

**NATIONAL UNIVERSITY OF SCIENCE AND TECHNOLOGY**  
**FACULTY OF COMMUNICATION AND INFORMATION SCIENCE**  
**BACHELOR OF SCIENCE HONOURS DEGREE IN PUBLISHING STUDIES**  
**PART I SECOND SEMESTER AUGUST 2013 SUPPLEMENTARY EXAMINATIONS**  
**IPU 2213 COPYRIGHT LAW, REPRODUCTION RIGHTS ORGANIZATIONS &**  
**PUBLISHING AGREEMENTS**

**TIME: 3 HOURS**

INSTRUCTIONS TO CANDIDATES

1. ANSWER QUESTION 1 AND ANY OTHER THREE (3) QUESTIONS
  2. QUESTION 1 CARRIES 40 MARKS AND EACH OF THE OTHER QUESTIONS CARRIES 20 MARKS
  3. IMPORTANCE IS ATTACHED TO ACCURACY, CLARITY OF EXPRESSION AND LEGIBLE HANDWRITING
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1. A multi-purpose Collective Management Organization (CMO) exists and is registered in the country but has focused on licensing music. Literary authors and publishers have established a Reproduction Rights Organization (RRO) and are seeking approval to register the RRO. How would you view the pros and cons of establishing a separate organization and what criteria are important if you consider the matter from the viewpoint of :

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|------|--|-------------------|
| i)   | Zimbabwe Intellectual Property Office (ZIPO).    | <b>(10 marks)</b> |
| ii)  | The Multipurpose CMO.                            | <b>(10 marks)</b> |
| iii) | The Reproduction Rights Organization (RRO).      | <b>(10 marks)</b> |
| iv)  | Individual Writers and Publishers Organizations. | <b>(10 marks)</b> |

2. Mthulisi is an author of a book on copyright. The book is written in English. Mthulisi discovers that Tendai is translating the book into Shona. Mthulisi has been advised that Sibongile the owner of a local newspaper the Masvingo Daily has condensed Mthulisi's book and is distributing the condensed version of the book to her staff. In addition Mthulisi discovers that lecturers at the Great Zimbabwe University are making copies of the book and selling them to students for use in the course on Copyright law. Some students are making additional copies of the copies bought from the lectures in the university library.

Mthulisi approaches you for advice on the following questions:

- i) Has any infringement of his copyright occurred? **(5 marks)**
  - ii) If so would any of the defendants have any defense against the claim of copyright infringement? **(15 marks)**
3. Japhet was a well known sport personality, who wrote down his memoirs in articles which he kept in his study at home. Attached to the articles were several photographs and news clippings of his exploits as a sportsman. Japhet died in 2011 and his stories, including the articles, were sold to a second hand book store where Pathisa discovered them. Pathisa wants to publish an abridged version of Japhet's articles but he is concerned that by doing so he may be infringing Japhet's copyright.

Advise Pathisa on the following aspects:

- i) The types of copyright "works" that are embodied in Japhet's collections (articles, photographs and clippings.) **(10 marks)**
  - ii) The duration of copyright in the said types of works. **(4 marks)**
  - iii) How Pathisa can avoid infringing the moral rights of Japhet contained in the articles? **(6 marks)**
4. Comment on some of the strategies that have been developed to distribute the revenue to the rights holders, giving your opinion on the advantages and disadvantages of each strategy. **(20 marks)**
5. Mandates are a fundamental ingredient of CMO activities. Discuss how these are acquired at national and international level and the guiding principles for their administration. **(20 marks)**
6. Outline and discuss the responsibilities of the author and publisher in a publishing agreement. **(20 marks)**

**END OF PAPER**