

**The Chief Magistrate Court at Kmapala, Uganda**

**309/2009**

**State v Sande Brian and Nyanzi Palma**

<b>Court</b>	:	Commercial Court
<b>Case</b>	:	Criminal
<b>Date of Judgement</b>	:	June 14, 2010
<b>Plaintiff</b>	:	The State
<b>Defendant</b>	:	Sande Brian and Nyanzi Palma
<b>Concept</b>	:	Copyright Unlawful Conduct
<b>Statute</b>	:	Sections 46 and 47 of the Copyright & Neighbouring Rights Act, 2006

**Panel of Justices**

Vincent Emmy Mugambo

**Case Background**

The state brought charges against the Defendants on 5 accounts of infringement of copyrights. The defendants reproduced and distributed artworks without the consent of the artists. The defendants had in their possession of a duplication machine but contended that they were using them for duplicating local videos not music. The state proved its case beyond doubt that the machine it is to be used for making infringing copies of work.

**Procedural History**

The Chief Magistrate Court gave a judgement on the case.

**Issue**

Whether the accused did unlawfully reproduce and sold copyrighted/ artistic works in the form of audio visual, visual audio and visual video.

**Rational**

The court held that the accused had infringed the Copyright Act by dealing in counterfeit goods and imposed a monetary fine on each accused or in the alternative, prison terms of one year and one and a half years for the first and second accused respectively.

**Keywords**

Infringement, reproduction, distribution,