

# UGANDA STANDARD

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## General requirements for the production, distribution, publishing and filing of audio/audiovisual works of art



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## Foreword

Uganda National Bureau of Standards (UNBS) is a parastatal under the Ministry of Tourism, Trade and Industry established under Cap 327, of the Laws of Uganda. UNBS is mandated to co-ordinate the elaboration of standards and is

- (a) a member of International Organisation for Standardisation (ISO) and
- (b) a contact point for the WHO/FAO Codex Alimentarius Commission on Food Standards, and
- (c) the National Enquiry Point on TBT/SPS Agreements of the World Trade Organisation (WTO).

The work of preparing Uganda Standards is carried out through Technical Committees. A Technical Committee is established to deliberate on standards in a given field or area and consists of representatives of consumers, traders, academicians, manufacturers, government and other stakeholders.

Draft Uganda Standards adopted by the Technical Committee are widely circulated to stakeholders and the general public for comments. The committee reviews the comments before recommending the draft standards for approval and declaration as Uganda Standards by the National Standards Council.

### Committee membership

The following organisations were represented on the Technical Committee for Consumer product standards, UNBS/TC 11, in the development of this standard:

- Kasiwukira Studios
- Makerere University, Department of Music, Dance and Drama
- Uganda Performing Rights Society
- UTGHA

# General requirements for the production, distribution, publishing and filing of Audio/Audiovisual works of art

## 1 Scope

This Uganda Standard lays down the requirements for the production, publication, reproduction, distribution, making available and filing of audio/audiovisual works of art normally distributed in electronic formats for entertainment through mediums (carriers) such as Compact Discs (CDs), Digital Video Discs (DVDs), Video Compact Discs (VCDs), Audio or Video Cassette and any other storage medium .

This standard does not apply to audio/audiovisual works that are:

- a) produced for exclusive use for broadcasting;
- b) used and propagated exclusively for broadcasting; and
- c) for 'fair use' such as educational purposes, reporting of current events and any other use specified under the Copyright and Neighbouring Rights Act.

## 2 Normative references

The following referenced documents are indispensable for the application of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

*Communications Act*

*Copyright and Neighbouring Rights Act 19 of 2006*

*Copyright and Neighbouring Rights Regulations*

## 3 Terms and definitions

For the purposes of this standard, the terms and definitions given in the Copyright and Neighbouring Rights Act and the following apply.

### 3.1

#### **audio/audiovisual work**

all works consisting of words, melody, music, motion pictures or images synchronised with words, melody and/or music, capable of being perceived by hearing, seeing or by both seeing and hearing with help of technical equipment

### 3.2

#### **Ugandan audio/audiovisual work**

such audio/audiovisual work whose publisher, has or had at the time of the first publication thereof permanent address or headquarters in the territory of the Republic of Uganda; or such audio/audiovisual work in the creation of which such publisher has participated,

- 3.3  
medium of audio/audiovisual work**  
carrier of audio/audiovisual work such as digital, magnetic, optical or other recording (fixations)
- 3.4  
copies of audio/audiovisual work**  
copies or duplicate copies of audio/audiovisual work on a medium, made by copying from the original recording of such work including its documentation material medium
- 3.5  
use and propagation of audio/audiovisual work**  
sale, hiring, lending, public presentation, export and import
- 3.6  
audio/audiovisual public performance**  
public presentation or demonstration of an audio/audiovisual work .....(act)by technical or other means
- NOTE** An audio/audiovisual work is considered to be demonstrated publicly if performed before a public or an undefined number of persons. Page 8 of the Act
- 3.7  
adaptation**  
translation of the original audio/audiovisual work into different languages or modification of the form of expression of the original work.
- 3.8  
subtitles in audio/audiovisual work**  
explanatory text printed in a language different from that of the original verbal form or ideologue for deaf viewer in an audio/ audiovisual work
- 3.9  
publisher of audio/audiovisual work**  
person having acquired the contractual rights to publish the work
- 3.10  
distributor of audio/audiovisual work**  
person having acquired from the publisher, the contractual rights relating to distribution of the audio/audiovisual work, including resale, public presentation , lending, renting of such work in bulk
- 3.11  
operator of technical means**  
person presenting audio/audiovisual work, free of charge or against payment by use of any equipment gadget or article
- 3.12  
cinema and video hall operators**  
person publicly presenting audiovisual works in cinemas or video halls free of charge or against payment
- 3.13  
operator of audio/audiovisual work library**  
person lending, renting or selling copies of audio/audiovisual works
- 3.14  
operator of audio/audiovisual work sales outlets (retailers)**  
person selling audio/audiovisual work to the public.
- 3.15  
public places**  
Obtain definition from page 8

## **4 Labelling and marking of Audio/Audiovisual Works**

### **4.1 General requirements**

The content of audio/audiovisual product shall not be misleading or corrupting unless indicated as such.

### **4.2 Requirements for publishers of Ugandan audio/audiovisual work**

Publishers of Ugandan audio/audiovisual works shall label the original medium of the work, and on the label shall be included the following:

- a) title of the work;
- b) titles of individual tracks with respective full names or pseudonyms of author(s) or singer(s) and if different respective composer and singer (if more than one track is published [fixed] on the medium);
- c) full name of the director and/or producer;
- d) the publisher either by trade name, trade mark or full name;
- e) year of production of the work;
- f) the circled letter C (©) for copyright and the similarly circled letter P for publisher along with the year of publication;
- g) the age limit of access, where such notification is necessary to guide the user/consumer;
- h) marking of all promotion and information materials relating to the distribution of AUDIO/AUDIOVisual work with the information related on its contextual characteristics, primarily on the presence of violence, brutality, pornography or similar contents potentially damaging in the psychical or moral sense, by adding the text "Potentially damaging for the human psyche or morality." Clearly indicate the words L for bad language, S (Sex) , N (Nudity), V( violence);
- i) copyright warnings;
- j) affixing an approved banderole for authenticity of original work; and
- k) publishers shall add at the end of each advert precautionary warning statements in all adverts relating to products harmful to human health, environment, moral (see 4.3).

### **4.3 Requirements for distributors of audio/audiovisual work**

Distributor of audio/audiovisual work for purposes of promotional advertisements shall provide marking of all promotion and information materials relating to the distribution of Audio/Audiovisual work with the data specified in 4.2.

### **4.4 Requirements for operators of technical means and cinema operators**

Operators of technical means and cinema operators shall publish the age limit of access as specified by the producer of the audiovisual work and control compliance with such limit in the course of its presentation and any other regulations related to sound, suitability of premises among others.

### **4.5 Operators of libraries and sales outlets**

**4.5.1** Operators of libraries or sales outlets of Audio/Audiovisual work shall not retain, hold or stock any audio/audiovisual work, unless such work is properly marked with information detailed under 4.2 above;

**4.5.2** Operators of lending libraries or sales outlets of Audio/Audiovisual work shall not lend or sell copies of Audio/Audiovisual work to persons below the limit age of access as specified by the Publisher, Producer or Distributor of such work.

**4.5.3** No audio/Video/ Audiovisual work that is not labelled in accordance with the requirements of this standard shall be stocked, held, retained or kept on the premises whatsoever.

## **5 Quality of audio/audiovisual work**

**6.1** An audio/ audio visual work shall clearly make a distinct separation between advertisement content and audio visual content by use of either sound or image.

**6.2** The advertisement content in any audio visual work shall not exceed 5% of the total duration of the work.

**6.3** There shall be one title/ album on a medium in the music(audio) and in the case of films (audio visual) for each part in the case of serialised audio visual works.

In the case of segmented parts, each work shall be placed into separate medium.

**6.4** Cinema operators and operators of technical means shall in the course of Audio/Audiovisual performances prevent presentation of advertisement:

- a) supporting conduct which represents a potential threat against interests of protection of health, safety or the environment;
- b) designated for children or displaying children, any supporting conduct which represents a potential threat against their health, mental or moral development;
- c) promoting human and veterinarian drugs and formulations registered in Uganda and only available on prescription, as well as promoting drugs not registered in Uganda; and
- d) promoting alcoholic beverages, narcotic, psychotropic and other habit-forming substances, poisons and violence, violating restrictions imposed by other legislation.



## Certification marking

Products that conform to Uganda standards may be marked with Uganda National Bureau of Standards (UNBS) Certification Mark shown in the figure below.

The use of the UNBS Certification Mark is governed by the Standards Act, and the Regulations made thereunder. This mark can be used only by those licensed under the certification mark scheme operated by the Uganda National Bureau of Standards and in conjunction with the relevant Uganda Standard. The presence of this mark on a product or in relation to a product is an assurance that the goods comply with the requirements of that standard under a system of supervision, control and testing in accordance with the certification mark scheme of the Uganda National Bureau of Standards. UNBS marked products are continually checked by UNBS for conformity to that standard.

Further particulars of the terms and conditions of licensing may be obtained from the Director, Uganda National Bureau of Standards.



