

The High Court of Uganda at Kmapala

287/2010

Uganda Performing Rights Society Limited v MTN (U) LTD

Court	:	Commercial Court
Case	:	Criminal
Date of Judgement	:	December 2, 2012
Plaintiff	:	Uganda Performing Rights Society Limited
Defendant	:	MTN (U) LTD
Concept	:	Copyright Legitimate Interest
Statue	:	Sections 44(1), 58) c) and 81 of the Copyright Act

Panel of Justices

Hon Lady Justice Hellen Obura

Case Background

The Plaintiff instituted this suit against the defendant seeking for a declaration that the MTN concert at which UB40 held a public performance in Kampala in February 2008 was unauthorised and sought special damages of 3% of the gross gate collections realized from the concert, general damages for infringement of copyright, interest and costs of the suit.

Procedural History

The High Court (Commercial Court Division) of Uganda gave a judgement on the case.

Issue

Whether the plaintiff has the right to the collections realised during the UB40 concept?

Rational

The court held that the Performing Rights Society Limited did not establish a legitimate basis in law to be entitled to a share of the gate takings income of a UK-based group's concert earnings in Uganda. The case was decided mainly on an analysis of a performers' contract rather than on provisions of the Copyright Act.

Keywords Performer, infringement, damages