clause (d) of Section 2.6 to perform the work publicly by means of a coin-operated sound recording player is limited as follows:

- (1) The proprietor of the establishment in which the performance takes place is not liable for infringement with respect to such public performances unless: -
 - a. Such proprietor is the operator of the sound recording player; or
 - b. Such proprietor refuses or fail, within one month after receipt by registered or certified mail of a request, at a time during which the certificate required by clause (1) (c) of sub-section (b) is not affixed to the phonorecord player, by the copyright owner, to make full disclosure, by registered or certified mail, of the identity of the operator of the sound recording player.
- (2) The operator of the coin-operated sound recording player may obtain a compulsory license to perform the work publicly on that sound recording player by filling the application, affixing the certificate, and paying the royalties provided by sub-section (b).

B. DISTRIBUTION OF ROYALTIES

- (1) The Director General of copyright shall receive all fees deposited under this section and, after deducting the reasonable cost incurred by the Copyright Office under this section, shall deposit the balance in Ministry of Finance of Liberia, in such manner as the Minister of Finance directs. The Director General shall submit to the Copyright Board on an annual basis, a detailed statement of account covering all fees received for the relevant period provided by sub-section (b).
- (2) During the month of January of each year, every person claiming to be entitled to compulsory license fees under this section for performances during the preceding twelve-months period shall file a claim with the Copyright Commission in accordance with requirements that the Commission shall prescribe by regulation. Such claim shall include an agreement to accept as final, except as provided in the section under judicial review, the determination of the Copyright Commission in any controversy concerning the distribution of royalty fees deposited under sub-section (b) (1) of this section to which the claimant is a party; for purposes of this sub-section, any claimant may agree among themselves as to the proportionate division of compulsory licensing fees among them, may lump their claim together and or file them jointly or as a single claim, or may designate a common agent to receive payment on their behalf.
- (3) After the first day of November of each year, the Copyright Commission shall determine whether there exist a controversy concerning the distribution of royalty fees deposited under sub-section (b) (1). If the Commission determines that no such controversy exists, it shall, after deducting its reasonable administrative costs under this section, distribute such fees to the copyright owners entitled, or to their designated agents. If it finds that such a controversy exists, it shall, conduct a proceeding to determine the distribution of royalty fees.
- (4) The fees to be distributed shall be divided as follows:
 - (a) To every copyright owner not affiliated with a performing rights society, the pro rate share of the fees to be distributed to which such copyright owner proves entitlement.

- (b) To the performing rights society, the remainder of the fees to be distributed in such pro rate share as they shall by agreement stipulate among themselves, or if they fail to agree, the pro rate share to which such performing rights societies proves entitlement.
 - (c) During the pendency of any proceeding under this section, the Copyright Commission shall withhold from distribution an amount sufficient to satisfy all claims with respect to which a controversy exists, but shall have the discretion to proceed to distribute any amounts that are not in controversy.
- (5) The Copyright Commission shall promulgate regulation under which persons who can reasonably be expected to have claims may, during the year in which performances take place, without expense to or harassment of operations or proprietors of establishments in which sound recording players are located, have such access to such establishments and to the sound recording players located therein and such opportunity to obtain information with respect thereto as may be reasonably necessary to determine, by sampling procedures or otherwise, the proportion of contribution of the musical works of each such person to the earnings of the sound recording players for which fees shall have been deposited. Any person who alleges that he or she has been denied the access permitted under the regulations prescribed by the Copyright Commission may bring an action in the Circuit Court for cancellation of the compulsory license of the sound recording player to which such access has been denied, and the court shall have the power to declare the compulsory license thereof invalid from the date of issue thereof.

(C) CRIMINAL PENALTIES

Any person who knowingly makes a false representation of a material fact in an application filed under clause (1) (a) sub-section (b), or who knowingly alters a certificate issued under clause (1) (b) of sub-section (b) or knowingly affixes such a certificate to a sound recording player other than the one it covers, shall be fined not more than \$2,500.

(D) DEFINITIONS

As used in this Section, the following terms and their variant forms means the following:

- (1) A "Coin-operated sound recording player" is a machine or device that -
 - (a) Is employed solely for the performance of non-dramatic musical works by means of sound recordings upon being activated by insertion of coins, currency, tokens, or other monetary units of their equivalent;
 - (b) Is located in an establishment making no direct or indirect charge for admission;
 - (c) Is accompanied by a list of the titles of all the musical works available for performances on it, which list is affixed to the sound recording player or posted in the establishment in a prominent position where it can be readily examined by the public; and

- (d) Affords a choice of works available for performance and permits the choice to be made by the patrons of the establishment in which it is located.
- (2) An "Operator" is any person who alone or jointly with others: -
 - (a) Owns a coin-operated sound recording player; or
 - (b) Has the power to make a coin-operated sound recording player available for placement in a establishment for purposes of public performance; or
 - (c) Has the power to exercise primary control over the selection of the musical works made available for public performance on a coin-operated sound recording player.
- (3) A "Performing Rights Society" is as association or corporation that licenses the public performance of non-dramatic musical works on behalf of the copyright owners, such as the Musician Association, Authors and Publishers, Broadcast Music, Inc. (or collective society).

SECTION: 2.19 SCOPE OF EXCLUSIVE RIGHTS: USE OF CERTAIN WORKS IN CONNECITN WITH NON-COMERCIAL BROADCASTING

- (a) The exclusive rights provided by section 2.6 shall, with respect to the works specified by sub-section (b) and the activities specified by sub-section (c), subject to the condition and limitations prescribed by this section.
- (b) Not later than 15 days after the Copyright Board has been constituted in accordance with Section 2.5, the Director General shall cause notice to be published in the Official Gazette of the initiation of proceedings for the purpose of determining reasonable terms and rates of royalty payments for the activities specified by sub-section (c) with respect to published non-dramatic musical works and published pictorial, graphic, and sculptural works. Copyright owners and public broadcasting entitles shall negotiate in good faith and cooperate fully with the Board in an effort to reach reasonable and expeditious result. Notwithstanding, any provision of Anti Trust Laws, any owners of copyright in works specified by this sub-section and any public broadcasting entities respectively, may negotiate and agree upon the terms and rates of royalty payments and the proportionate division of fees paid copyright owners, and may designate common agents to negotiate, agree to pay, or receive payments, provided:
 - (1) Any owner of copyright in a work specified in this sub-section or any public broadcasting entity may, within 60 days after publication of the notice specified in this sub-section, submit to the Copyright Board proposed licenses covering such activities with respect to such works. The Copyright Board shall proceed on the basis of the proposal submitted to it as well as any other relevant information. The copyright board shall permit any interested party to submit information relevant to such proceedings.
 - (2) License agreements voluntarily negotiated at any time between one of more public broadcasting entities shall be given effect in lieu of any determination by the Board provided, that copies of such agreements are filed in the

Copyright Office within 20 days of execution in accordance with regulations that the Director General of Copyright shall prescribe.

- (3) The making or reproduction by a government body or a non-profit institution of a transmission as specified in clause (1) and the performance or display specified by clause (1) of section 2.10, but only if the reproduction are used for performances or displays for a period of no more than 7 days from the date of the transmission specified in clause (1) and are destroyed before or at the end of such period. No person supplying in accordance with clause (2) a reproduction of a transmission program to government bodies or non-profit institution under this clause shall have any liability as a result of failure of such body or institution to destroy such reproduction; provided, that it shall have notified such body or institution of the requirement for such destruction pursuant to this clause; and provided further, that if such body or institution itself fails to destroy such reproduction it shall be deemed to have infringed.
 - (4) With respect to the period beginning on the effective date of this Chapter and ending on the date of publication of such rates and terms, this Chapter shall not afford to owners of copyright or public broadcast entities any greater or lesser rights with respect to the activities under the law in effect and as held applicable construed by the Copyright Commission in an action under this Chapter.
- (c) Subject to the transitional provisions of sub-section (b) (4) and to the terms of any voluntary license agreements that have been negotiated as provided by sub-section (b) (2), a public broadcasting entity may, upon compliance with the provisions of this Section, including the rates and terms established by the Copyright Board under sub-section (b) (3) engaged in the following activities with respect to published non-dramatic musical works and published pictorial, graphic and sculptural works.
- (1) Performance or display of a work by or in the course of transmission made by a non-commercial educational broadcast station referred to in station; and
 - (2) Production of a transmission program, reproduction of copies or sound recordings of such a transmission program, and distribution of copies or sound recordings, where such production, reproduction or distribution is made by a non-profit institution or organization solely for the purpose of transmission specified in clause (1); and
 - (3) The making of reproduction by a government body or a non-profit institution of a transmission as specified in clause (1) and the performance or display of the contents of such program under the conditions specified by clause (1) of Section 2.6 but only if the reproductions are used for performances or displays for a period of no more than seven days from the date of the transmission as specified in clause (1) and are destroyed before or at the end of such period. No person supplying, in accordance with clause (2) for a reproduction of transmission program to governmental bodies or non-profit institutions under this clause shall have any liability as a result of failure of such body or institution to destroy such reproduction; provided, that it shall have notified such body or institution of the requirement for such destruction pursuant to this clause; and provided further, that if such body or institution itself fails to destroy such reproduction it shall be deemed to have infringed.

- (d) Except as expressly provided I this sub-section, this section shall have no applicability to work other than those specified in sub-section (b)
 - (1) Owners of copyright in non-dramatic literary works and public broadcasting entities may during the course of voluntary negotiations, agree among themselves, respectively, as to the terms and rates of royalty payments without liability under the anti-trust laws; Any such terms and rates of payment shall be effective upon filing in the Copyright Office, in accordance with regulations that the Director General of Copyright shall prescribe.
- (e) Nothing in this section shall be construed to permit, beyond the limits of fair use as provided by section 2.7 the unauthorized dramatization of a non-dramatic musical work, the production of a transmission program drawn to any substantial extent from a published compilation of pictorial, graphic, or sculptural works, or the unauthorized use of any portion of an audiovisual work.
- (f) As used in this section, the term "public broadcasting entity" means a non-commercial educational broadcast station and any non-profit institution or organization engaged in the activities described in clause (2) of sub-section (c).

SECTION: 2.20 DURATION OF COPYRIGHT IN LITERARY, DRAMATIC-MUSICAL AND ARTISTIC WORK

The author of a work copyright under section 2.6 of this Chapter, his representatives, heirs or assign shall have the exclusive rights within this Republic for the protection of such rights during his life and for fifty years after his death.

- (1) In the case of a work of joint authorship, the right referred to in Section 2.6 shall be protected during the life of the last surviving author and for a period of fifty years after his death.
- (2) In the case of work published anonymously or under a pseudonym, the rights referred to in Section 2.6 shall be protected for fifty years from the date on which such work was first published; provided that where, before the expiration of the said period, the author's identity is revealed or is no longer a doubt, the provisions of sub-section (1) or see section 2.20 above, shall apply, as the case may be. In the case that the work is not published before 50 years after its creation, it shall be protected for a period of fifty years from the date of its creation.
- (3) In the case of a cinematographic or other audiovisual work, the rights referred to in Section 2.6 shall be protected until the expiration of a period of fifty years from the publication of the work or, if the work has not been published before fifty years from its making.
- (4) After a period of at least seventy-five years from the first publication of a work, and one hundred years after its creation, whichever expires first, any person who obtains from the Copyright Board a certificate report that the records provided by the Copyright Office disclose nothing to indicate that the author of the work is living, or died after fifty years, is entitled to the benefit of a presumption that the author has been dead for at least fifty years. Reliance in good faith upon this presumption shall be complete defense at any action for infringement under this Chapter.

- (5) In cases of posthumous work (Section 2.21), photographs (Section 2.22), records (Section 2.23), government works (Section 2.24), public undertakings (Section 2.25) and international organizations (Section 2.26), the term of protection for each work shall be fifty years from the beginning of the calendar year next following the year in which such work is published.
- (6) Every period provided for under the preceding sub-sections shall run to the end of the calendar year in which it would otherwise expire.

SECTION: 2.21. TERM OF COPYRIGHT IN POSTHUMOUS WORK

- (1) In the case of a literary, dramatic or musical work or an engraving in which copyright subsists at the date of the death of the author, or any adaptation of which has not been published before that date, copyright shall subsist until a period of fifty years.
- (2) For the purpose of this section as literary, dramatic or musical work or an adaptation of any such work shall be deemed to have been published if it is has been performed in public or if any records made in respect of the work have been sold to the public or have been offered for sale to the public.

SECTION: 2.22 TERM OF COPYRIGHT IN PHOTOGRAPHS

In the case of a photograph, copyright shall subsist until a period of fifty years from the date the photograph is published. If the work is not published before fifty years after its making, it shall be protected for fifty years after its making.

SECTION: 2.23 TERM OF COPYRIGHT IN RECORDS

In the case of records, copyright shall subsist until a period of fifty years from the date the record is published. If the work is not published before fifty years after its making, it shall be protected for fifty years after its making.

SECTION: 2.24 TERM OF COPYRIGHT IN GOVERNMENT WORKS

In the case of Government works, where Government is the first owner of the copyright therein, copyright shall subsist until seventy years from the date the work is first published. If the work is not published before fifty years after its making, it shall be protected for fifty years after its making.

SECTION: 2.25 TERM OF COPYRIGHT IN WORKS OF PUBLIC UNDERTAKINGS

In the case of a work, where a public undertaking is the first owner of the copyright therein, copyright shall subsist until a period of fifty years from the date the work is first published. If the work is not published before fifty years after its making, it shall be protected for fifty years after its making.

SECTION: 2.26 TERM OF COPYRIGHT IN WORKS OF INTERNATIONAL ORGANIZATIONS

In the case of a work of an international organization, copyright shall subsist until a period of fifty years from the time the work is first published. If the work is not published before fifty years after its making, it shall be protected for fifty years after its making.

SECTION: 2.27 COPYRIGHT OWNERSHIP AND TRANSFER OWNERSHIP OF COPYRIGHT AND OTHER RIGHTS OF THE OWNER

- (a) INITIAL OWNERSHIP - Copyright in a work protected under this Chapter vests initially in the author or authors of the work. The authors of a joint work are co-owners of copyright in the work.
- (b) WORKS MADE FOR HIRE - In the case of a work made for hire, the employer or other person for whom the work was prepared is considered the author for purposes of this Chapter, and unless the parties have expressly agreed otherwise in a written instrument signed by them, owns all of the rights comprised in the copyright.
- (c) CONTRIBUTION TO COLLECTIVE WORKS - Copyright in each separate contribution to a collective work is distinct from copyright in the collective work as a whole, and vests initially in the author of the contribution. In the absence of an expressed transfer of the copyright or any rights under it, the owner of copyright in the collective work is presumed to have acquired only the privilege of reproducing and distributing the contribution as part of that particular collective work, any revision of that collective work, and any later collective work in the same series.

The physical person whose name is indicated on a work in the usual manner as the author shall, in the absence of proof to the contrary, be presumed to be the author of the work. This provision shall be applicable even if the name of a pseudonym, where the pseudonym leave no doubt as to the identity of the author.

(d) TRANSFER OF OWNERSHIP

- (1) The ownership of a copyright in an existing work or the prospective ownership in a future work may be transferred in whole or in part by any means of conveyance or by operation of law, and may be bequeathed by will or pass as personal property by the applicable laws of interstate succession. Provided that in the case of the transfer of copyright in any future work, the transfer shall take effect only when the work comes into existence.
- (2) Any of the exclusive rights comprised in a copyright, including any subdivision of any of the rights specified by the section under Exclusive Rights may be transferred as provided by clause (1) and owned separately. The owner of any particular exclusive rights is entitled, to the extent of the right, to all of the protection and remedies accorded to the copyright owner by this Chapter.
- (e) INVOLUNTARY TRANSFER - When an author's ownership of a copyright, or of any of the exclusive rights under a copyright, has not previously been transferred voluntarily by that author, no action by any government body or other official or organization purporting to seize, expropriate, transfer, or exercise rights of ownership with respect to the copyright, or any of the exclusive rights under a copyright, shall be given effect under this Chapter.

(i) OWNERSHIP OF COPYRIGHT AS DISTINCT FROM OWNERSHIP OF MATERIAL OBJECT

Ownership of a copyright, or of any of the exclusive rights under a copyright is distinct from ownership of any material object, including the copy or sound recording in which the work is first fixed. It does not of itself convey any rights in the copyrighted work first fixed, neither does it convey any rights in the copyrighted work embodied in the object; nor in the absence of an agreement, does it transfer ownership of a copyright, or of any exclusive rights under a copyright, convey property rights in any material object.

(ii) EXECUTION OF TRANSFER OF COPYRIGHT OWNERSHIP

- (a) A transfer of copyright ownership other than operation of law, is not valid unless an instrument of conveyance, or a note or memorandum of transfer, is in writing and signed by the owner of the rights conveyed or such owner's duly authorized agent.
- (b) A certificate of acknowledgement is not required for the validity of a transfer, but a prima facie evidence of the execution of the transfer if:
 - (1) In the case of a transfer executed in Liberia, the certificate is issued by a person authorized to administer oaths within the Country, or
 - (2) In the case of a transfer executed in a foreign country, the certificate is issued by a diplomatic or consular officer of Liberia.

(iii) RIGHT OF AUTHOR TO RELINQUISH COPYRIGHT

The author of a work may relinquish all or any of the rights comprised in the copyright in a work by giving the prescribed form to the Director General of copyright and thereupon, such rights shall cease to exist from the date of the notice provided;

- (1) On receipt of a notice under this sub-section, the Director General shall cause it to be published in the official gazette and in such other manner as he may deem fit.
- (2) The relinquished of all or any of the rights comprised in the copyright in a work shall not affect any rights subsisting in favor of any person on the date of the notice referred to in sub-section (1).

SECITON: 2.28 RECORDANCE OF TRANSFERS AND OTHER DOCUMENTS

- (A) CONDITIONS FOR RECORDATION - Any transfer of copyright ownership or other document pertaining to a copyright may be recorded in the Copyright Office if the document filed for recordance bears the actual signature of the person who executed it, or if it is accompanied by a sworn affidavit or official certification that is a true copy of the original, signed document.
- (B) CERTIFICATE OF RECORDANCE - The Director General of Copyright shall, upon receipt of a document provided by sub-section (a) and of the fee provided by section 2.46, record; the document and return it with a certificate of recordance.

- (C) RECORDANCE AS CONSTRUCTIVE NOTICE - Recordance of a document in the Copyright Office gives all persons constructive notice of the facts stated in the recorded document, but only if:

- (1) The document, or material attached to it, specifically identifies the work to which it pertains so that, after the document is indexed by the Director General of Copyright, it would be revealed by a reasonable search under the Chapter of registration number of the work; and
- (2) Registration has been made for the work.

- (D) RECORDANCE AS PREREQUISITE TO INFRINGEMENT SUIT

In the case of works first published in Liberia by Liberian authors, no persons claiming by virtue of a transfer to be the owner of copyright may institute an infringement action unless the claim has been recorded in the Copyright Office, but suit may be instituted after such recordance on a cause of action that arose before recordance.

- (E) PRIORITY BETWEEN CONFLICTING TRANSFERS

As between two conflicting transfers, the one executed first prevails if it is recorded, in the manner required to give constructive notice under sub-section (c) within one month after its execution outside Liberia, or at any time before recordance in such manner of the later transfer. Otherwise, the later transfer prevails if recorded first in such manner, and if taken in good faith, for valuable consideration or on the basis of a binding promise to pay royalties, and without notice of the earlier transfer.

- (F) PRIORITY BETWEEN CONFLICTING TRANSFER OR OWNERSHIP AND NON EXCLUSIVE LICENSE

A nonexclusive license, whether recorded or not, prevails over a conflicting transfer of copyright ownership if the license is evidenced by a written instrument signed by the owner of the rights licensed or such owner's duly authorized agent, and if:

- (1) The license was taken before execution of the transfer, or
- (2) The license was taken in good faith before recordance of the transfer and without notice of it.

SECTION: 2.29 LICENSE BY OWNERSHIP OF COPYRIGHT

The owner of the copyright in any existing work or the prospective owner of the copyright in any future work may grant any interest in the right by license in writing signed by him or his duly authorized agent; provided that in the case of a license relating to copyright in any future work, the license shall take effect only when the work comes into existence.

That is to say, where a person to whom a license relating to copyright in any future work is granted under this section dies before the work comes into existence, his legal representatives shall, in the absence of any provision to the contrary in the license, be entitled to the benefit of the license.

SECTION: 2.30 COMPULSORY LICENSE IN WORKS WITHHELD FROM PUBLIC

- (1) If at any time during the term of copyright in any Liberian work which has been published or performed in public, a complaint is made to the copyright Board by the owner of copyright in the work to the effect that:
- (a) Has refused to republish or allow the republication of the work and by reason of such refusal the work is withheld from the public, or
 - (b) Has refused to allow communication to the public by radio-diffusion of such work or in the case of a record of the work recorded in such record, on terms which the complainant considers reasonable;

The Copyright Commission, after giving to the owner of the copyright in the work a reasonable opportunity of being heard and after holding such inquiry as may deem necessary, may, if it is satisfied that the ground for such refusal are not reasonable, direct the Director General of copyrights to grant to the complainant a license to republish the work, perform the work in public or communicate the work to the public by radio-diffusion, as the case may be, subject to payment to the owner of the copyright of such compensation and subject to such other terms and conditions as the Copyright Board may determine; and thereupon the Director General of Copyrights shall grant the license to the complainant in accordance with the directions of the Copyright Board, on payment of such fee as may be prescribed.

An artistic work under this section, is a work, the author of which is a citizen of Liberia; and an audiovisual work or a record made or manufactured in Liberia.

- (2) Where two or more persons have made a complaint under this sub-section the license shall be granted to the complainant who, in the opinion of the Copyright Commission, would best serve the interests of the general public.

A. Compulsory license in unpublished works -

- (i) Where in the case of a Liberian work the author is dead or unknown or cannot be traced or the owner of the copyright in such work cannot be found, any person may apply to the Copyright Board for a license to publish such work or a translation thereof in any language.
- (ii) Before making an application, the applicant shall publish his proposal in one issue of a daily newspaper in the English Language having circulation in the major parts of the country and where the application is for the publication of a translation in any language, also in one issue of any daily newspaper in that language.
- (iii) Every such application shall be made in such form as may be prescribed and shall be accompanied with a copy of the advertisement issued under sub-section (ii) and such fee as may be prescribed.
- (iv) Where an applicant is made to the Copyright Board under this section, it may, after holding such inquiry as may be prescribed, direct the Director General of Copyrights to grant to the applicant a license to publish the work, a translation thereof in the language mentioned in the application subject to the payment of such royalty

and subject to such other terms and conditions as the Copyright Board may determine, and thereupon the Director General of Copyrights shall grant the license to the applicant in accordance with the direction of the Copyright Board.

- (v) Where a license is granted under this Section, the Director General of Copyrights may, by order, direct the applicant to deposit the amount of royalty determined by the Copyright Board at the Ministry of Finance of Liberia or in any other account specified by the Copyright Board so as to enable the owner of the copyright or, as the case may be, his heirs, executors or the legal representatives to claim such royalty at any time.
- (vi) Without prejudice to the foregoing provisions of this Section, in the case of a work referred to in sub-section (i), if the original author is dead, the Government may, if it considers that the publication of the work is desirable in the national interest, require the heirs, executors or legal representatives of the author to publish such work within such period as may be specified by it.
- (vii) Where any work is not published within the period specified by the Government under sub-section (vi), the Copyright Commission may, on any application made by any person for permission to publish the work and after hearing the parties concerned, permit such publication on payment of such royalty as the Copyright Board may, in the circumstances of such case, determine in the prescribed manner.

SECTION: 2.31 PROTECTION OF EXPRESSIONS OF FOLKLORE

Acts Against Which Expressions of Folklore Are Protected and the Limitations of Such Protection

- (1) Expressions of folklore are protected against infringement when such acts are made with both gainful intent and outside their traditional or customary context.
- (2) In the application of sub-section (1), in particular, the following are considered to be "expressions of folklore":
 - a. folk tales, folk poetry, riddles;
 - b. folk songs and instrumental folk music
 - c. folk dances, plays and artistic forms or rituals;
 - d. productions of folk art, in particular, drawings, paintings, carvings, sculptures, pottery, terracotta, mosaic, woodwork, metalware, jewelry, basket, costumes;
 - e. traditional musical instruments.
- (3) The limitations mentioned in Sections 2.7, 2.9, 2.10 and 2.11 apply to the rights referred to in sub-section (1). Furthermore, sub-section (1) does not apply in the following case:

- (a) utilization for the purposes of education;
 - (b) utilization by way of illustration in an original work of an author or authors, provided that the extent of such utilization is compatible with fair practice;
 - (c) borrowing expressions of folklore for creating an original work of an author or authors, provided that the extent of such utilization is compatible with fair practices;
 - (d) incidental utilization of expressions of folklore.
- (4) In all printed publications, and in connection with any communications to the public, of any identifiable expression of folklore, its source shall be indicated in an appropriate manner, and in conformity with fair practice, by mentioning the community and/or geographic place from where the expression utilized has been derived.
- (5) The right to authorize acts referred to in sub-section (1) lies with the Minister of Information.

SECTION: 2.32 PROTECTION OF PERFORMERS AND PRODUCERS OF SOUND RECORDING

A. ACTS REQUIRING AUTHORIZAITON OF PERFORMERS

- (1) Without the authorization of the performers, no person shall do any of the following acts:
- (a) The broadcasting or distribution by cable of their performance except where the broadcast or distribution by cable:
 - (i) is made from a fixation of the performance authorized by the performer other than a fixation made under the terms of Section 2.7; or
 - (ii) is a broadcasting or distribution by cable of a broadcast performance authorized by the performer and is made or authorized by the organization initially broadcasting the performance;
 - (b) The communication to the public of their performance, except where the communication:
 - (i) is made from fixation of the performance authorized by the performer, or
 - (ii) is made from a broadcast or distribution by cable of the performance;
 - (c) the fixation of their performance;
 - (d) the reproduction of a fixation of their performance, in any of the following cases:
 - (i) where the performance was initially fixed without their authorization;

- (ii) where the reproduction is made for purposes different from those for which the performers gave their authorization;
 - (iii) where the performance was initially fixed in accordance with the provisions of Section 2.7, but reproduction is made for purposes different from any of those referred to in that section.
- (2) Once the performers have authorized the incorporation of their performance in a visual or audiovisual fixation and that fixation has been made available to the public with the authorization of the performer the provisions of sub-section (1) shall have no further application.
- (3) Nothing in this Section shall be construed to deprive performers of the right to agree by contracts on terms and conditions more favorable for them in respect of any use of their performance.
- (4) The protection under this Section shall subsist for 50 years computed from the end of the year in which the performance took place.

B. RIGHTS OF BROADCASTING AUTHORITIES

Broadcasting reproduction rights are:

- (1) Where any programme is broadcast by the Government or any other broadcasting authority, a special right to be known as “broadcasting reproduction right” shall subsist in such programme.
- (2) The Government or other broadcasting authority, as the case may be, shall be the owner of the broadcast reproduction right and such right shall subsist for twenty-five years computed from the end of the year in which the broadcast took place.
- (3) During the existence of a broadcast reproduction right in relation to any programme, any person who, -
 - (a) without the license of the owner of the right -
 - (i) broadcasts the programme in question or any substantial part thereof; or
 - (ii) causes the programme in question or any substantial part thereof to be heard in public; or
 - (iii) communicate television broadcast to the public;
 - (b) Without the license of the owner of the right to utilize the broadcast for the purpose of making a record, recording the programme in question or any substantial part thereof, makes any such record or reproduces any such record shall be deemed to infringe that broadcast reproduction right.
- (4) Other provisions of this Chapter to apply to broadcast reproduction rights. Section 2.27, 2.28, 2.29, 2.48, 2.42 shall, with any necessary adaptation, apply in relation to the broadcast reproduction right in any programme as they apply to the copyright in a work. Provided that a license to utilize a programme in which broadcast reproduction right subsists, or any substantial part of such programme, shall not take effect unless a person to whom such license is granted has also obtained a license to make record,

recording the work embodied in such programme from the owner of the copyright in such work.

- (5) Other rights not affected - for the removal of doubts, it is hereby declared that the broadcast reproduction right conferred upon a broadcasting authority under this Chapter shall not affect the copyright.
 - (a) In any literary, dramatic or musical work which is broadcast by that authority; or
 - (b) In any record, recording any such work.

SECTION: 2.33 COPYRIGHT REGISTRATION IN GENERAL

- (a) Registration Permissive - At any time during the subsistence of copyright in any published or unpublished work, the owner of copyright or of any exclusive right in the work may obtain registration of the copyright claim by delivering to the Copyright Office the deposit specified by this Section, together with the application and fee specified.
- (b) Deposit for copyright registration except as provided by sub-section (a).
- (c) The material deposited for registration shall include -
 - (1) in the case of an unpublished work, one complete copy or sound recording;
 - (2) in the case of a published work, two complete copies or sound recordings of the best edition;
 - (3) in the case of a work first published outside Liberia, one complete copy or sound recording as so published;
 - (4) in the case of a contribution to a collective work, one complete copy or phonorecord of the best edition of the collective work.

Copies or sound recordings deposited for the Center for National Documents and Records under Section 2.38 may be used to satisfy the deposit provisions of this Section, if they are accompanied by the prescribed application and fee, and by any additional identifying material that the Director General may by regulation, require.

The Director General shall also prescribe regulations establishing requirements under which copied or sound recordings acquired for the Center for National Documents and Records under sub-section (e) of Section 2.38, otherwise than by deposit, may be used to satisfy the deposit provisions of this Section.

- (d) Administrative Classification and Operational Deposit -
 - (1) The Director General of Copyright is authorized to specify by regulation, the administrative classes into which works are to be placed for purposes of deposit and registration, and the nature of copies or sound recordings to be deposited in the various classes specified. The regulation may require or permit, for particular classes, the deposit of identifying material instead of copies or sound recordings, the deposit of only one copy or sound recordings where two would normally be required, or a single registration for a group

related works. The administrative classification of works has no significance with respect to the subject matter of copyright or the exclusive right provided by this title.

- (2) Without prejudice to the general authority provided under clause (1), the Director General of Copyright shall establish regulations specifying and permitting a single registration for a group of works by the same individual author, all first published as contributions to periodicals, including newspapers, within a twelve-month period, on the basis of a single deposit, application, and registration fee, under all of the following conditions -
 - (i) if each of the works as first published bore a separate copyright notice, and the name of the owner of copyright in the work, or an abbreviation by which the name can be recognized, or generally known, alternative designation of the owner of the same in each notice; and
 - (ii) if the deposit consists of the copy of the entire issue of the periodical, or of the entire section in the case of a newspaper, in which each contribution was first published; and
 - (iii) if the application identifies each work separately, including the periodical containing it and its date of first publication.
- (3) As an alternative to separate renewal registrations, a single renewal registration may be made for a group of work by the same individual author, all first published as contributions to periodicals, including newspapers, upon the filing of a single application and fees, under all the following conditions:
 - (i) renewal claimant or claimants, and the basis of claim or claims, is the same for each of the works;
 - (ii) the works were all copyrighted upon their first publication, either through separate copyright notice and registration or by virtue of a general copyright notice in the periodical issue as a whole;
 - (iii) the renewal application identifies each work separately, including the periodical containing it and its date of first publication;
 - (iv) Correction and Administrations - The Director General may also establish by regulation, formal procedures for the filing of an application for supplementary registration, to correct an error in a copyright registration or to amplify the information given in a registration. Such application shall be accompanied by the fee specified, and shall clearly identify the registration to be corrected or amplified. The information contained in a supplementary registration augments but does not supersede that contained in the earlier registration;
 - (v) Published Edition of Previously registered work - registration for the first published edition of a work previously registered in an unpublished form may eventhough as published, is subsequently the same as the unpublished version.

SECTION: 2.34 APPLICATION FOR COPYRIGHT REGISTRATION

The applicant for copyright registration shall be made on a form prescribed by the Copyright Office and shall include such information as the copyright office determines necessary to permit reasonable public identification of the existence, scope, and initial ownership of copyright claimed in works protected under this law.

SECTION: 2.35 REGISTRATION OF CLAIM AND ISSUANCE OF CERTIFICATE

- (a) When, after examination, the Director General of Copyright determines that, in accordance with the provisions of this Chapter, the material deposited constitutes copyrightable subject matter and that the other legal and formal requirements of the chapter have been met, the Director General shall register the claim and issue to the applicant a certificate of registration under the seal of the Copyright Office. The certificate shall contain the information given in the application, together with the number and effective date of the registration.
- (b) In any case in which the Director General of Copyright determines that, in accordance with the provisions of this Chapter, the material deposited does not constitute copyrightable subject matter, that the claim is invalid for any other reason, the Director General shall refuse registration and shall notify the applicant in writing of the reasons for such refusal.
- (c) In any judicial proceedings, the certificate of a registration made before or within five years after first publication of the work shall constitute prima facie evidence of the validity of the copyright and of the facts stated in the certificate of a registration made thereafter, shall be within the discretion of the court.
 - (1) The effective date of a copyright registration is the day on which an application, deposit, and fee, which are later determined by the Director General of Copyright or by a court of competent jurisdiction to be acceptable for registration, have all been received in the Copyright Office.

SECTION: 2.36 NOTICE OF COPYRIGHT: PUBLICATION INCORPORATING LIBERIAN GOVERNMENT WORKS

Whenever a work is published in copies or sound recordings consisting preponderantly of one or more works of the Liberian Government, notice of copyright may be provided and shall include a statement identifying, either affirmatively or negatively, those works protected under this title.

SECTION: 2.37 NOTICE OF COPYRIGHT: CONTRIBUTIONS TO COLLECTIVE WORKS

A separate contribution to a collective work may bear its own notice of copyright; however, a single notice applicable to the collective work as a whole is sufficient in respect of the separate contributions it contains (not including advertisement inserted on behalf of persons other than the owner of copyright in the collective), regardless of the ownership of copyright in the contributions and whether or not they have been previously published.

SECTION: 2.38 DEPOSIT OF COPIES OR SOUND RECORDINGS FOR THE CENTER FOR NATIONAL DOCUMENTS AND RECORDS

- (a) Except as provided by section (c), the owner of copyright or of the exclusive right of publication in a work published with notice of copyright in Liberia shall deposit, within three months after the date of such publication -
 - (1) two complete copies of the best edition; or
 - (2) if the work is a sound recording, two complete sound recordings of the best edition, together with any printed or other visually perceptible material published with such sound recordings.
- (b) The required copies of sound recordings shall be deposited in the Copyright Office for the use or disposition of the Center for National Documents and Records. The Director General of Copyrights shall, when requested by the depositor and upon payment of the fee prescribed by the Office shall issue a receipt for the deposit.
- (c) The Director General of Copyright may by regulation exempt any categories of material from the deposit of only one copy or sound recording with respect to any categories. Such regulations shall provide either for complete exemption from the deposit requirements of this Section, or for alternative, from the deposit aimed at providing a satisfactory archival record of a work without imposing practical or financial hardships on the depositor, where the individual author is the owner of copyright in a pictorial, graphic, or sculptural work and (i) less than five copies of the work have been published, or (ii) the work has been published in a limited edition consisting of numbered copies, the monetary value of which would make the mandatory deposit of two copies of the best edition of the work burdensome, unfair, or unreasonable.

SECTION: 2.39 ROYALTIES

Subject to the rights of owner of copyright to negotiate with users of his work, the Copyright Board may in case of non-voluntary licenses, determine the Royalties payable to the owner of the copyright after taking into consideration:

- (a) The purposed retail price of a copy of the translation of the work;
- (b) The prevailing standards of royalties in regard to translation of works; and
- (c) Such other matter as may be considered relevant by the Copyright Board.

SECTION: 2.40 REMEDIES AND PROCEDURES FOR THE INFRINGEMENT OF COPYRIGHT

WHEN COPYRIGHT IS INFRINGED - Copyright in a work shall be deemed to be infringed:

- (a) When any person, without a license granted by the owner of the copyright or the Director General of Copyright under this Chapter or in contravention of the conditions of a license so granted:
 - (i) Does anything, the exclusive right to do which is by this Chapter conferred upon the owner of the copyright, or

- (ii) Permits for profit any place to be used for the performance of the work in public where such performance constitutes an infringement of the copyright in the work unless he was not aware and had no reasonable ground for believing that such performance would be an infringement of copyright, or
- (b) When any person -
 - (i) makes for sale or hire or sells or lets for hire, or by way of trade displays or offers for sale or hire, or
 - (ii) distribute either for the purpose of trade or to such an extent as to affect prejudicially the owner of the copyright, or
 - (iii) by way of trade exhibits in public, or
 - (iv) imports into Liberia any infringing copies of the work.

Provided that nothing in sub-section (iv) shall apply to the import of two copies of any work, other than an audiovisual work or record, for the private and domestic use of the importer. For the purpose of this Section, the reproduction of a literary, dramatic musical or artistic work in the form of an audiovisual work shall be deemed to be infringing copy.

SECTION: 2.41 PROCEDURES

(a) ISSUANCE OF WARRANT OF ARREST UPON COMPLAINT

Whenever a complaint is referred before the Copyright Commission charging that an offense has been committed and it appears from the contents of the complaint and examination, under oath or affirmation of the complaint, or the witnesses, if any, that there is reasonable ground to believe that an offense has been committed and that the person against whom the complaint was made has committed the offense, the Commission shall seek judicial intervention for the issuance of warrant of arrest in keeping with the criminal procedure law of Liberia.

- (b) Nothing in this section however, shall be so construed as to prevent the copyright owner from bringing an action for damages against the infringer of his work or from instituting any other applicable civil remedy.

SECTION: 2.42 REMEDIES

- I. The Commission shall with the aid of the court of law, and subject to the provisions of Section 2.47 (2), (3), (4) & (5) cause to be issued an Injunction, Temporary Restraining Orders, Writ of Arrest, Search and Seizure and “ne exeat Republica” on terms as it may deem reasonable to prevent or restrain infringement of copyright.

II. IMPOUNDING AND DISPOSITION OF INFRINGING ARTICLES:

- 1. At any time while an action under this Chapter is pending, the Commission may order the impounding of all copies or sound recordings claimed to have been infringed upon in violation of the copyright owner’s exclusive rights, and of all plates, molds, matrices, masters, tapes, film negatives, or other

articles by means of which such copies or sound recordings may be reproduced; provided that the materials impounded shall be preserved as evidence to be presented in the court of law.

III. DAMAGES AND PROFITS

- (a) IN GENERAL - Except as otherwise provided by this Chapter, an infringer of copyright is liable for either:
 - (1) the copyright owner's actual damages and any additional profits of the infringer, as provided by sub-section (b), or
 - (2) statutory damages, as provided by sub-section (c);
- (b) ACTUAL DAMAGES AND PROFITS - The copyright owner is entitled to recover actual damages suffered by him as a result of the infringement, and any other profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages. In establishing the infringer's profits, the copyright owner is required to present proof only of the infringer's gross revenue, and the infringer is required to prove his or her deductible expenses and the elements of profit attributable to factors other than the copyright work. In addition, the copyright owner shall be entitled to recover lawyer fees in the proceedings for infringement which shall be maintained in the court of law having jurisdiction over damage suit.

IV. STATUTORY DAMAGES

- (1) Except as provided by clause (2) of this sub-section, the copyright owner may elect, at any time before final judgement is rendered, to recover, instead of actual damages and profits, as award of statutory damages for all infringement involved in the action with respect to any one work, for which any two or more infringers are liable jointly and severally in a sum of not less than \$30,000.00 as the Commission may determine just. For the purposes of this sub-section, all the parties of a compilation or derivative work shall constitute one work.
- (2) In a case where the copyright owner sustains the burden of proving, and the Commission finds, that infringement was committed willfully, the Commission in its discretion may increase the award of statutory damages to a sum of not more than \$60,000.00. In a case where the infringer sustains the burden of proving, and the Commission finds, that such infringer was not aware and had no reason to believe that his or her acts constituted an infringement of copyright, the Commission in its discretion may reduce the award of statutory damages to the sum of not more than \$300.00. The Commission shall remit statutory damages in any case when an infringer believed and had reasonable grounds for believing that his or her use of copyrighted work was a fair use under Section 2.7, if the infringer was: (i) an employee or agent of a non-profit educational institution, library, or archives acting within the scope of his or her employment who, or such institution, library, or archives itself, which infringed by reproducing the work in copies or sound recordings; or (ii) a public broadcasting entity which or a person who, as a regular part of the non-profit activities of public broadcasting entity infringed by performing a published non-dramatic literary work or by reproducing a transmission program embodying a performance of such work.

- (3) Subject to due process of law, any party aggrieved by a decision of the Commission under this Section shall have a right to appeal in the Circuit Court within ten (10) days from the date such decision, order or finding of the Commission is made.

SECTION: 2.43 COPYRIGHT OFFICE FEES

- (a) The following fees shall be paid to the Director General of Copyright:
 - (1) On filing each application for registration of a copyright claim or a supplementary registration, including the issuance of a certificate of registration if registration is made, \$40.00
 - (2) For the recordance of a transfer of copyright ownership of other document of six pages or less, covering no more than one title, \$25.00, for each page over six and each title over one, \$1.00 additional
 - (3) For the issuance of a receipt for a deposit \$15.00
 - (4) For the filing of a notice of intention to make sound recordings, \$15.00
 - (5) For the recordings, of a statement revealing the identity of an author of an anonymous or pseudonymous work, or for the recordation, of a statement relating to the death of an author, \$25.00 for a document of six pages or less, covering no more than one title; for each page over six and for each title over one, \$1.00 additional
 - (6) For the issuance, or an import statement, \$25.00
 - (7) For the issuance, or an additional certificate or registration \$20.00
 - (8) For the issuance, or any other certification, \$25.00, the Director General of Copyright has discretion, on and basis of their cost, to fix the fees for preparing copies of Copyright Office records, whether they are to be certified or not
 - (9) For the making and reporting of a search and for any related services \$25.00 for each hour or fraction of an hour consumed
 - (10) For any other special service including but not limited to renewal, assignment and searches, requiring a substantial amount of time or expense, such fees as the Director General of Copyright may fix on the basis of the cost of providing the service
- (b) The fees prescribed by or under this Section are applicable to the Liberian Government and any of its agencies, employees, or officers, but the Director General of Copyright has discretion to waive the requirement of this sub-section in occasional or isolated cases involving relatively small amounts.
- (c) All fees received under this Section shall be deposited by the Director General of Copyright in the Ministry of Finance of the Republic of Liberia and shall be credited to the appropriation for necessary expenses of the Copyright Office. The Director General may in accordance with regulations that he or she shall prescribe, refund any sum paid by mistake or in excess of the fee required by this Section.

SECTION: 2.44 AGENCY CREATED

There is hereby created and established in the Executive Branch of Government an autonomous non-profit agency which shall be responsible for Copyright under the name and style, THE LIBERIA COPYRIGHT OFFICE; and shall be headed by a Director General.

OBJECTIVES:

The objectives of the Copyright Office shall be:

- (i) To ensure the representation and defence of the economic, moral and other legitimate interests of authors of literary, dramatic, musical and artistic works who are nationals or residents of Liberia or their successors in Title, within the country and abroad;
- (ii) To implement the provisions of Title 24 of the Liberian Code of laws revised entitled Patent, Copyright and Trademark Laws; as well as effectively manage the affairs of the Copyright Office;
- (iii) To contribute to the promotion of national creativity by all appropriate means that are within its terms of reference.

FUNCTIONS:

The functions of the Copyright Office shall include:

- (i) Encouraging the establishment of National Collective Societies to protect authors, performers and producers, and shall supervise the activities of said collective societies, ensuring that the rights of authors and producers in respect of contracts and public performances are protected. In addition, the Copyright Office shall liaise with the collective societies in respect of their rights to broadcasting communication to the public by wire or wireless, graphic or mechanical reproduction, translation, adaptation and any form of use of the protected works of nationals or residents of Liberia; setting standard for the organization of collective societies to do business in Liberia and protecting contracts between copyright owners and users of their works.
- (ii) Formulating policies to empower the collective societies to enforce the rights of authors; such policies shall assure the representation of members and ensure accountability to members of said collective societies.
- (iii) Receiving and recording statements serving to identify the works and their authors or successors in title;
- (iv) Regulating fees to be collected by collective societies from users of their works;
- (v) Ensuring the distribution of said fees among the authors or successors in title concerned;
- (vi) Ensuring that the conditions laid down for the grant of compulsory licenses are complied with and respected, through intervention prior to such a grant (where national legislation provides for such licenses);
- (vii) Safeguarding and asserting rights relating to the use of the folklore heritage of Liberia where those rights are protected by copyright;

- (viii) Establishing model forms for contracts with the users of protected works or with their representatives bodies;
- (ix) Empowering the collective societies by formulating rules for the authorization to use protected works, and in the event of violation, to assert all rights recognized by national legislation or by bilateral or multilateral international agreements and conventions to which Liberia is party, through the Copyright Office;
- (x) Providing the competent authorities with information or, opinions on any legislative or practical problems relating to copyright;
- (xi) Providing authors or their successors in title with information or advice on all matters relating to copyright;
- (xii) Encouraging the establishment and administration of a Social and Cultural Fund by the collective societies, or any other similar welfare, or mutual aid scheme for authors or their heirs, the modalities of the establishment and administration of such fund or scheme being determined by separate regulations drawn by the Management Board;
- (xiii) Fostering such harmony and understanding between authors and the users or their works as are necessary for the protection of the author's rights;
- (xiv) Promoting better copyright relations between Liberia and other countries, and contributing thereby to the broadening of cultural exchanges, notably by the conclusion or contracts for mutual representation with foreign copyright Management bodies and by accession to international organizations grouping such bodies;
- (xv) Exercising activities to promote the dissemination of national works in Liberia and abroad;
- (xvi) Performing such other lawful acts as are conducive to the attainment of the aforementioned objectives;
- (xvii) To implement the provisions of the Patent and trademark Laws.

ADMINISTRATION OF THE OFFICE

The administration of the Copyright Office shall be exercise by:

- (i) The Management Board, and
- (ii) The Director General

SECTION: 2.45 CREATION AND TENURE OF MANAGEMENT BOARD

There is hereby created in the Copyright Office, a Management Board which shall consist of a chairman and five (5) additional members who will serve for a period of three (3) years but maybe re-appointed for successive 3 year terms.

APPOINTMENT AND COMPOSITION OF BOARD

The President shall appoint a lawyer with at least 5 years of legal practice in copyright as a Chairman, and five members equitably distributed among authors, musicians, and artists, plus the Director General of Copyright who shall serve as Secretary to the Board. The Management Board will adopt its own rules and procedures for business. Appointment of members should be based upon recommendation from the collective society to the President of Liberia.

1. The Management Board shall hear the reports of the Director General on the operation of the Copyright Office. The subject of its deliberation shall include:
 - (i) The income and expenditure forecasts of the Copyright Office.
 - (ii) the annual management report and the final accounts.
 - (iii) Employment and social security matters.
 - (iv) Staff regulations and their application.
 - (v) The creation of branch offices referred to in Section 2.46 (2) (a).
 - (vi) The establishment of Committees and appointment of their members.
 - (vii) The acquisition, sale, exchange or rental of premises, which shall be implemented in consultation with the Minister of Justice.
2. To minimize any disruptive impact on the structure of the copyright industry in Liberia on generally prevailing copyright practices.
3. The management Board shall keep accurate records of its deliberation and decisions. Notwithstanding, any Governmental agency concern with copyright matters may request copies of any such records for its perusal.
4. To adapt regulations not inconsistent with law governing its meetings and methods of operation.

SECTION: 2.46 QUALIFICATION, APPOINTMENT AND SUPERVISION OF DIRECTOR GENERAL

1 (a) Qualification and Appointment:

The Director General shall be a lawyer of five years experience of legal practice including the knowledge of copyright practice. Pursuant to this, the National Collective Society in consultation with the Minister of Justice, shall recommend to the president of Liberia a lawyer for appointment as Director General of the Liberia Copyright Office, who shall serve for a period of five years, and may be remove upon cause.

(b) Supervision:

The Director General shall act under the direction and supervision of the Management Board however, he shall be responsible for the administration of the Copyright Office in accordance with sub-section 2 of this act.

(c) **Organization of the Copyright Office:**

The Copyright Office shall consist of one deputy director. The Deputy Director shall assist the Director General in the administration of the Copyright Office, and shall be responsible for personnel matters, and shall perform such other duties which the Director General may assign to him. Notwithstanding, the Copyright Office shall be organized in such manner and with such personnel of professional competence as shall be determined by the Management Board.

(d) **Compensation:**

The Director General, Deputy Director General and all personnel shall be paid salaries commensurate with their qualifications together with other benefits as shall be determined by the Management Board.

2 (a) **Administration of the Copyright Office:**

The Copyright Office will have its principal office in Monrovia and may set up branch offices in other parts of the country.

(b) The Copyright Office shall adopt a seal to be used to authenticate all certified documents.

(c) The Director General shall be responsible for all administrative function and duties under this Chapter as otherwise specified.

(i) The Director General shall be responsible for administering the Copyright Office in accordance with the provisions of the Section.

(ii) The Director General shall be the legal representative of the Copyright Office in dealings with Third Parties and in proceedings before judicial and quasi judicial fora.

(iii) Advise persons or groups concerned with copyright matters as well as regulate or co-ordinate all activities affecting bilateral and multilateral agreements relating to copyright between foreign authors societies and their counterparts in Liberia.

(iv) Assist in the establishment of collective societies and monitor their operations.

(v) Assist recognized collective societies in collection and disbursement of royalties.

(vi) Ensure that an effective data bank on authors and their works is created within the collective society.

(vii) Enlighten and inform the Public on matters of copyright and perform such other functions relating to copyright matters as may be directed by the Management Board.

SECTION: 2.47 CREATION AND TENURE OF COPYRIGHT COMMISSION

There is hereby created in the Copyright Office a COPYRIGHT COMMISSION which shall consist of a chairman and four additional members who will serve for a period of 5 years and maybe re-appointed for another 5 year term.

APPOINTMENT, QUALIFICATION AND COMPOSITION OF COMMISSION

The President shall appoint with the advise and consent of the Senate a Lawyer with at least 5 years of legal practice to serve as chairman. Other members of the Commission shall be:

- (i) A former judge of repute from the legal community.
- (ii) A lawyer in the private sector.
- (iii) An independent person of experience in the administration of intellectual and industrial properties;
- (iv) An economist who is a civil servant.

The Co-Chairman shall be elected by members of the Commission.

FUNCTIONS:

1. To adopt regulations not inconsistent with law, governing its sessions, procedures and methods of operation.
2. To hear, investigate and make determination on all violations or infringements under this chapter consistent with due process of law.
3. Pursuant to sub-section above, the commission shall have power upon request of a party to issue subpoenas, and summons for the appearance of witnesses before the Commission.
4. The Commission shall have the power to order where appropriate, upon the request of a party, the issuance of the writs of search and seizure, injunction and temporary restraining orders, and freeze bank account of offender; provided that the party seeking such order from the Commission shall submit a sworn affidavit stating the reasons for the request and if the Commission determines there is good cause shown in the affidavit, the Commission shall issue such order and submit it to a presiding circuit judge for endorsement. The formalities for the issuance of the writs named shall be waived in extreme case. In any case whether, search and seizure, injunction and temporary restraining order, or freezing of a bank account, the Commission shall conduct a speedy hearing and make determination within fifteen (15) days.
5. The Commission may initiate proceedings according to the preceding paragraph, on its own initiative, or at the request of the right owner provided that there is sufficient reason to believe that an infringement has occurred.
6. Any person aggrieved by a decision of the commission under this Section, may appeal to the circuit court within 10 days after a final determination by the Commission. Appeals from the decision of the Commission shall not stay the enforcement of the decision if the decision affects infringement.

SECTION: 2.48 REMEDIES FOR ALTERATION OF PROGRAMING BY CABLE SYSTEMS

- (A) In any action filed pursuant to Section 2.12 (c), the following remedies shall be available:
- (1) When an action is brought by a party identified as legal owner, the remedies provided by Section 2.45 through 2.52 together with any actual damages suffered by such party as a result of the infringement, and the remedy provided by sub-section (b) of this Section.
- (B) In any action filed pursuant to Section 2.12 (c) the Commission may decree that, for a period not to exceed thirty days, the cable system shall be deprived of the benefit of compulsory license for one or more distant signals carried by such cable system.

SECTION: 2.49 IMPORTATION OF INFRINGING COPIES

- (1) The Director General of copyright, on application by the owner of the copyright in any work or by his duly authorized agent and on payment of the prescribed fee, may, after making such inquiry as he deems fit, order that copies made out of Liberia of the work which if made in Liberia would infringe copyright, shall not be imported.
- (2) Subject to any rules made under this Chapter, the Director General of Copyright or any person authorized by him may enter any ship, dock or premises where any such copies as are referred to in sub-section (1) may be found and may examine such copies.
- (3) All copies to which any order made under sub-section (1) applies shall be deemed to be goods of which the import has been prohibited or restricted under the Revenue and Finance Law.

SECTION: 2.50 LIMITATIONS ON ACTIONS

- (a) CRIMINAL PROCEEDINGS - No criminal proceedings shall be maintained under the provisions of this Chapter unless it is commenced within three years after the cause of action arose.
- (b) CIVIL ACTIONS - No civil action shall be maintained under this Chapter unless it is commenced within three years after the claim accrued.

SECTION: 2.51 RIGHT OF THE GOVERNMENT TO PROTECT THE GENERAL PUBLIC

The provisions of this Chapter shall not affect the right of the Government of the Republic of Liberia to permit, control or to prohibit the production, circulation, presentation, transmission, distribution or the exhibition of any work as determined by the relevant Government authority.

In the event a public broadcasting authority of a commercial broadcasting entity is unable to reach a reasonable determination or rates with the producer of any material use in its broadcast on transmission, the Government shall, through the Copyright Management Board

impose mandatory rates in the interest of the public in order to preserve the quality, quantity and effectiveness of the affected programs.

SECTION: 2.52 CRIMINAL OFFENSES

Subject to the provisions of 2.41, 2.42 and 2.45, the Commission shall enforce through the court having jurisdiction, the following criminal penalties:

- (a) CRIMINAL INFRINGEMENT - Any person who infringes a copyright willfully and for the purposes of commercial advantage or private financial gain shall be liable to a fine of not less than \$30,000 and/or imprisonment for a period not less than 10 days, or both fine and imprisonment.
- (b) FORFEITURE AND DESTRUCTION - When any person is fined for any violation of sub-section (a), his commission in its final judgement shall, in addition to the penalty therein prescribed, order the forfeiture and destruction or other disposition of all infringing copies or sound recordings and all implements, devices, or equipment used in the manufacture or production of such infringing copies and sound recordings.
- (c) FALSE REPRESENTATION - Any person who knowingly make a false representation of a material fact in the application for copyright registration provided for by Section 2.34 or in any written statement filed in connection with the application, shall be fined not less than \$10,000.00 or imprisonment for a period of Thirty (30) days, or both.

SECTION: 2.53 TRANSFER OF COPYRIGHT MATTERS FROM THE ARCHIVES OF THE MINISTRY OF FOREIGN AFFAIRS, AND THE LIBERIA ENTERTAINMENT REGULATORY AGENCY (LERA) WITHIN THE MINISTRY OF COMMERCE & INDUSTRY TO THE COPYRIGHT OFFICE.

- I. All functions directly related to the administration of copyright hereby devolve on the Liberia Copyright Office; the activities of the Archives within the Ministry of Foreign Affairs which directly or indirectly relate to copyright matters, shall now be exercise by the Copyright Office. The Liberia Entertainment Regulatory Agency (LERA) of the Ministry of Commerce & Industry is also hereby transferred to the Liberia Copyright Office.
- II. The Director General and the Management Board shall recruit and employ personnel who have the requisite professional skills and expertise for the efficient management of the Liberia Copyright Office consistent with provisions of this act.
- III. Professionals of the agency shall be paid salaries commensurate with their qualifications.
- IV. All funds required for the running of the Liberia Copyright Office will be provided by the Liberian Government and may be complimented by assistance from donor agencies, until such time as royalties, fees etc. collected in respect of copyright are adequate to defray a substantial portion of the operational costs.