



UNIVERSITY OF GHANA

OFFICE OF RESEARCH, INNOVATION AND DEVELOPMENT TECHNOLOGY DEVELOPMENT AND TRANSFER CENTRE

GUIDELINES FOR DISCLOSURE AND EVALUATION OF COPYRIGHTABLE WORKS

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1.0 Introduction

This document provides a guide to authors in disclosing their copyrightable works to the Technology Development and Transfer Centre of the Office of Research, Innovation and Development. It also serves as a guide to the Intellectual Property Committee (IPC) in evaluating copyright disclosures, and provides a basis for establishing the commercial potential of a copyrightable work and in recommending a registration of the work.

2.0 Works Eligible for Copyright Protection

The under listed works are eligible for copyright protection.

- a) Literary works¹
- b) Artistic works²
- c) Sound recording³
- d) Musical work⁴
- e) Choreographic works⁵
- f) Audio-visual works⁶
- g) Derivative works⁷
- h) Computer programmes or software⁸.

2.1 Works Ineligible for Copyright Protection

Procedures, ideas, methods, concepts or other things of a similar nature are not eligible for copyright protection.

3.0 Eligibility Criteria

- a) The work must be original in character; that is, it must be the outcome of the author's independent effort.
- b) It must be fixed in a definite medium of expression which is currently known or would be developed later, such that the work can be perceived, reproduced or otherwise communicated either directly or with the support of any device or machine.
- c) The work is
 - i. Created by a person or a citizen who is ordinarily resident in the Republic of Ghana;
 - ii. First published in Ghana, and in the case where the work is first published outside Ghana, is subsequently published in Ghana within thirty (30) days of its publication outside Ghana;

¹ Literacy works includes textbooks, treaties, biographies, articles or essays, histories; computer programmes whatever be the mode or form of expression; lectures, addresses or sermons; broadcasting scripts or film scenarios, stage directions, plays; stories or poetic works, novels; encyclopedias, directories, timetables, dictionaries, databases or compilation of data or other material, whether in machine readable form, which by reason of the selection of arrangement constitute an intellectual creation; memoranda or reports, letters.

² Artistic work means irrespective of the artistic quality of any of the following works: painting, drawing, lithograph, woodcut, engraving, fashion design and wood design, etching, print; map, plan or diagram; sculpture; photography not comprised in an audiovisual film; work of architecture in the form of buildings or model; work of applied art, whether handicraft or produced on an industrial scale.

³ Sound recording refers to work that results from the fixation of a series of musical, spoken or other sound, or of a representation of sounds but does not include sounds accompanying a motion picture or other audio-visual work regardless of the nature of the material objects in which those sounds are embodied.

⁴ Musical work includes any musical work irrespective of its musical quality and words composed for musical accompaniment.

⁵ This includes forms of dance, whether or not in dramatic form.

⁶ Audio visual work refers to a work that consists of a series of related images which impart the impression of motion, with or without accompanying sounds, susceptible of being made visible, and where accompanied by sounds susceptible of being made audible.

⁷ Derivative works means a work resulting from adaptation, translation or other transformation of an original work in so far as it constitutes an independent creation.

⁸ This refers to any literary work that is associated or incorporated with a computer programme. The term also applies to a sequence of instructions stored in any medium that can be interpreted and implemented by a computer.

[Reference: Copyright Act 2005 (Act 690)]

- iii. A work regarding which the Republic of Ghana has an obligation under an international treaty to grant protection.
- d) The eligibility of a work for copyright is not affected by its artistic quality, the purpose of the author in creating it or by manner or form of its expression.

4.0 Registration of Works

A work is protected automatically when it is created and fixed in a tangible medium. However it is important that authors rights in copyrightable works are registered for the following reasons;

- a) Registration provides evidence of ownership of the work and authenticates one's intellectual property.
- b) It maintains a record of the work;
- c) Publicises the rights of the authors;
- d) Registered works may be eligible for damages in the event of an infringement.

The protection of a work however, shall be independent on the registration of the work.

5.0 Registration Requirements⁹

An application for the registration of copyright shall be made by the author using the [Copyright Disclosure Form](#). The applicant is required to deposit a copy(s) of the work for which copyright is to be registered as follows:

- i. Two complete copies of the best edition in the case of published works;
- ii. A copy of an unpublished work;
- iii. Two complete phonograms of the best edition together with any printed or perceivable material published with the phonogram in the case of a sound recording or audio-visual work;
- iv. For a group of works created by an author which constitute a contribution to a periodical or a newspaper within a period of twelve months, the author shall deposit a copy of
 - The complete issue of the periodical or newspaper; or
 - The complete section of the periodical or newspaper in which his/ her contribution was published.

With regards to a group of works under iv., an applicant shall identify each work separately in the periodical or newspaper containing his/ her work as well as the date of first publication.

6.0 Evaluation of Copyright Disclosures

The IPC would evaluate copyright disclosures to ascertain original works of authorship. In so doing, the Committee will verify whether the eligibility criteria aforementioned in bullet point **3.0** have been met.

7.0 Recommendations on Copyright Disclosures

Following an evaluation of the disclosure, the IPC would;

- i. Recommend a registration of the work to the Pro- Vice Chancellor, Research, Innovation and Development¹⁰.
- ii. Recommend that the author together with the TDTC identify and engage publishers or licensees who have expressed interest in commercialising the work.

8.0 Communicating Outcomes of Disclosure Evaluations

The Secretary to the Committee shall notify the author(s) of the IPC's decision following the evaluation of the copyrightable work.

⁹ See Copyright Act 2005 (Act 690)

¹⁰ A work is automatically protected by copyright by virtue of its creation. Nonetheless, it is important that UG considers a registration of the work with the Copyright Office for reasons aforementioned in point **4.0**.