

The High Court in Harare, Zimbabwe

HH 28/04

Newman Chiadzwa v State

Court	:	High Court
Case	:	Criminal
Date of Judgement	:	February 25, 2004
Plaintiff	:	Newman Chiadzwa
Defendant	:	State
Concept	:	Copyright Infringement
Statue	:	Section 6 (1), 6(4) and 27(1)(e) of the Copyright Act (Chapter 26:01); Section 9 of the Copyright and Neighbouring Rights Act No. 11 of 2000

Panel of Justices

Chinhengo and Makarau JJ

Case Background

The appellant was alleged to have exhibited, by way of trade, the infringing copies at his art galleries at Ambassador Gallery near Boka Auction Floors and at Africa Gallery along Chiremba Road, both in Harare. The alleged infringing copies were sixteen in number and seven of them were inscribed "D.E. Benhura" or "Dominic". It was alleged that the appellant knew that the complainant was the creator of the sculptures and that he had no right to infringe the complainant's copyright.

Procedural History

The High Court gave a ruling on the case.

Issue

- Whether or not the complainant has or had copyright in the sculptures in question in this matter.

Rational

The court considered the definition of copyright under the Act. There are limits to what is protected. Artistic works and creativity in choice and arrangement of ideas etc. Ideas themselves are not protected in law.

Keywords Copyright, artistic works, sculptures, infringement.