

# COPYRIGHT INFRINGEMENT



PUBLISHED 15<sup>th</sup> FEBRUARY 2024



## COPYRIGHT INFRINGEMENT IN BOTSWANA

If someone reproduces your work, distributes your work, broadcasts your music, mutilates or modifies your work without your authorisation, they have infringed your copyright.

Get this – it is not every reproduction that amounts to copyright infringement:

- private reproduction for personal purposes is not a copyright infringement
- reproduction of a quotation does not amount to infringement
- reproduction for teaching purposes is not infringement.

What do you do if there has been a copyright infringement of your work? e.g. – someone reproduced your sound recording without your authorisation, someone adapts or transforms your sound recording, sells your music without your authorisation or gives the public access to your music.

In terms of the Copyrights and Neighbouring Rights Act, you:

Apply to court:

- to grant an interdict to discontinue the infringing act; for an order of damages suffered as a result of the infringement; to order exemplary damages where the infringement is prejudicial to the honour and reputation of the copyright owner.

-To order that the copies of the infringing works be impounded.

The impounding of infringing works raises an interesting question in the Information Technology era – If a suspect has made copies of your works and the physical copies are impounded – what happens to the copies saved on the cloud? It does not appear that the Act caters for such an instance.

If you are found guilty of infringing a copyright, you are liable to a fine of BWP 20,000 or more, or imprisonment for a term of 10 years or more. You could even be sanctioned with both a fine and imprisonment.

A second time offender is not spared – if you remain recalcitrant and continue infringing a copyright – you may be fined between BWP 30,000.00 to BWP 50,000.00 or imprisoned for 10 years.

This shows you how serious copyright infringement is treated.

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