

AFRICA UNIVERSITY

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ASSESSING THE EFFECTIVENESS OF COLLECTION AND  
DISTRIBUTION OF ROYALTIES IN COLLECTIVE  
MANAGEMENT ORGANIZATIONS IN GHANA: A CASE STUDY  
OF GHANA MUSIC RIGHT ORGANIZATION

BY

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A DISSERTATION/THESIS SUBMITTED IN PARTIAL FULFILLMENT OF  
THE REQUIREMENTS FOR THE DEGREE OF MASTER IN INTELLECTUAL  
PROPERTY IN THE COLLAGE OF BUSINESS, PEACE, LEADERSHIP AND  
GOVERNANCE

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## **Abstract**

This research assessed Ghana Music Rights Organization (GHAMRO) as a case study to determine the effectiveness of collective management organizations in the execution of their core mandate of collection and distribution of royalties. A collective management organization involves the collection of royalties from sources where copyright works are predominantly used for commercial purposes and distributing the royalties to rights holders. Following the theoretical framework of efficiency, transaction cost rational and risk sharing rational, a mixed method research was adopted to assess how effective GHAMRO has been in the execution of its mandate of collection and distribution. Data was collected from four categories of persons namely, board members, staff, members of GHAMRO and users of musical works identified by the researcher, literature review and other relevant documents. The research found that GHAMRO uses the partial reporting system which is based on sampling, that after the users are identified and assessment forms filled, officers of the organization approach such users who may be individuals or groups to negotiate with them on the tariffs and royalties required to be paid because there are currently no fixed tariffs. that GHAMRO uses the blanket licensing system which gives users permission to exploit any works in the CMO's repertoire within the limits of their agreement. that tariffs of CMO's in other African countries are considered in the development of its tariffs, that collection is done in compliance with the strict implementation of provisions as set out in section 36 and 37(2) of the Copyright Regulations 2010. The research also justified the hypothesis that if adequate laws and the principles of good governance play an important role in the proper administration of an institution, then when applied to Collective Management Organizations it should result in an effective and uninterrupted collection and distribution of royalties. The research, concluded that, GHAMRO actually is successful in the execution of its mandate however, one challenge that if when resolved will aid in more revenue collection is the need to operationalize the logging system which will allow for collection of data for actual work used. It recommended the implementation of the log in system, engage in more awareness creation, make information readily available to members, take steps to operationalize reciprocal agreements entered into, continue to operate within international standards to build its reputation and further research to draw larger samples to enable the researcher to apply the appropriate statistical tools and also generalize the findings.

**Key words:** Copyright, Royalties, Licensing, Tariffs, Blanket license.


## Declaration Page

I declare that this dissertation is my original work except where sources have been cited and acknowledged. The work has never been submitted, nor will it ever be submitted to another university for the award of a degree.

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## **Dedication**

I dedicate this work to God my Master and King who has been my stay through all the changing seasons of my life.



### **List of Acronyms and Abbreviations**

CMO	Collective Management Organizations
GHAMRO	Ghana Music Rights Organization
ARSOG	Audio-visual Rights Society of Ghana
COPYGHANA	Reprographic Rights Organization of Ghana
ARIPO	Africa regional Intellectual Property Organization
WIPO	World Intellectual Property Organization
CEO	Chief Executive Officer
EU	European Union
RRO	Reprographic Rights Organization
IFRRO	International Federation of Reproduction Rights Organizations
NCC	Nigerian Copyright Commission
CISAC	International Confederation of Societies of Authors
NASCAM	Namibian Society of Composers and Authors of Music
SAMRO	South African Music Rights Organization
SAMPRA	South African Music Performance Rights Association
BGDA	Bureau Guinéen de Droit d'Auteur
BMDA	Bureau Marocain du Droit d'Auteur
CAPASSO	Composers Authors and Publishers Association
COSOMA	Copyright Society of Malawi
COSON	Copyright Society of Nigeria
RSAU	Rwandan Society of Authors
SCM	Sociedade Cabo-Verdiana de Musica
GASCAP	Ghana Society of Authors, Composers and Producers

COCCA

Coalition of Concerned Copyright Advocates

## **Definition of Key Terms**

**Copyright:** It is the exclusive and assignable legal right, given to the originator of a work for a fixed number of years, to print, publish, perform, film, or record literary, artistic, or musical material.

**Neighboring rights:** related rights (or neighboring rights) are the rights of a creative work not connected with the work's actual author.

**Collective Management Organization:** A collective management organization (CMO) is appointed by copyright holders to manage the rights in their copyright works. A CMO administers the licensing of rights, collection of royalties and enforcement of rights on behalf of the copyright holders.

**Economic rights:** Economic rights allow right owners to derive financial reward from the use of their works by others.

**Royalties:** A royalty is a way of earning revenue income from a copyrighted work. Artists may license reproductions or any other use of their work. The fees charged for that use is referred to as a royalty payment.

**Right holders:** A "copyright owner" or "copyright holder" is a person or a company who owns any one of the Exclusive Rights of copyright in a work

**Licensing:** It is a business arrangement in which one company gives another company permission to manufacture its product for a specified payment.

**Tariffs:** Tariffs are standard charges that copyright users must pay to use certain copyrighted works.

**License Agreement:** It is a legal, written contract between two parties wherein the property owner gives permission to another party to use their copyright work.

Blanket License: It is a license which allows the music user to perform as much or as little as they like of any or all of the millions of works in the repertory of a CMO for an annual fee.

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## **CHAPTER 1 INTRODUCTION**

### **1.1. Introduction:**

This chapter began with the background of the study, proceeded to indicate the statement of the problem, set out the research objectives and research questions and then looked at the assumptions and hypothesis. It then went on to discuss the significance of the study, delimitation of the study and finally the limitation of the study.

### **1.2. Background of the Study**

Collective management is a specialized area in copyright. Collective management deals with the management of the rights of right holders on their behalf by private entities. It involves the collection of royalties from sources where copyright works are predominantly used for commercial purposes and distributing the royalties to rights holders. Because it is practically impossible for rights holders themselves to collect their royalties from these sources such as radio and TV stations, restaurants, drinking bars, hotels, spinners, institutions of higher learning (universities, polytechnics, colleges of education, etc.) among others, rights holders assign their rights to private entities that are legally mandated to collect royalties on their behalf and distribute same to the rights holders.

There are currently three (3) collective management organizations (CMOs) in Ghana namely:

- Ghana Music Rights Organization (GHAMRO), which manages the rights of music rights holders.

- Audiovisual Rights Society of Ghana (ARSOG), which manages the rights of audiovisual rights holders.
- CopyGhana (Reprographic Rights Organization) which manages the rights of literary rights holders.

Established under Section 49 of the Copyright Act, GHAMRO operates with the mandate of collecting and distributing royalties on behalf of authors, composers and other rights owners. The body also seeks to protect, promote and develop the collection and distribution of music royalties, foster music creation and promote the value of music to the creative, cultural and business sectors of Ghana. They currently hold a membership of 5,938 and a documentation and repertoire of a little over 16,572. Important to the achievement of these objectives, is proper supervision and effective management as spelt out in the Copyright Regulations 2010.

This research seeks to establish how effective Collective Management Organizations in Ghana, using GHAMRO as a case study, have fared in the execution of their core mandate of collecting and distributing royalties. This is necessary because where a CMO is not able to collect and distribute or fails to effectively collect and distribute royalties to its members, it poses a big challenge to the members whose rights have been assigned to them. This is because they have entrusted their interest to the organization and expect that it will be administered effectively on their behalf for their benefit.

### **1.3. Statement of the Problem:**

Laws or legislations regarding copyright as mentioned earlier are an essential part of the smooth operation of the CMO. (FICSOR, 2002) states “under the present circumstances,

whenever more rights are managed jointly, it seems to be justified to introduce and apply appropriate legal provisions to ensure the proper operation of joint management systems”. A survey on the status of Collective Management Organizations in ARIPO Member States indicates that to be able to establish a collective management system, there is the need for the backing of the law, that is, the national copyright law should recognize the collective management of rights. Again, the law should provide for the establishment of Collective Management Organizations and stipulate its functions. In that way, a CMO will have legal backing to deal with operational challenges it may be faced with including refusal to pay royalties by users of works of their members.

In Ghana, Sec 49 of the Copyright Act makes provision for Collective Management Organizations but whether this law is being effectively implemented to facilitate effective collection and distribution of royalties or not is yet to be established. (Mitsindo, 2015) expressed this aptly when he states, “Although CMOs were initially promoted as an efficient way to collect and distribute monies with a view to compensate right holders for their works, increasingly, the question has been raised as to their efficiency which was the intent of this research”.

Another key factor the survey reveals is that good governance is key to the running and success of any organization. It is important in the collective management business for CMOs to uphold principles of good governance because these principles are key in winning their stakeholders and users confidence. This is particularly important to ensure transparency and accountability and build trust in the organization as CMOs deal with royalties that belong to quite a significant number of right holders. How CMOs conduct

themselves is key for winning more members, signing contracts with users and increasing their mandates.

Over the years in Ghana, since the inception of CMO's, right holders have constantly voiced concerns about mismanagement, lack of accountability and transparency on the part of CMO's which has resulted in recurring events in Ghana, one of which was the Ghana Music Rights Organization being taken by its members to the courts. As a result, the court put in place receiver managers to manage the organization, ensure that an audit was conducted and set up a new board to properly administer the CMO. Another incident was that which necessitated the ceasing of the license of the Audio-visual Rights Society of Ghana with a view to ensuring that the proper systems are put in place before their license is restored.

As steps to resolve the challenges between the CMOs and their members, several meetings and discussions were held to find solutions but all was to no avail. The matter was eventually sent to court which led to the dissolution of the Board and the putting in place of Receiver Managers to manage the organization for a period of 3 months within which an audit was to be conducted and a new board put in place to run the organization. In the extreme case like that of ARSOG, it resulted in the seizure of their license to operate until they comply with the stated requirements.

This research was proposed to obtain the perception of right holders as well as members and staff of GHAMRO as to the collective management system in Ghana, specifically with regards to the administration of their rights in regards to the core mandate of CMOs with the goal of determining how effective this has been. The problem addressed in this

study is to assess the effectiveness of the collective management organizations in the execution of their core mandate which is the collection and distribution of royalties to their members with a view to establish whether they are succeeding in their mandate or if not, to determine why and possibly propose solutions.

#### **1.4. Research Objectives**

The purpose of this study was to assess the effectiveness of Collective Management Organizations with regards to the execution of their core functions, to determine if they are succeeding at it or not as well as to establish best practices in Collective Management Organizations. The specific objectives were to:

1. Elaborate the principles that govern collective management Organizations.
2. Discuss the governance framework in collective management.
3. Identify the challenges in Collective Management Organizations.
4. Suggest best practices that the Ghana Music Right Organization can adopt for effective collective management administration.

#### **1.5. Research Questions**

In order to achieve the above objectives, the research questions included:

1. Are there principles that govern collective management practices?
2. What are the governance frameworks in collective management?
3. What are the challenges associated with the administration of a Collective Management Organizations?

4. How can the best practices identified be applied in the Ghana Music Rights Organization?

### **1.6. Assumptions and Hypothesis**

A hypothesis is something for testing. It is a possible explanation, a 'might be' for the research. There are three important components that comprises the hypothesis and they are the assumption, the condition and the prediction. The assumption is a possible explanation for the problem, the condition tells how the research will conduct the experiment and the prediction tells of the possible outcome (Lumen).

In light of the above, the hypothesis here was, if adequate laws and the principles of good governance play an important role in the proper administration of an institution, then when applied to Collective Management Organizations it should result in an effective and uninterrupted collection and distribution of royalties. The flip side of that will be that where these are lacking or not properly applied there will be disruptions in the smooth collection and distribution of royalties.

### **1.7. Significance of the Study**

The administration of Collective Management Organizations in Ghana especially in the Ghana Music Right Organization has over the years seen turbulent times which have in many cases seen the organizations Board dissolved or their licenses withdrawn because of some kind of flaw in management or another. This research sought to identify the issues that bring about such dissolutions or withdrawals of certificates and make

recommendations that if implemented will prevent further recurrences. This is relevant because as a result of this occurrences, users take advantage of the situation and refuse to pay for the use of copyright works at the expense of the right holders and as a consequence the right holders are not properly remunerated because they have licensed their works to the Collective Management Organizations who are in conflict and therefore cannot collect the royalties due the right holders. These and more are the reasons for the difficulty in collecting as well as distributing royalties as expected.

The intent of carrying out this research was to establish whether or not CMO's in Ghana are succeeding in the collection and distribution of royalties as expected by them and if not to point out the reasons why, stating the challenges and proffering best practices that may help to better carry out their functions. On the other hand, if it is not carried out, the success or not of these CMO's will remain unknown and the organizations will continue to operate as is, without a proper indication as to whether they are actually achieving their mandate or not. This could adversely affect the right owners as well as the industry in the long run.

### **1.8. Delimitation of the Study**

The delimitation of this research was to restrict myself to the collection and distribution of royalties within collective management organizations, with a view to determine if they have been successful in carrying out that mandate especially GHAMRO as a matter of interest resulting from the experiences that have occurred over the years and a desire to expose the cause of the continuous agitations and proffer solutions for a more harmonious system of operation. An alternative option would have been to look at all three CMOs as they all face the same challenge but for the sake of practicality and time

constraint as well as the availability and accessibility of material and resources required to complete this research, this was a preferred option.

### **1.9. Limitation of the Study**

The limitations for this research were insufficient time and resources. Even though some studies have been done in various areas with CMOs in Ghana, this research specifically dwells on the effectiveness of collection and distribution of royalties in Ghana using GHAMRO as a case study. GHAMRO because of their proximity, accessibility and also the ease of getting resource materials for the purpose of this research. Although they have offices in both Kumasi and Accra, the researcher focus was in Accra. Other CMO's are not this accessible.



## **CHAPTER 2 REVIEW OF RELATED LITERATURE**

### **2.1. Introduction**

This chapter began with the theoretical framework, its relevance, and the necessity for CMOs, a brief history both internationally and locally, how CMOs operate. Its functions in light of the principles that govern its operations being monitoring, negotiation, tariffs, licensing, collecting of remuneration, distribution and governance, the governance structure for a CMO as well as the various relationships that exist within them and finally the role of Government in the operations of CMOs with the research objectives in view in an attempt at answering the research questions listed.

### **2.2. Theoretical Framework**

Collective Management is the coming together of copyright holders to form a single unit under a collective organization with the sole purpose of exploiting their rights in their copyright works. Such collective organizations perform three main functions, namely, licensing users for the use of the copyrights of the rights owners, distributing royalties and monitoring the work of the rights owners. To enable them to effectively perform their functions there are theories that govern their activities which include the theory of efficiency, transaction cost rational and risk sharing rational.

The efficiency theory is centered on the transaction cost saving which is easier achieved in collective management than in individual management so that more works are consumed at a lower cost as compared to the individual management of the same work because more cost will be incurred in trying to create the consumption of a quantum of

works in individual management. It will be easier and at a much more reduced cost for collective management because of its negotiation power. When transaction cost is saved then there is more to go around which means that the right owners get more (Watt, 2016).

The transaction cost rational is linked to the blanket license such that when right holders come together as a collective, they are able to make a large collection of works available to the users through a blanket license. The effect of this is that the users get a large collection of works which may include both works they want and those they may not really want akin to a subscribed TV channel which provides a long list of channels at a fixed subscription fee whether you watch a lot of TV or you do not watch much so that there is no opportunity to negotiate for a collection of specific works which the user may want. Where that is the case, it would mean that they would have a different contract for each user with a collection of selections according to the users' preference for each user. This would attract high transaction costs as they would need to transact individually with users at different times following a process that incurs individual transaction costs (Watt, 2016).

The risk sharing theory deals more with aggregates which means that the more works which are included in the repertoire the lower the risk involved that is the average income per work is equal to the expected income per work. This implies that the more works that are in the repertoire, the less the risk per work to the organization. There are two ways that this can be done, either through risk pooling or risk spreading. Risk pooling involves a large number of works gathered and used as a collective in order to minimize the risk per work so that the high risk of one work is covered by the low risk

of another work thereby reducing the risk per work. Risk sharing on the other hand deals more with the membership, that is because more work means more members, the risk is spread over the members thereby, minimizing the risk to one member therefore creating greater insurance opportunities and less total risk to those insurance opportunities (Watt, 2016).

A combination of all three frameworks was the best fit solution for this paper because applying one without the other would create an imbalance in the collective management system which will affect its proper functionality.

### **2.3. Relevance of the Theoretical Frame to the Study**

The core function of collective management hinges on these three theories, namely, the theory of efficiency, transaction cost rational and risk sharing rational. Collective management involves a group of right holders collectively assigning their works to an organization to be licensed to users in a cost-effective way for the maximum benefit of each right holder therefore in applying the three theories the organization will be able to make the maximum benefits in a very cost-effective way for the benefit of all involved.

### **2.4. Copyright**

Copyright is a type of intellectual Property that gives its owner the exclusive right to make copies of creative works. The creative work may be literary, artistic, educational or musical (Christensson, 2009). In general terms it protects literary and artistic works (World Intellectual Property Organization, 1979). Copyright is intended to protect original expressions of an idea in the form of a creative work but not the idea in itself

(World Trade Organization, 1994). In other words, an idea does not enjoy copyright protection unless it is expressed in some form for example artwork, music, a book, a movie or the like. These rights are exclusive to the copyright owner and ideally should be administered by that right holder except in instances where it is practically impossible for the individual right owner to do so. In such a case comes the need for a collective management organization where rights of many copyright owners are administered collectively for the benefit of all the right owners who are members of the organization.

## **2.5. History of Collective Management**

The history of Collective Management began in France with the French playwright Pierre-Augustin Caron de Beaumarchais in the dark and dingy Parisian theatres in the 1700s. Theatrical companies at the time were enthusiastic in their encouragement of promoting plays and artists, but were less generous when it came to sharing in the revenues. The term ‘starving artist’ was more literal than figurative. Beaumarchais was the first to express the idea of collective management of copyright. In 1777, he created the General Statutes of Drama in Paris. What began as a meeting of twenty-two famous writers of the *Come’die franc,aise* over some financial matters turned into a debate about collective protection of rights. ‘They appointed agents, conducted the now famous pen strike and laid a foundation for the French Society of Drama Authors (*Socie’té des auteurs dramatiques*).’ In 1838, Honore’ de Balzac and Victor Hugo established the Society of Writers, which was mandated with the collection of royalties from print publishers. A net of authors’ societies, shaped by the cultural environment of each country, slowly spread throughout the world. The collective management of copyright was seen as a practical and efficient way of allowing creators to be compensated. In Italy

the Societa` Italiana degli Autori ed Editori (SIAE), under the direction of Barduzzi, was empowered to collect theatre and cinema taxes.

Developments were not limited to the domestic scene, however. As CMOs flourished in their own national States, the need for cooperation and harmonization on the international level became apparent. In 1925, Romain Coolus organized the Committee for the Organization of Congresses of Foreign Authors' Societies. This Committee was founded to tackle some of the insurmountable problems involving international issues. Around the same time, Firmin Ge'mier succeeded in creating the Universal Theatrical Society. Both of these initiatives led to the founding congress meeting in 1926 of the International Confederation of Societies of Authors (CISAC). The founding members identified the need to establish both uniform principles and methods in each country for the collection of royalties and the protection of works and to ensure that literary and artistic property were recognized and protected throughout the world.

In Ghana Collective Management began with the passing of the Copyright Law P.N.D.C Law 110 in 1985 and the Copyright Regulation 1992 which Set up the Copyright Office and made provision for the establishment of the Collecting Society of Ghana (COSGA) which was the first attempt at Collective Management. It was housed in the Copyright Office and operated as a public institution. It was responsible for the collective administration of copyright and related rights in Ghana. COSGA performed this function until 2011, when an agitation began from the right holders to change the society from a public to a private one. Model collecting societies such as GASCAP and COCCA were formed by right owners to contest the position of COSGA as a collecting society which they believed should be run as a private body just like all others in the world. This

agitation brought about dissolution of the then board and the formation of an Interim Management Committee (IMC) to manage the transitional period. This also brought about the passing of the current Copyright Act 2005 and the Copyright Regulation 1962 which necessitated the formation of the three Collective Management Organizations. The Ghana Music Rights Organization (GHAMRO) formed to manage the music rights of owners and also issue licenses to music users such as hotels, night clubs, drinking bars among others operating in the country, ARSOG and CopyGhana were also issued licenses to administer the rights of Audio-visual work owners and reprographic rights respectively in the same year.

In the case of GHAMRO, because there were many music groupings especially those who were instrumental in the passing of the new copyright act and in the bid to foster peaceful coexistence, representations were made from each grouping which formed a 14-member board. Their duty was to run the organization with a hurriedly put together constitution, with the understanding that the constitution was to be discussed at and adopted by congress in the interim while a more detailed one was put together to be subsequently approved. The organization functioned okay until 2013 when it ran into difficulties when internal rumblings commenced as a result of other new groupings which had now been formed who were not represented on the current board. The substance of the agitations was that the provisions of Sections 29 to 34 of the Copyright Regulation 2010 were not being followed as a result one hundred right owners brought a legal action against the society. In July 2014, the Board was set aside and Receiver Managers appointed with a mandate to manage the interim period, ensure that an audit was performed and elections conducted to put in place a new Board to run the

organization. This was successfully done and a new board was put in place. The organization has since then successfully conducted an election that has brought in the current Board and has seen several Annual general meetings.

## **2.6. How Collective Management Organizations Operate**

Koskinen-Olsson & Lowe (2012) stated that “In a collective management system, two relationships are important: firstly, the relation between an individual rights holder and the CMO and secondly, the relation between the CMO and a user”. This principle is captured by the Director General of ARIPO in the ARIPO Survey on the current status of CMO’s in ARIPO member states. According to Monyatsi (2018), “CMOs have grown in importance globally in their work of collectively administering the mandates from the right holders by negotiating royalties, collecting royalties from users and distributing the royalties to the right holders” In principle, a CMO can only manage the rights of those rights holders who have given it a mandate. Rights acquisition from authors and other rights holders is based on a mandate that can be through either assignment or licensing. This is highlighted by Gervais (2010), where he indicated that once a CMO usually a private organization, is established, it must obtain from a group of right holders the mandate to license on behalf of the right holders either by full transfer known as assignment or by an agency agreement known as licensing. Common practice is for right holders to assign their rights to the CMO to be administered for them. This practice poses a challenge in my view and the question that arises in my mind is what happens to the assigned work if for any reason the owner decides to withdraw from the organization? Will such a person continue to enjoy the royalties from the work? Will the work be returned or does he/she lose the rights to the work assigned? Let us not forget

that assignment means total transfer which suggests to me that such a person transfers all of his/her right in the work to the organization, while licensing is retaining the right in the work but authorizing the organization to manage it on their behalf. It is my view that, even though assignment of rights is common practice, going forward, licensing should be considered in the interest of the right owner. This is so that whether he/she chooses to be part of the organization or if for any reason chooses to withdraw, the rights in his/her work remains and can be withdrawn in the same way the owner can withdraw from the organization.

Licensing users is one of the primary functions of a CMO (Trapova, 2020). Users of protected materials are granted a non-exclusive license, meaning that no user obtains the right to solely use the repertoire of the CMO. For instance, all radio stations are allowed to play the music represented by the CMO concurrently. (Gervais, 2010). Treating users equally when it comes to setting tariffs and collecting royalties from them on behalf of right holders is one of the cornerstones of collective management (Koskinen-Olsson & Lowe, 2012). All users are served equally, based on their use of the works protected under copyright and the size of their premises. For instance, a tariff for performing music in restaurants may be based on the number of seats, naturally, restaurants with more seats pay a higher price, but the tariff per seat is the same for all.

Over time CMOs have had to increase their role and evolve to oversee copyright compliance, fight piracy and perform various social and cultural functions (Gervais, 2010). In consensus with this point Trapova (2020) states “Other than distributing remuneration from uses of copyright works, they also strongly represent and defend the interests of authors and engage in various social and cultural functions”. Collective



management has also allowed authors to use the power of collective bargaining to obtain more for the use of their work and negotiate on a less unbalanced basis with large multinational user groups.

## **2.7. Functions of a CMO**

CMOs operate as facilitators between rights holders on the one hand and licensees on the other. Their main tasks are licensing and distribution, or in other words money-in and money-out (World Intellectual Property Organization, 2020). Operations can be grouped into two categories: services to members and services to users. The summary of a CMO's tasks includes:

The following are the functions in details upon which CMO's operate or function and they include monitoring, negotiation, tariffs and licensing, collecting of remuneration, distribution and governance (World Intellectual Property Organization, 2020).

### **2.7.1 Monitoring**

The two main elements that a CMO needs for proper distribution of royalties are work documentation from members and usage reporting from licensees.

A CMO needs to know and have proper documentation of all works that their members have created. Rights holders mandating their rights to a CMO have a duty to provide it with information about their works. On the basis of such work documentation, the CMO forms its repertoire, and this documentation forms the basis for distribution of remuneration. Licensee's report what works have been used and this data is matched

with documentation concerning the works that rights holders have reported to the CMO, i.e., the work documentation (Koskinen-Olsson & Lowe, 2012).

Some of the ways that CMOs obtain relevant usage data include the following options generally: Full reporting - the licensee provides the CMO with details of actual exploitation in each instance, Partial reporting based on sampling - a subset of licensees report their uses over a given period of time, Statistical surveys - usage habits are measured at given intervals.

Whereas full reporting provides the most optimal basis for distribution, it is often perceived as cumbersome by licensees and may be quite costly for the CMO. Many CMOs use some form of statistically obtained data and the method of partial reporting in their distribution (World Intellectual Property Organization, 2020).

### **2.7.2. Negotiations**

Koskinen-Olsson & Lowe, (2012) indicate that negotiations in many cases take place between professional entities: a CMO representing rights holders and an association representing licensees. However, one-to-one negotiations may take place with major licensees, such as a public broadcaster for its use of music.

Where a representative of a group of licensees exists, such as a branch association or union, it is efficient and makes more sense to have negotiations with them rather than negotiating with their members individually. Usually, the representative body may only be in a position to conclude a framework contract with the CMO and recommend to its members to conclude a direct contract with the CMO. Such a recommendation can be of

great help in licensing, as users normally trust their representative bodies (World Intellectual Property Organization, 2020).

### **2.7.3. Licensing**

The very basis of a license agreement stems from mandates CMOs receive from rights holders, as CMOs can only license such uses as they are mandated to grant (Schroff, 2015). The license agreement specifies the scope of the license: which would include, the repertoire of the licensor, who is allowed to use the license, for what purposes, under which terms and conditions, and how the licensee reports usage. The licenses include; Blanket licensing (also called repertoire licensing or comprehensive licensing) grants a user permission to exploit any works in the CMO's repertoire within the limits of the agreement. This method is commonly used in collective management that covers large usage sectors. Transactional licensing (also called work-by-work licensing) grants a user a permission to use certain defined works. This method is often used in targeted areas, for instance in certain digital licensing areas. The license agreement sets out the terms and conditions for permitted usage (World Intellectual Property Organization, 2020).

### **2.7.4. Tariffs**

The license agreement specifies on what basis remuneration is to be paid. Common tariff parameters include a percentage of revenue, price per user, price per entity of usage, etc. (World Intellectual Property Organization, 2020). Hooijer & Baloyi, (2016) explained further stating that the actual tariff development is often based on benchmarking, which takes into account national, regional, continental and international best practices. The

unique local conditions applicable in the particular jurisdiction are also an important consideration. Even where there is correlation with practices elsewhere, the tariffs still need to be adapted to the local conditions

For example, a commercial FM radio station may pay a percentage fee related to their advertising revenue for the use of musical works. The percentage can vary subject to the proportion of music to the total airtime.

The FM station's tariff for related rights holders may be priced per minute; the more music is played, the higher the remuneration. This per-minute tariff can be different depending on whether the station has nationwide coverage or a smaller coverage area.

In a university, the total amount of photocopies may be studied through statistical surveys. This information leads to an average amount of copies per student in one year. Multiplied by a price per page, the tariff is then based on how much the university pays per student (Koskinen-Olsson & Lowe, 2012).

#### **2.7.5. Collection of remuneration**

Most licensees have a blanket licensing agreement with the CMO and collection of revenue is specified in that agreement while incidental licensees pay per event or transaction (World Intellectual Property Organization, 2020).

Collection details are specified in a licensing agreement. Copyright remuneration can be invoiced quarterly, every half a year or at least once in a year depending on the particular CMO. Collection is closely linked with reporting obligations. If for instance a record producer reports produced records twice a year, the CMO for musical works

receives basis for its collection in these reports and consequently invoices record companies twice a year. For incidental licensees, such as organizers of concerts, reporting of the use may be a prerequisite for invoicing. In that case, the particularities of paying are specified in the permission that is given to the user (Koskinen-Olsson & Lowe, 2012).

#### **2.7.6. Distributing Remuneration**

Irrespective of the method of distribution, the goal is the same: to distribute license fees to those whose works are used. The aim is to maximize the distribution to rights holders and minimize the costs, while maintaining sufficient accuracy (World Intellectual Property Organization, 2020).

Distribution of collected remuneration to the owners of rights is a key issue for a CMO. A basic principle of collective management of individual rights is that remuneration should be distributed to rights holders according to the actual use of their works. Thus, ideally, each rights holder would receive individual remuneration according to the actual use of his/her work in every instance.

However, for practical and administrative reasons, this may not be possible. Therefore, other solutions have been found. CMOs often base collection and distribution of remuneration on some form of statistically obtained data. Data is collected from a subset of users over a specific period of time. In principle, two main options exist in distributing remuneration. They include title-specific distribution and non-title specific distribution (Koskinen-Olsson & Lowe, 2012).

## **2.8. Governance in collective management**

CMO's are such that a lot of the times they act as monopolies because usually there is just one CMO managing rights in a particular field of Copyright, say music (Gervais, 2010). Watt (2016) also agrees with this assertion where he states "The aggregation of a great many individual copyrights into a single marketable repertory which is licensed as a single unit has been seen by some to be the creation of a monopoly, with unacceptable monopoly power", it therefore creates the risk of such rights being abused. This therefore brings to the fore the need for supervision and governance (Trapova, 2020). "In order to fulfill properly their purposes, CMOs must be well governed, transparent and accountable in their activities" (Stokkmo, 2015). To get the best of both worlds (efficient supply under a monopoly, but non-abusive activities), it is often the case that copyright collectives are allowed to form, but are regulated in terms of exactly how they run their business (Watt, 2016).

The application of good governance principles begins with the formation of the organization as companies which are required to comply with the local legislations that set up companies. "Legal incorporation and registration are subject to the organizational form and legislation of the country" (Koskinen-Olsson & Lowe, 2012). These legislations set out the requirements, including those of governance, which the organization must adhere to (World Intellectual Property Organization, 2020). In the UK, however, the establishment of a CMO is not subject to prior approval and oversight by a public authority. Instead, the government provides minimum standards for CMO's as a guide to support a self-regulatory framework for such organizations including the implementation of individual code of practice (Cubillos- Kepes, 2016). Many countries

have such provisions in their companies Act. An example of such provisions is those set out in the Trinidad and Tobago Companies Act 1995. Which sets out the duties of the Directors as well as the exercise of their powers (World Intellectual Property Organization, 2020), Companies Act (2019) also has such provisions, set out in Sections 190 and 191. This essentially provides that the directors must act in a fiduciary capacity, in the interest of the company as a whole and in line with the constitution of the organization. Other additional standards may include codes of conducts that the company must abide by for proper governance an example is as follows;

Corporate governance is the system by which companies are directed and controlled. Boards of directors are responsible for the governance of their companies. The shareholders' role in governance is to appoint the directors and the auditors and to satisfy themselves that an appropriate governance structure is in place. The responsibilities of the board include setting the company's strategic aims, providing the leadership to put them into effect, supervising the management of the business and reporting to shareholders on their stewardship. The board's actions are subject to laws, regulations and the shareholders in general meeting (International Confederation of Societies of Authors, 2018).

In essence, Collective management organizations must be run in a professional manner, fulfilling the requirements of good governance, both in leadership and management. (Koskinen-Olsson & Lowe, 2012).

## **2.9. Corporate Governance Structure of CMO's**

### **2.9.1. The General Meeting**

The highest decision-making body in a collective organization such as CMOs is its members in General meetings. They make the decisions in the organizations even though they delegate their rights. In essence, for a major decision to be taken in the organization the members need to be consulted and consent given before such decisions are made (World Intellectual Property Organization, 2020). The rules on the operation and running of the general meeting should naturally comply with the applicable laws of the country of establishment of that CMO (World Intellectual Property Organization, 2018).

### **2.9.2. The Supervisory Body**

This is usually the Board of Directors who are responsible to give the direction for the organization. They create policies to guide the institution as well as the strategy for its operation (Monyatsi, 2018). They are also responsible also for the appointment of a Chief Executive Officer who will run the day-to-day activities and implementation policies of the Organization (World Intellectual Property Organization, 2020).

### **2.9.3. Chief Executive Officer**

Recruitment of the CEO is an important step, which affects the running of a CMO's day-to-day business and its ultimate success. While there are no formal qualification criteria for such a post, the requirement for professionalism must be at the fore of any such consideration along with understanding and experience in legal and economic affairs and



an interest in the creative industries are valuable assets. Good political contacts and/or experience in lobbying are additional assets. In all, good human relation is key as the organization's membership is a collection of people who must be properly managed in order to succeed (World Intellectual Property Organization, 2020).

Even though members assign their rights, it is important that they still have the right to a say in how those rights are administered which means that they should be heard and given appropriate information at all times. It is also important to ensure that the interests of all members are fully represented considering that the position of all members are not the same as some may have more repertoire assigned and may want to dominate others. Measures must be put in place to prevent this.

The national laws, in many cases, make provision to prevent the above from occurring. Some of those laws may be the national company law and copyright law which must conform with commonly accepted international and regional norms (World Intellectual Property Organization, 2020). According to Monyatsi (2018), most of these provisions are however also incorporated into the constitutions or codes of conducts of the organization, spelling out the rights and duties of all part players in the organization. Example of such is the provision in the English CMO, the PRS, it provides an example in its Articles of Association which demonstrate how CMOs ensure the right of members to be heard and representation for all members by providing that, members have a right to be notified of the annual meeting. A quorum has to be formed for the meeting to proceed which means that a minimum number of members must be present. The Board composition must reflect the various categories of membership (World Intellectual

Property Organization, 2020). Similar provisions are made in the Companies Act of Ghana and incorporated in the constitution of the CMO's such as GHAMRO.

#### **2.9.4. Resolution of disputes**

The procedure for dispute resolution is another very important part of good governance in a CMO because it enhances members' right to have a say so that when they have a concern, they have proper channels within which to have their concerns addressed.

#### **2.10. Relationships within a CMO**

There are basically three relationships that are established with the establishment of a CMO and they include the relationship between the CMO and its members, the relationship between the CMO and its users and the relationship between CMOs (World Intellectual Property Organization, 2018). CMOs are without a doubt extremely beneficial in easing the licensing process. Yet, due to the delicate intermediary position they occupy their operations entail large honesty responsibility, which on its own certainly bears some risks. These have generally been grouped in three categories – problems emerging from the relationship between the CMO and its members, from the relationship between the CMO and its users and from between different CMOs. Additionally, at each step of the process transparency and good faith are key elements in any of these relations. Regular reports and awareness campaigns on the nuts and bolts of royalty monitoring and distribution should be in place and communicated in a clear and comprehensive manner (Trapova, 2020).

### **2.10.1. CMO - Members Relationship**

#### **2.10.1.i. Financial and Administrative information to members**

A CMO is expected to provide its Members with information about its financial results in an accurate and timely manner especially because they have a duty to ensure timely and efficient distribution of royalties. This information should include its gross Rights Revenue i.e., income, broken down between the main collection sectors, operating Expenses broken down between the main collection sectors, the social and cultural deductions it has made, and the number of Distributions made. The statements, which a CMO provides to each right holder should be clear enough to allow such right holder to be able to verify the sources of the amounts due in respect of each of their works. (World Intellectual Property Organization, 2018). Many countries have this provision enshrined in their laws which make it mandatory for the CMOs to make this provision. Some of these provisions include that of the EU, which provides in Article 18 of its Directives “A collective management organization makes available no less than once a year to each right holder to whom it attributed rights revenue or made payments in the period to which the information relates, at least the following information: any contact details which the right holder has authorized the collective management organization to use in order to identify and locate the right holder; the rights revenue attributed to the right holder; the amounts paid by the CMO to the right holder per category of rights managed and per type of use; the period during which the use took place for which amounts were attributed and paid to the right holder, unless objective reasons related to reporting by users prevent the collective management organization from providing this information; the deductions made for management fees; the deductions made for any

purpose other than management fees, including those that may be required by national law for the provision of any social, cultural or educational services; any rights revenue attributed to the right holder which is outstanding for any period.” (European Union, 2014)

The Republic of Korea’s, in Article 40(1) provides “A trustee or beneficiary may request an inspection or reproduction of the books and other documents pertaining to, or seek an explanation on, the performance or the accounting of the trust affairs, from the trustee or administrator of trust property.” (Trust Act of the Republic of Korea, 2014)

In Ghana, this is provided for in Regulations 30(c) and states “A society approved under these Regulations shall render periodic accounts to members of monies due to the members and payments actually made”. (Copyright Regulation, 2010)

#### **2.10.1.ii. Notification of changes in the CMO Statute and other pertinent rules**

Any changes in its Statute, as well as any other pertinent changes that may affect the Members’ rights and/or obligations must be communicated by the CMO to its members. Other right holders that may not be the CMO’s Members should be informed about any changes that may affect their rights and/or obligations. An example of this is the provision in the Brazilian legislation in Article 98-A, which states, “CMOs shall keep updated and available to their members the information provided in paragraphs II and III of this article [expressly included bylaws and subsequent modifications].” (World Intellectual Property Organization, 1998)

### **2.10.1.iii. CMO's Contact Information**

For the purposes of effective communication, it is essential that comprehensive contact information be both available and kept up to date between a CMO and its Members (World Intellectual Property Organization, 2018). An example of this provision is that of the United Kingdom which states “A CMO shall provide clear signposts for how to contact the CMO, giving postal address(es), email addresses, telephone and fax numbers and any other communications methods.” British Copyright Council (2011) as well as that of Uganda provided in Article 58, and states “(1) Every registered society shall have a registered address to which notices and communications may be sent, and shall notify the Registrar on every change in its registered address within one month of the change. (2) Every registered society shall display its name and address on a signboard in a conspicuous position outside its place of business.” (The Copyright and Neighboring rights Act of Uganda, 2006).

## **2.10.2. Relationship between CMO and User**

### **2.10.2.i. CMO's Information to users**

A CMO should make available to User's information which explains the key aspects of its licensing policies in fulfillment of their obligation of enabling all potential Users to take an informed decision about the benefits of an appropriate license (World Intellectual Property Organization, 2018). Some examples of such provisions in the statutes of countries include;

United Kingdom, which provides “Each CMO shall provide its user [sic] with a comprehensive package of licensing (background) information, and inform the user how to get access to further details if relevant. This communication shall include for instance:

- i. explanation of the rights administered by the CMO;
- ii. the rights holders on whose behalf the CMO acts;
- iii. explanation of the basis for the authority to act (e.g., membership agreements, etc.);
- iv. summary of licensing schemes, terms and conditions and tariffs;
- v. explanation where more details can be found so as to provide a full picture of the whole agreement into which a licensee may be entering including information on any relevant related licensing scheme(s) or licenses operated by other CMOs or right holders;
- vi. where applicable, clarify how these have been negotiated (e.g., with a relevant trade association); explanation of how and when terms and conditions are reviewed;
- vii. inform whether licenses grant any powers to the CMO to visit the licensee’s premises for compliance purposes, and if so, how these powers may be exercised; and how licensees will be consulted about changes or new developments materially affecting or likely to affect their licensing requirements (including changes to tariffs or fees)” (British Copyright Council, 2011).

That of Uruguay, which provides in Article 21, "Obligations of Collecting Societies:“(5) set fair and equitable tariffs that determine the required remuneration for use of

their repertoire, whether for national or foreign rights holders, whether resident or not in the Republic, and keeping such tariffs available to the public.” (The Copyright Act, 2003)

That of Nigeria, which provides in Regulation 8(4) “Where a Collective Management Organization seeks any change in the tariff rates for any category of users, it shall inform such users through a medium that could be accessed publicly by them.” (Copyright (Collective Management Organizations Regulations, 2007).

#### **2.10.2. ii. Principles governing licensing of Users**

An open and professional approach makes it easier for Users to understand a CMO’s licensing policies and allows a CMO to market itself in a more effective and productive manner. CMOs should therefore treat all potential Users in a fair, professional and non-discriminatory manner (World Intellectual Property Organization, 2018).

Some legislation that provides for this include;

That of the European Union which provides in Article 12, “Licensing terms shall be based on objective criteria [in particular in relation to tariffs].” (European Union, 2014).

That of CISAC, which provides, “CMOs shall not unjustifiably discriminate between users.” “Each CMO shall grant licenses on the basis of objective criteria, provided that a [CMO] shall not be obliged to grant licenses to users who have previously failed to comply with such Musical Society’s licensing terms and conditions.” (CISAC, 2018)

### **2.10.2.iii. Rules for setting of tariffs**

When a CMO sets tariffs, its main goal is to ensure that their criteria are clear, objective and reasonable. The price of the license issued should be fair and equitable. When assessing the fair value of a CMO's license, all aspects of the transaction should be taken into account, including the value of the rights and the benefit that collective licensing generates to Users by reducing the number of licensing transactions they have to make (World Intellectual Property Organization, 2018). Example of such a provision will be that of IFPI, which provides "Each MLC is to establish tariffs that are transparent and based on objective criteria and that fairly reflect both the value of right holders' rights in trade and the benefits to users of the MLC's service." (Code of Conduct for Music Industry, 2014).

### **2.10.3. Relationship between CMOs**

CMOs cooperate across borders on the basis of Representation Agreements. A fundamental requirement of such a Representation Agreement is that a CMO treats the Members of an overseas CMO on a non-discriminatory basis. CMOs should provide each other with all information which may be of assistance in executing it (World Intellectual Property Organization, 2018). Example of such provision is that of Germany in Section 44 and 45 which provide

"Representation agreement; prohibition of discrimination - Where a collecting society mandates another collecting society with managing the rights it manages (representation



agreement), the mandated collecting society may not discriminate against the right holders whose rights it manages under the representation agreement.

Deductions - The mandated collecting society may make deductions from the revenue from rights it manages under a representation agreement other than in respect of management fees only where the mandating collecting society has explicitly consented thereto.” (Collecting Societies Act, 2017).

Another is that of IFRRO, which provides “Each RRO will make available, on request, and subject to any confidentiality requirements, documents, information and records, which may be of assistance to the other RRO in exercising its obligations under the bilateral agreement.” (International Federation of Reprographic Rights Organization, 2007).

## **2.11. The Role of Government**

Involvement of Government is very important in the operation of CMO’s and it varies from country to country. The regulatory body responsible for collective management is usually the Copyright office, the Ministry of Culture or the Intellectual Property office depending on the provisions within each country (World Intellectual Property Organization, 2020). In Ghana, it is the Copyright Office which is an Agency under the Ministry of Justice. There are many ways in which the government can be involved in the operation of CMO’s. The provision for this is normally stipulated in the copyright legislation of the country. In some countries there is direct supervision as in the case of

Germany, in some other countries the government only approves the tariffs like the case of Switzerland and Denmark and in other countries the government controls their affairs through competition law. The aim is to ensure that the organization does not abuse its inherent monopoly power. (Olsson, 2005).

In many countries, there is a provision in the law that only one organization may manage the same group of rights holders or the same category of right. Especially if this is the case, the CMO must observe the requirements of local and regional competition law. However, the requirement to take competition law into account is a general prerequisite for the collective management of rights. In some other countries, more than one organization may be approved for the same right and/or group of rights holders. This situation poses many challenges to management of rights from the perspective of rights holders and users. Users can take undue advantage of this situation and refuse to take a license, blaming unclear representation of each CMO, or speculate on the tariff to be paid. Both acts are detrimental to rights holders. If many CMOs compete for rights holders in the same category, they may be tempted to compete with their administrative costs and as a consequence lower their standards of accuracy in distribution of remuneration (World Intellectual Property Organization, 2020).

Finally, the government may assume a regulatory role as in the case of Nigeria where the Nigerian Copyright Commission (NCC) is mandated by law under the Collective Management Organizations Regulations 2007. To operate as a CMO in Nigeria, the organization must first be granted a license from the NCC which is responsible for granting approval to any organization wishing to function as a Collective Management Organization (CMO) and also oversees the operations of such organizations.

Under the regulations, in order to maintain the license and to have it renewed, among others, the CMOs must be open to all rights holders of the category of works or class of rights managed by the CMO, each member of the CMO has a right to a copy of the annual statement of accounts, a list of the persons which make up the Governing Board of the CMO, a report of the auditors, Information on the overall remuneration paid to any director or employee of the CMO certified by the auditors and the Governing Board of the CMO shall as far as possible be representative of the different classes of right owners in the society. In Ghana, these provisions as in the case of Nigeria, are the same but regulated through the Copyright office by the Minister for Justice and Attorney General and made in the Copyright Regulations 2010.

In spite of the efforts to create governing standards for collective management nationally there was a drive for the harmonization of regulations for the governance of CMO's in the European Union (EU). After several deliberations the EU adopted the Directive 2014/26/EU which in its preamble provides that one of the rationales for the Directive is that,

There are significant differences in the national rules governing the functioning of collective management organizations, in particular as regards their transparency and accountability to their members and right holders. This has led in a number of instances to difficulties, in particular for non-domestic right holders when they seek to exercise their rights, and to poor financial management of the revenues collected. Problems with the functioning of collective management organizations lead to inefficiencies in the exploitation of copyright and related rights across the internal market, to the detriment of the members of collective management organizations, right holders and licensees.

(World Intellectual Property Organization, 2020). The study of Cubillos- Kepes A. (2016) recognizes Germany as the most extensive model of state control of operations in the world. This is because it is governed by the Administration of Copyright and Neighboring rights Act which particularly provides that the Patent office must approve the formation of any CMO and may even appoint board members and also remove them on grounds of trustworthiness so that where the patent office finds something questionable about the character of a director, they have the authority to remove such a director from office. Essentially, the case in Germany is such that once a CMO is created, it remains under permanent supervision. He further asserts that public oversight of activities of CMO's is not only necessary but also appropriate to defuse the potential they possess to abuse their dominant position.

## **2.12 Summary**

This chapter looked at the Theoretical frameworks that apply in collective management. It also looked at the relevance of the theoretical frameworks, the history of collective management both internationally and in Ghana, how Collective Managements Operate, the main functions of CMO's, then proceeded to look at Governance in CMO's, further looked at the relationships that exist within a CMO and finally the role of Government in collective management.

## **CHAPTER 3 METHODOLOGY**

### **3.1 Introduction**

This chapter looked at the chosen research design, the population and sampling, the data collection instrument, showed the data collection procedure, analysis and interpretation of data and finally the ethical consideration that was applied in this research.

### **3.2 The Research Design**

Any researcher setting out to investigate any field must make a series of decisions. In most cases, the very first decision that a researcher must make in deciding to carry out a piece of research is the choice between qualitative and quantitative methodologies as indicated by Palys (1992) or both referred to as mixed methods research (Schoonenboom & R Burke, 2017). The choice between these three research methods is important because they reflect different underlying epistemologies and research

philosophies and their convergence brings the two philosophies together to give a richer research outcome. The reason for this is not about superiority of one methodological approach over the other, but rather the identification of the approach that is most appropriate for a particular study.

Mixed Methods research is the type of research in which a researcher or team of researchers combines elements of qualitative and quantitative research approaches (e. g., use of qualitative and quantitative viewpoints, data collection, analysis, inference techniques) for the broad purposes of breadth and depth of understanding and corroboration. (Wisdom & Creswell, 2013). Schoonenboom & R Burke (2017) further states “mixed methods” refers to an emergent methodology of research that advances the systematic integration, or “mixing,” of quantitative and qualitative data within a single investigation or sustained program of inquiry.

The purpose of this research was to examine the effectiveness of the governance structure in collective management organizations in Ghana, using the Ghana Music Rights Organization as a case study. For this purpose, and the fact that most participants have a challenge with reading and writing, the Mixed Method approach, which is qualitatively driven, based on deductive reasoning, was adopted using the convergent parallel design. So that both those who could read and write and those who could not, would be taken care of in order to get the data required for the research.

Given that this study intended to elicit the uniqueness of an individual’s viewpoint on the effectiveness of collection and distribution of royalties in collective management. The study needed to employ a research method that would enable the researcher

dialogue effectively with research participants, at the same time get scientific data to enhance the research topic. It therefore, adopted the mixed methods which combined both Qualitative and quantitative methods. In terms of the purpose for combining the methods, it was combined for both complementary, where each method addressed different category of the research participants to provide a comprehensive analysis of the research problem, and for development, where the qualitative component facilitated sampling for the quantitative. The data gathered from both primary and secondary sources were analyzed.

### **3.3 Population and Sampling**

The target population consisted of a total of eleven (11) Board Directors, close to thirty (30) Staff of the Ghana Music Right Organization, five thousand, nine hundred and thirty-eight (5,938) Owners of the musical works, seven hundred and fifty (750) Users of works and one (1) key staff of the Copyright Office. The choice of sample size was based on the fact that most of the Board members and members of GHAMRO as well as staff and users reside in Kumasi for that reason and because the researcher also resides in Accra the board members, members, staff and users in Accra were sampled. Others sources of data include, literature review and document analysis.

The method used for sample selection was purposive sampling, which belongs to the category of non-probability sampling technique, in which sample members are selected based on their knowledge, relationship and expertise in relation to the research subject (Babbie, 2004). The sample selected were five (5) board members of GHAMRO, five

(5) staff of GHAMRO. The COVID-19 situation and the challenge of easy accessibility and time constraint also necessitated a sample size of twenty (20) members and five (5) users and one (1) staff of the Copyright Office.

Table 3.1 Distribution of Sample Frame

<b>Name of Population</b>	<b>Sample Frame</b>	<b>Sample Identification</b>
Board Directors	5	Personal Identification
Staff of GHAMRO	5	Personal Identification
Owners of musical works	20	Personal Identification
Users of musical works	5	Personal Identification
Key Staff of the Copyright Office	1	Personal Identification

### 3.4 Data Collection Instruments

The Combination Research method involves two or more data collection methods, for instance, interviews as well as questionnaires or a combination of semi-structured telephone interviews and focus groups. There are quite a number of methods such as observation, questionnaire, interviews, focus groups, documents and records and oral history.



The data was collected from questionnaires as well as in-depth interview sessions with selected Board Members, staff of GHAMRO, as well as Owners and users of musical works. Secondary data consisting of secondary materials were writings, both in the form of books and articles containing comments or analysis related to the subject matter.

#### In-depth Interviewing:

In-depth interviewing was used to collect data. According to Babbie (2004), in-depth interviews refer to the interaction between an interviewer and interviewee on a topic, which need not necessarily follow a particular order and words in questioning and answering. During the course of interviews, interviewers may need to probe each answer and make use of the replies for further questioning (Proctor, 2003).

#### Questionnaire:

Questionnaires were also used to collect data concurrently. According to Patton (2001) Questionnaires are stand-alone instruments of data collection that were administered to the sample subjects either directly, through mail, phone or online. This allowed the researcher to carefully structure and formulate the data collection plan with precision, allow respondents to take the questionnaire, think about the answers and fill them at a convenient time with no pressure, it is also far reaching and therefore can be accessed conveniently if the resources allow.

### **3.5. Data Collection Procedure**

Purposive sampling according to Berg (2001) was used in the process of data collection for both the qualitative and quantitative aspects because collective management which is a part of copyright is a specialized area and not many people have an understanding of how it operates. Therefore, to enable the collection of accurate data mostly members of GHAMRO which encompassed both the organization and its members were part of the data collection process. This included the board, staff, members of GHAMRO as well as users of musical works and a senior copyright staff as their special knowledge and expertise in collective management and how the system operates was required in the process.

The process involved a brief introduction of the researcher then brief of what the research was about was told to the participant requesting them to participate, when they agreed to, then they were made to sign the consent form after reading it to ensure that they participate voluntarily and without coercion before questionnaires or a session for an interview was fixed for those who could not be available immediately. The interviews were conducted in places such as offices or common areas in the city where the interviewees felt comfortable to answer the questions. The sessions lasted for a minimum of 30 minutes, depending on the interviewees' familiarity with the subject matter to which the questions relate and their willingness to provide more fruitful responses. The processes were recorded with approval from the interviewees so as to facilitate the subsequent transcription and analysis. The researcher conducted the interviews personally. Even though the researcher had a series of questions that were in a general form of an interview schedule, the researcher allowed the respondents to

express themselves fully without unnecessary interruptions. This enabled the researcher to get a rich reserve of fertile, substantial and organized data. A brief summary of the interviewee's answer to a particular question was recorded on a sheet of paper and filed for analysis. Most questionnaires were filled on the same day as given with a few requesting to fill and return them later. Responses collected were stored for analysis.

### **3.6. Analysis and Organization of Data**

The method used here was content analysis, where data gathered was categorized into themes and subthemes and compared. This method helped simplify data collected, producing results that were analyzed using the mixed method.

Qualitative data obtained from in-depth interviewing was transcribed verbatim into written question and answer form. No attempt was made to summarize, paraphrase or correct grammar. The interview excerpts were studied and coded. This enabled conceptualization and categorization of key themes emanating from the data. The aim was to provide some coherence and structure to the data while holding on to the original accounts and observations. Patterns and commonalities in responses were then identified and coded. This allowed for data analysis and the identification of common themes (Breg, 2001). The qualitative data was analyzed manually. The qualitative data was also analyzed to identify the common themes as well after which both methods were merged to produce a coherent discussion. This process was carried out by the researcher reviewing both data, identifying key ideas of the research questions and relating them to the objectives of the study.

### **3.7. Ethical considerations**

The purpose of this study was explained to the respondents in order to obtain their informed consent, which in turn allowed them to participate voluntarily in the research without being coerced. The reason for the observance of this is that if they were not allowed to participate out of their own volition, they could give false information that would mar the purpose of the research. In addition, they were assured of their privacy, confidentiality and anonymity. The data collected was managed and used in such a way that the identity of the respondents was protected and no information was directly traced to or associated with any individual respondent. The research was done in a way that it did not harm the respondents physically, psychologically (by losing self-esteem) and socially (by losing trust in others) throughout the study (Mahama, 2012). Participants were allowed to discontinue the process if for any reason they want to without explanation as their willing consent was of paramount importance. All references were duly acknowledged to avoid plagiarism.

### **3.8. Summary**

This chapter described the research methodology that was used to generate data for this study. The chapter commenced with a description of the study design. Emphasis was placed on the fact that the mixed method design was adopted since they are found to be more appropriate for soliciting responses in relation to attitudes, opinions and feelings as well as appropriate statistics required to enhance the qualitative data collected. The target population was identified, followed by an illumination of the sampling techniques and procedures to be used to select participants. Data collection methods and processes

were clearly explained. Finally, data management and analysis procedures and ethical considerations were outlined.

## **CHAPTER 4 DATA PRESENTATION, ANALYSIS AND INTERPRETATION**

### **4.1 Introduction**

As indicated in chapters 1 and 3 of this research, the aim of the research was to assess the effectiveness of collection and distribution of royalties in Collective Management Organizations in Ghana using GHAMRO as a case study. The summaries, graphs, pie charts and interpretations in the following sections of this chapter represent the results of the research in accordance with the research questions. In the order of the research objectives, the data presentation and analysis section, presents the sources, validity and demographic features of respondents. The section presents the findings for each objective and analyses the data for further interpretations. The discussions and interpretations section provides interpretations of the results in terms of how the research objectives were achieved and a summary of the results and inferences from the analyzed data.

#### **4.1.1 Sources, Quality and Response to data Administered.**

This Research solicited data from right holders, the board and staff of GHAMRO, some users of the works which they administer as well as secondary data from GHAMRO. The data collection process involved the delivery of questionnaires and interviews indicating the specific information required to achieve the research objectives. Other sources of data included annual reports, and other relevant documents from GHAMRO.

#### 4.1.2 Demographic Profile of Respondents

As stated in the methodology, the sources of data for this research were from individual respondents as well as some relevant secondary data. The demographic information of gender was mainly to establish the gender balance for the analysis. The researcher aimed at interviewing 36 respondents but was able to get responses from 30 out of the sample size representing approximately 83.3% response rate.

The following sections represent the results of the data collection process in answering the research questions as derived from the research objectives.

#### 4.2 Data Presentation and Analysis

This chapter discusses the findings from questionnaires and interviews from the Right holders, board members and staff, the users of musical works in Ghana as well as relevant resources gathered in the course of the research. The chapter presents the data gathered in the field by analyzing the data findings. The researcher targeted key players in the industry who included the Right holders, Music users, Board and staff of GHAMRO. These groups were carefully chosen to represent their views on how effective the functions of the Ghana Music Right Organization are.

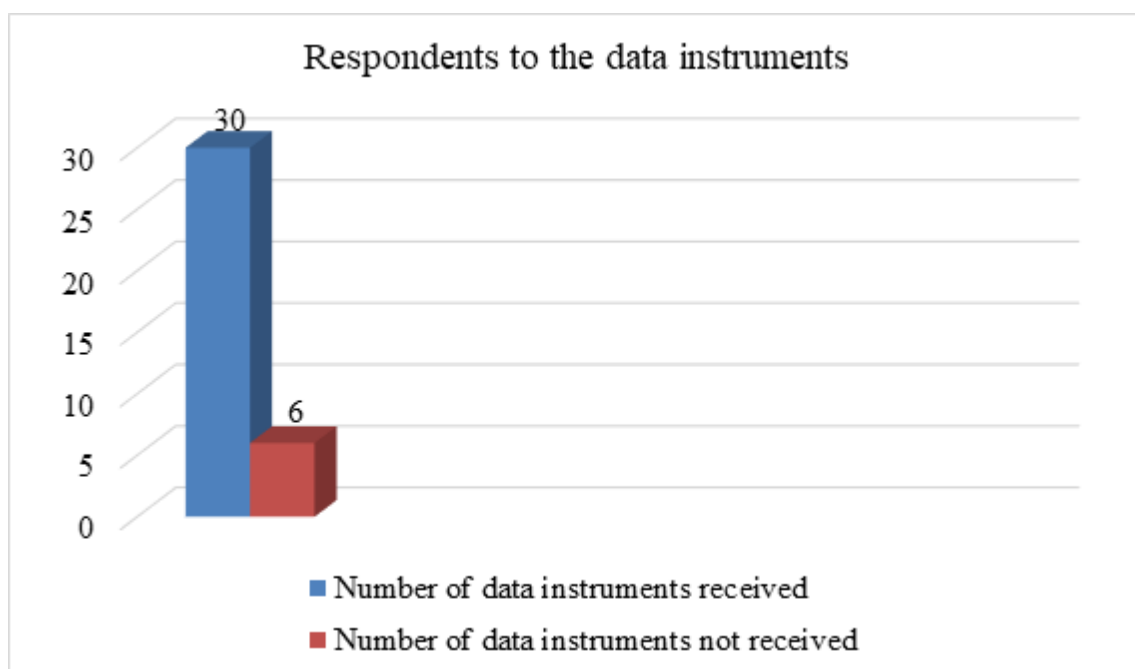
Table 4.1 Respondents to the data instruments

Number of data instruments Distributed	Number of data instruments Received	Number of data instruments not Received	Total number of data instruments
36	30	6	<b>36</b>

Percentage (%)	<b>83.3%</b>	<b>16.7%</b>	<b>100%</b>
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Source: Field Work, 2021

Table 4.1 above shows the total number of questionnaires administered, the number that was received and those that were not received with their percentages indicated. The percentage of staff responding to the questionnaire gives an idea as to how interested the respondents were in the subject matter dealt with in this research.



**Figure: 4.1 Respondent to the Data Instruments**

### 4.3 Analysis of Research Data

#### 4.3.1 Respondents to the data instruments

Table: 4.2 Gender distribution of Respondents to the data instruments

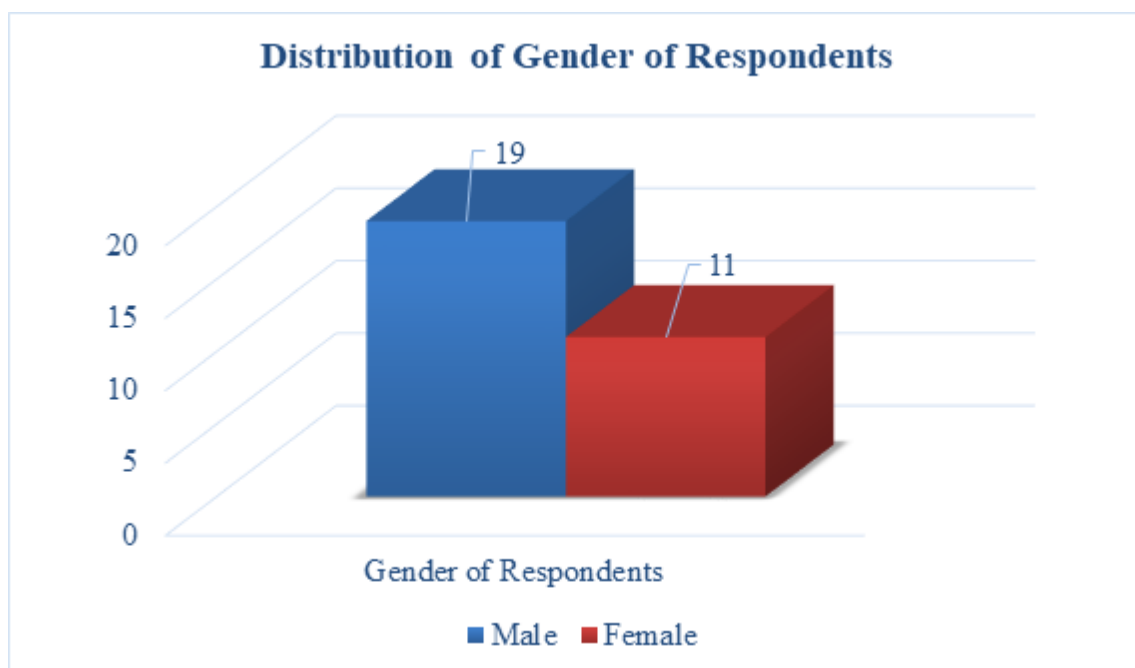
Gender	Number of Respondents	Percentage (%)
Male	19	<b>63.3%</b>



Female	11	<b>36.7%</b>
Total	<b>30</b>	<b>100%</b>

Source: Field Work, 2021

The data in the above table indicate that nineteen (19) males and eleven (11) females responded to data instruments, which represents 63.3% and 36.7% respectively. This reflects the fact that the majority of GHAMRO's members who attend meetings are male which accounted for the higher response rates by male as compared to females.



**Figure: 4.2 Distribution of Gender of respondents**

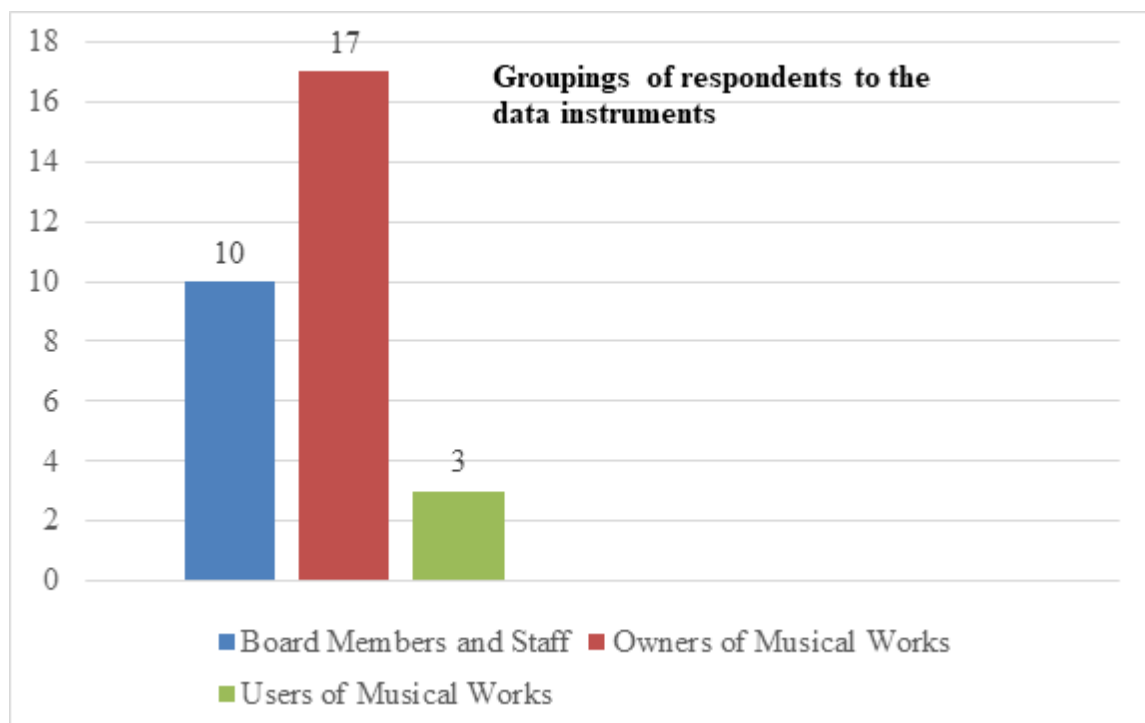
#### **4.3.2 Groupings of respondents to the data instruments**

Table: 4.3 Groupings of the respondents to the data instrument

Groupings	Number of Respondents	Percentage (%)
Board Members and Staff	10	<b>33.3%</b>
Owners of Musical works/Right Holders	17	<b>56.7%</b>
Users of Musical Works	3	<b>10%</b>
Total	<b>30</b>	<b>100%</b>

Source: Field Work, 2021

Table 4.3 above shows the grouping of respondents and the number of data collection instruments administered to the various groupings in the research. There were Ten (10) Board members representing 33.3% of respondents, seventeen (17) Owners of Musical Works/Right holders representing 56.7% and Three (3) Users of Musical Works representing 10% of the total data collection instrument administered.



### Figure: 4.3 Groupings of respondents to the data instruments

#### 4.3.3 Age distribution of respondents to the data instruments

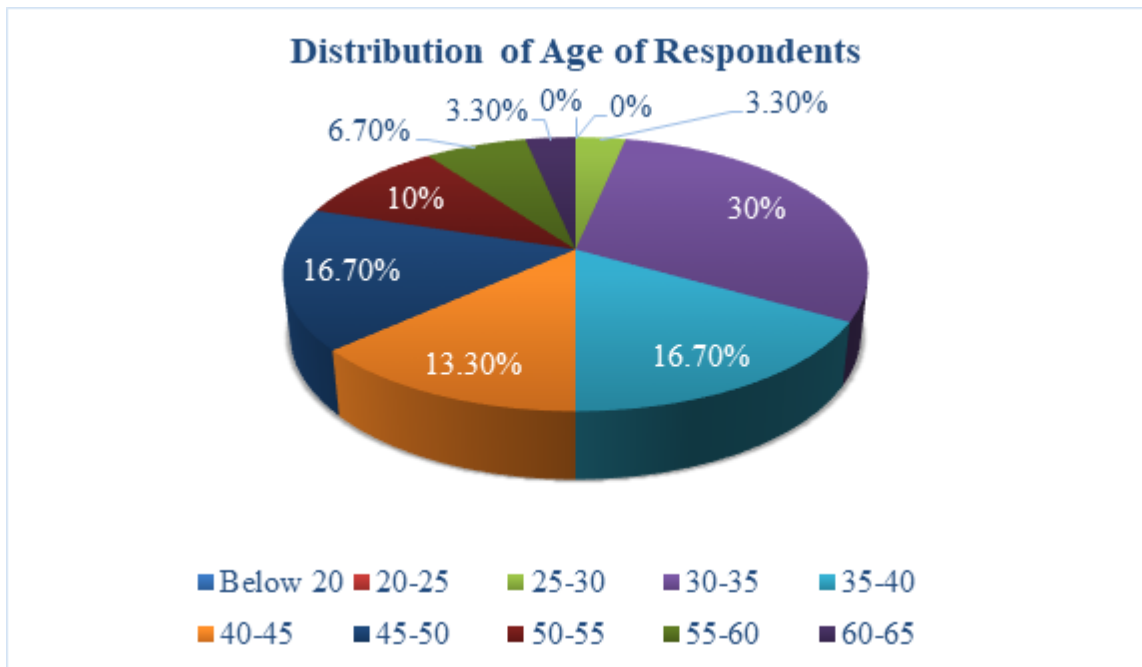
Table: 4.4 Distribution of Age of Respondents

Age	Number of Respondents	Percentage (%)
Below 20	0	0%
20-25	0	0%
25-30	1	3.3%
30-35	9	30%
35-40	5	16.7%
40-45	4	13.3%
45-50	5	16.7%
50-55	3	10%
55-60	2	6.7%
60-65	1	3.3%
Total	<b>30</b>	<b>100%</b>

Source: Field Work, 2021

The data in the above table indicate the age distribution of respondents to the data instruments distributed, representing 3.3% between the ages of 25-30, 30% between the ages of 30-25, 16.7% between the ages of 35-40, 13.3% between the ages of 40-45, 16.7% between the ages of 45-50 and 10% between the ages of 50-55, 6.7% between the ages of 55-60 and 3.35 between the ages of 60-65, all other fields recorded 0%. This

represents a total number of 30 respondents. This indicates that the respondents were between the ages of 25-65 which gives a wide range of generational views on the research topic.



**Figure: 4.4 Distribution of Age of Respondents**

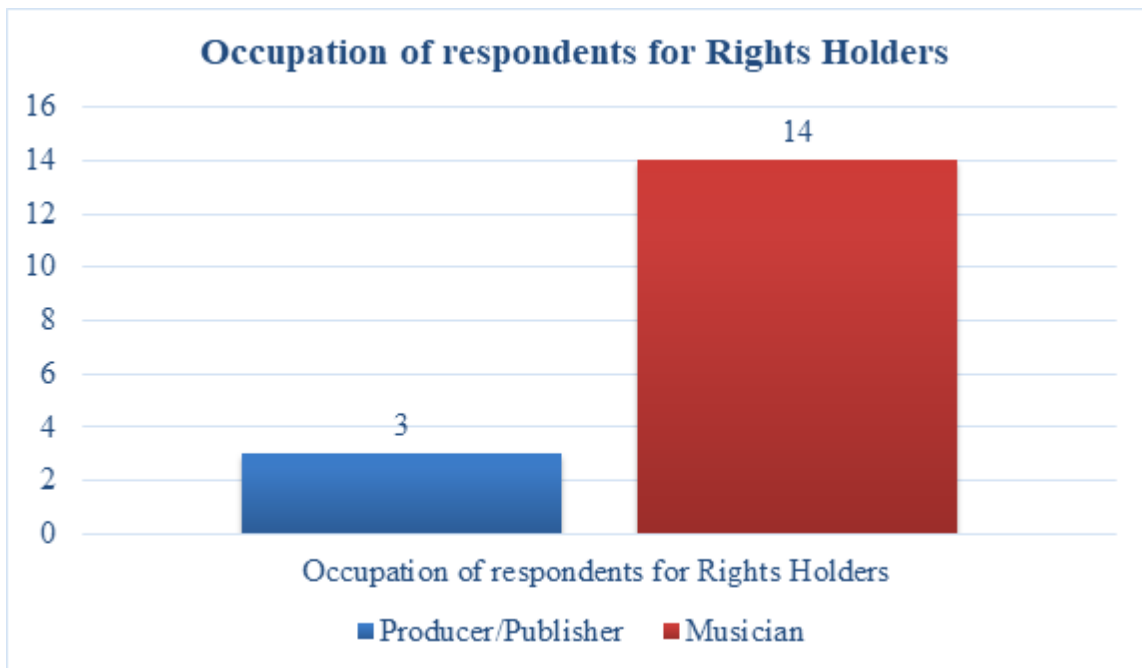
#### 4.3.4 Occupation of respondents to the questionnaire for Rights Holders

Table: 4.5 Occupation of Respondents for Rights Holders

Occupation	Number of Respondents	Percentage (%)
Producer/Publisher	3	17.6%
Musician	14	82.4%
Total	<b>17</b>	<b>100%</b>

Source: Field Work, 2021

Table 4.5 above shows the number and percentage distribution of the Occupation of the respondents. The research showed that three (3) of the respondents were Producer Publishers representing 17.6% of the total number of respondents to the questionnaire for Right holders while Fourteen (14) respondents were Musicians, comprising performers and composers representing 82.4% of the total number of respondents to the Rights Holders questionnaires. This indicates that GHAMRO has more performers and composers as members than it has producers/publishers.



**Figure: 4.5 Occupation of respondents for Right Holders**

#### **4.3.5 Respondents to knowing the functions of GHAMRO for Rights Holders questionnaire**

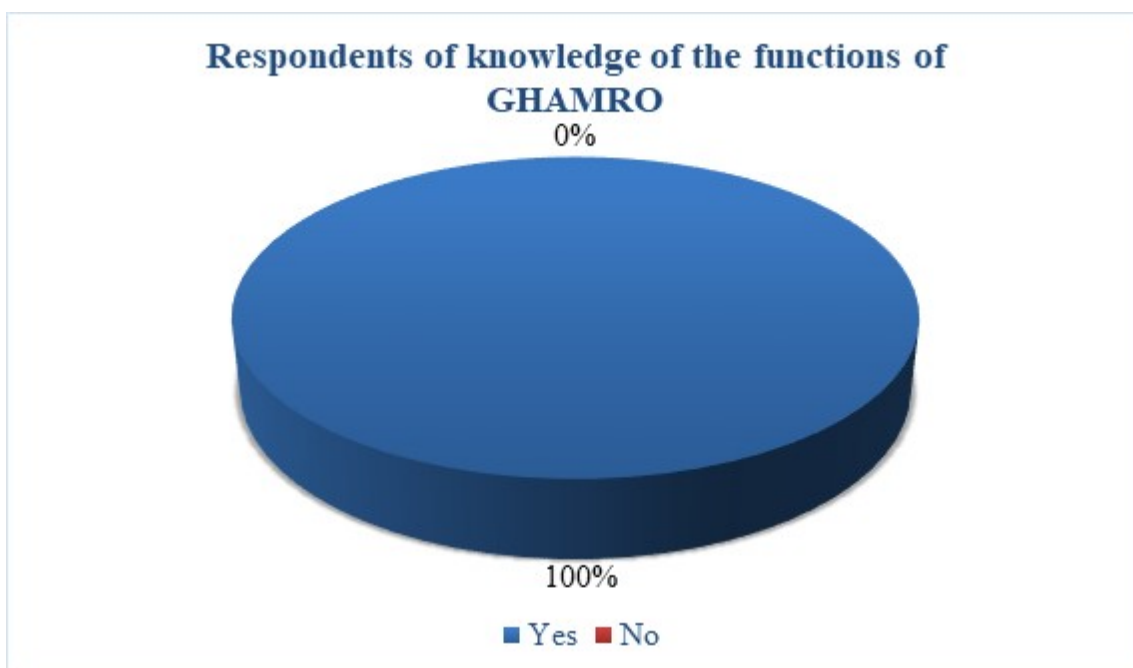
Table: 4.6 Respondents to knowledge of the functions of GHAMRO

	Yes	No	Percentage (%)
Know the functions	17	0	100%

of GHAMRO			
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Source: Field Work, 2021

The data in the above table indicates all Seventeen (17) respondents responded in the affirmative regarding their knowledge of the functions of GHAMRO representing 100% of responses received. Indicating that right holders have a basic knowledge of what GHAMRO does.



**Figure: 4.6 Respondents of knowledge of the functions of GHAMRO**

#### **4.3.6 Respondents of the effectiveness of the functions of GHAMRO for Right Holders questionnaire**

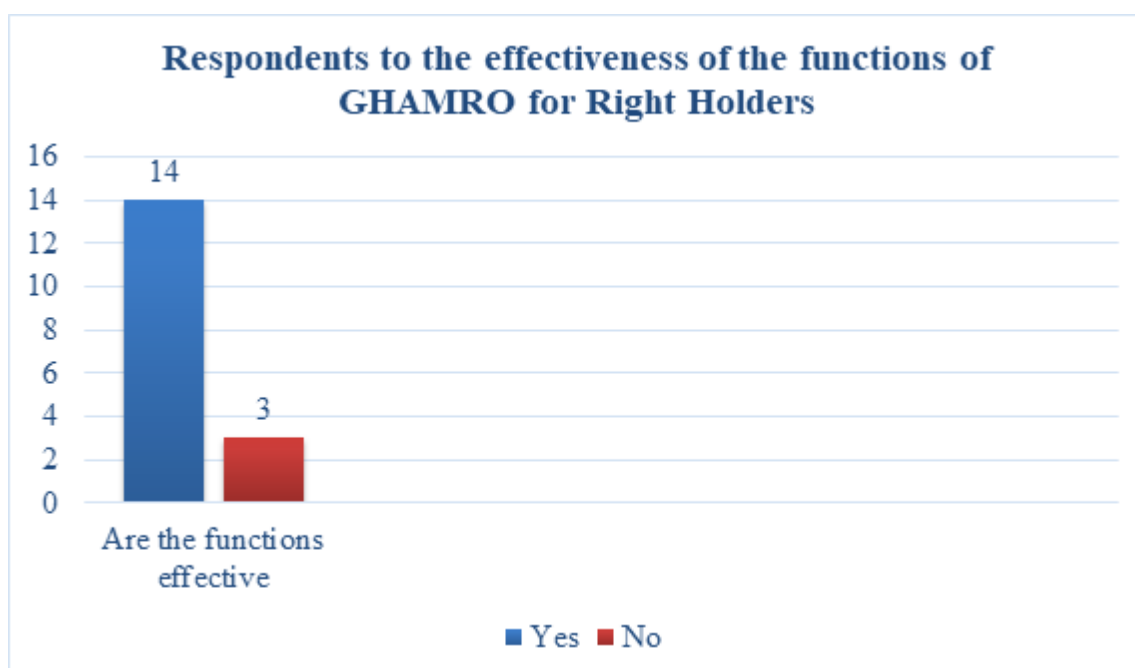
**Table: 4.7 Respondents to the effectiveness of the functions of GHAMRO**

	Yes	No	Total
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Are the functions effective	14	3	<b>17</b>
Percentage (%)	<b>82.4%</b>	<b>17.6%</b>	<b>100%</b>

Source: Field Work, 2021

The data in the above table indicate the number and percentage responses to the effectiveness of the functions of GHAMRO. 14 responded positively, representing 78.6% while 3 responded negatively, representing 21.4% of responses received. Amounting to a total number of 17. This indicates that the majority of the respondents believe that GHAMRO is effective in its function with just a few thinking otherwise. The three (3) respondents who indicated that the functions of GHAMRO were not effective stated the following reasons: One (1) indicated that the organization could do much better to improve its mandate of collection, licensing and distribution for it to cater for members more effectively, one (1) indicated that it was because there was no logging system in place and one (1) indicated a lack of fundamental logistics, challenges of enforcement and a lack of effective education programs for both members and the general public.



**Figure: 4.7 Respondents to the effectiveness of the functions of GHAMRO for Right Holders**

#### **4.3.7 Respondents to how easy it is to get information from GHAMRO for Right Holders questionnaire**

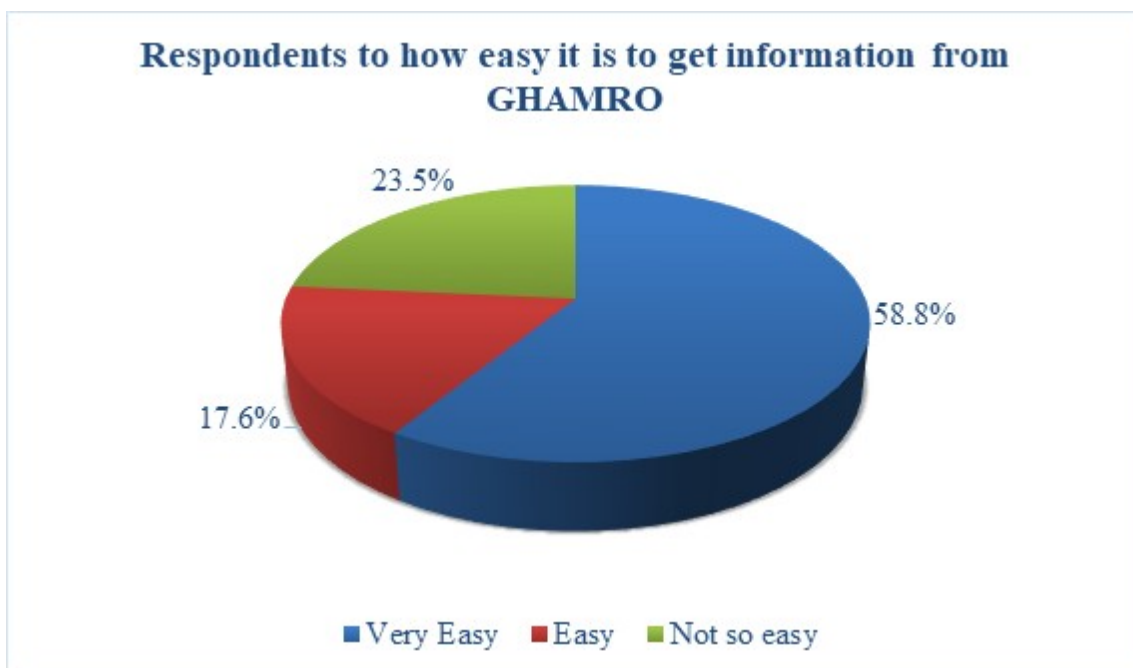
**Table: 4.8 Respondents of how easy it is to get information from of GHAMRO**

	Very Easy	Easy	Not so easy	Total
How easy is it to get information	10	3	4	<b>17</b>
Percentage (%)	<b>58.8%</b>	<b>17.6%</b>	<b>23.5%</b>	<b>100%</b>

Source: Field Work, 2021

The data in the above table indicate the number and percentage responses as to how easy it is to get information from GHAMRO. 10 representing 58.8% indicated that it was very easy, 3 representing 17.6% responded that it was easy while 4 representing 23.5% indicated that it was not so easy.





**Figure 4.8 Respondents to how easy it is to get information from GHAMRO**

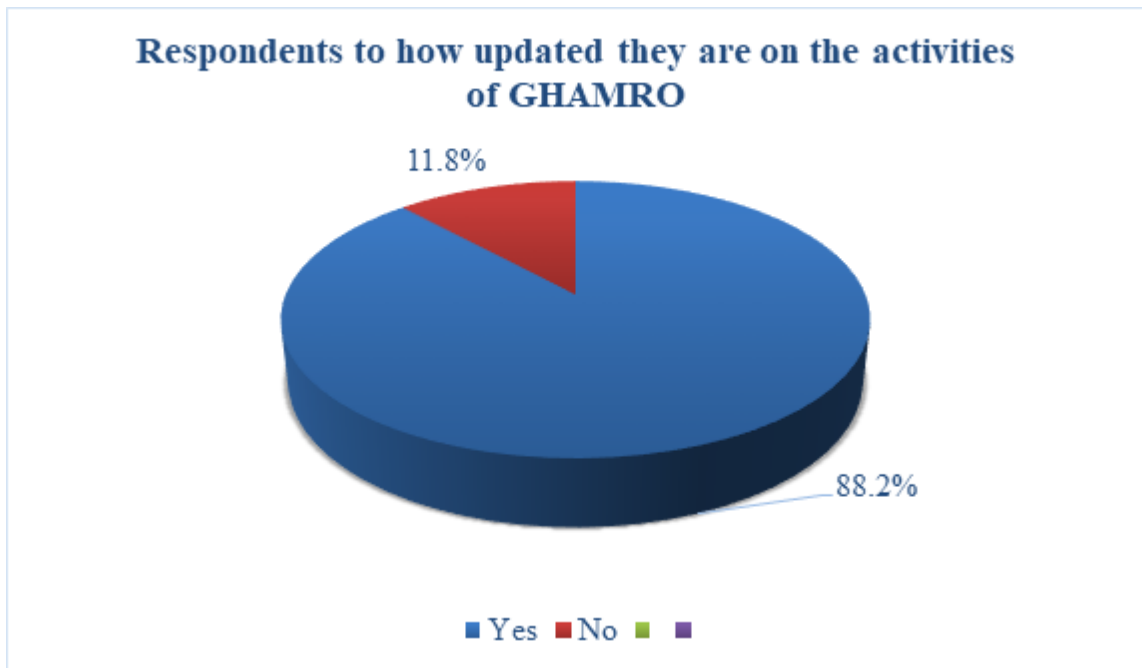
#### **4.3.8 Respondents to how updated they are on the activities of GHAMRO for Right Holders Questionnaire**

**Table: 4.9 Respondents on whether they are updated on the activities of GHAMRO**

	Yes	No	Total
Are you updated on the activities of GHAMRO	15	2	<b>17</b>
Percentage (%)	<b>88.2%</b>	<b>11.8%</b>	<b>100%</b>

Source: Field Work, 2021

The data in the above table indicate the number and percentage responses as to whether they are updated on the activities of GHAMRO. 15 respondents representing 88.2% said yes while 2 respondents representing 11.8% said no indicating that majority were updated on the activities of GHAMRO.



**Figure: 4.9 Respondents to how updated they are on the activities of GHAMRO**

#### **4.3.9 Respondents to how often Rights Holders are updated on activities of GHAMRO for Right Holders Questionnaire**

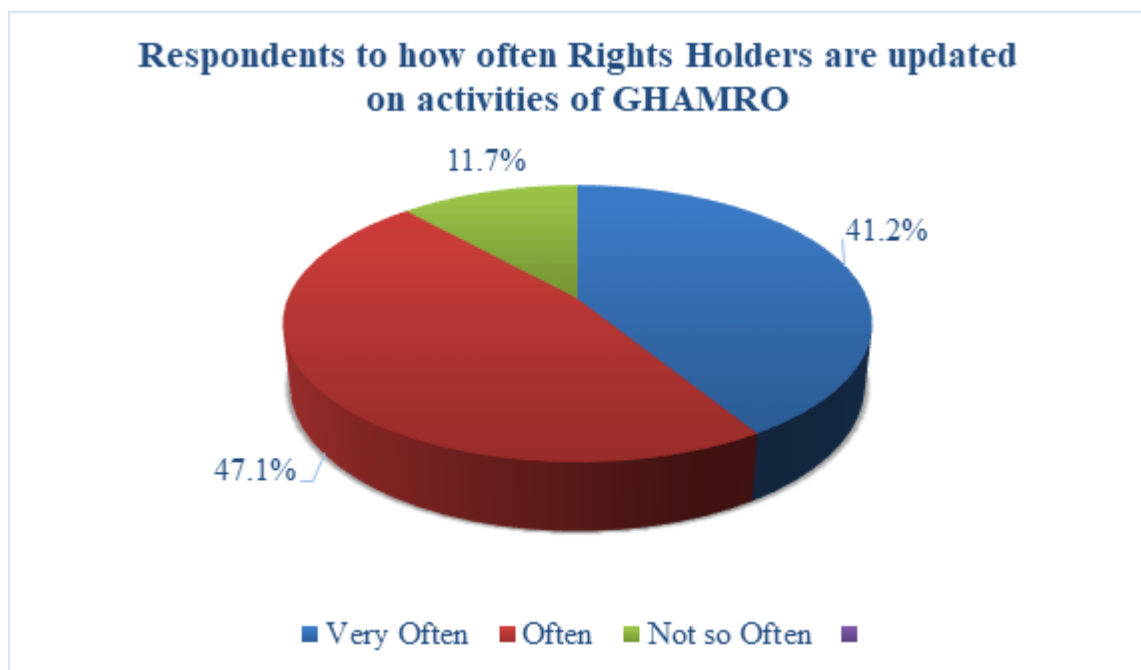
Table: 4.10: Responses as to how often Right Holders are updated

	Very Often	Often	Not so often	Total
How often are you updated on GHAMRO	7	8	2	17

activities				
<b>Percentage (%)</b>	<b>41.2%</b>	<b>47.1%</b>	<b>11.7%</b>	<b>100%</b>

Source: Field Work, 2021

The data in the above table indicate the number and percentage responses as to how often right holders are updated on the activities of GHAMRO. 7 representing 41.2% indicated that it was often, 8 representing 47.1% responded that it was not too often while 2 representing 11.7% indicated that it was very often.



**Figure: 4.10 Respondents to how often Right Holders are updated on the activities of GHAMRO**

#### 4.4 Board Members and Staff Responses

##### 4.4.1 Position held in the organization of respondents of Board Members and Staff

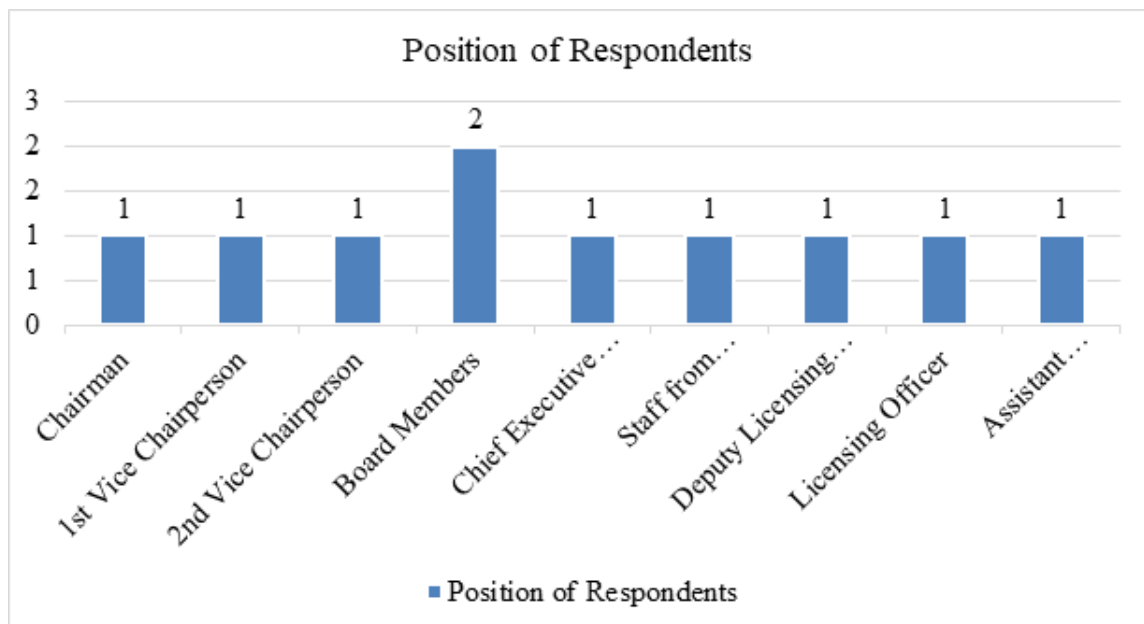
Table: 4.11 Position of Respondents

Position	Number of Respondents	Percentage (%)
Chairman	1	10%
1st Vice Chairperson	1	10%
2nd Vice Chairperson	1	10%
Ordinary Board Members	2	20%
Chief Executive Officer	1	10%
Staff from Documentation/Member	1	10%

Services		
Deputy Licensing Officer	1	10%
Licensing Officer	1	10%
Assistant Documentation Officer	1	10%
<b>Total</b>	<b>10</b>	<b>100%</b>

Source: Field Work, 2021

The researcher collected data from five (5) Board members, the Chairman, 1st Vice Chairperson, 2nd Vice Chairperson, and two (2) members of the board. Data was also collected from Five (5) staff, the Chief Executive Officer, a staff member from Documentation/Member Services, Deputy Licensing Officer, a Licensing Officer and an Assistant Documentation Officer. This constitutes a cross section of the Governance and Administration of GHAMRO. (This would be the positions held in the organization)



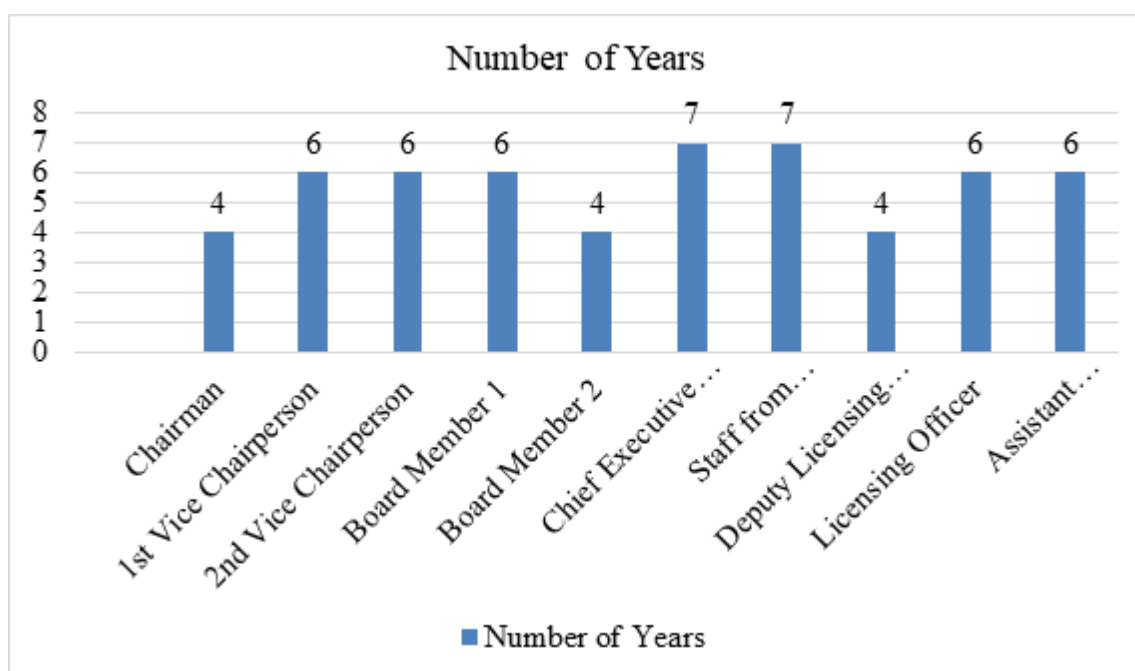
#### **Figure 4.11 Position of Respondents**

#### **4.4.2 Respondents on how long Board Members and Staff have worked in the organization**

Table: 4.12 Respondents on how long Board Members and Staff have worked in the organization

<b>Position</b>	<b>Number of Years</b>
Chairman	4
1st Vice Chairperson	6
2nd Vice Chairperson	6
Board Member 1	6
Board Member 2	4
Chief Executive Officer	7
Staff from Documentation/Member Services	7
Deputy Licensing Officer	4
Licensing Officer	6
Assistant Documentation Officer	6

Source: Field Work, 2021



**Figure 4.12 Number of years**

#### 4.4.3 Respondents on the organizations mandate

Table: 4.13 Mandate of the organization

Mandate of Organization
To license and distribute royalties to Rights Owners
To license, collect and distribute royalties to Public Performance of Music
To negotiate rates and terms of music usage with users

Source: Field Work, 2021

Responses to what the mandate of GHAMRO is, the following responses were given. All the respondents indicated the functions of GHAMRO as collection and distribution of royalties with a few adding functions such as licensing, negotiation of rates with music users and promoting the interest of its members.

#### 4.4.4. Respondents to whether the mandates are being carried out

Table: 4.14: Responses as to whether mandates are being carried out

	Yes	No
Are the mandates being carried out	8	0
Percentage (%)	100%	0%

Source: Field Work, 2021

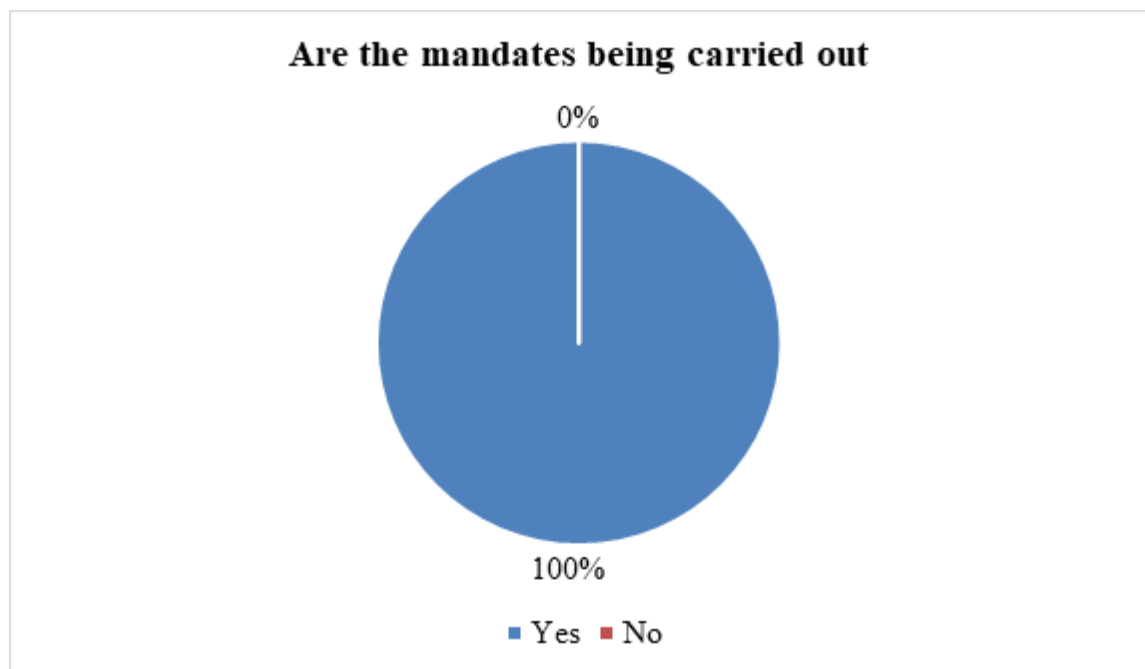


Figure 4.13 Respondents to whether the mandates are being carried out

#### 4.4.5 Respondents to how effective the mandates are being carried out

Table: 4.15 Respondents to how effective the mandates are being carried out

Number of respondents	How effective is the mandate being carried out
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1	There has been a paradigm shift in the collection process as compared to previous years
2	It can be better, more room for improvement
2	Not very effective
1	Very effective with well-trained officials

Source: Field Work, 2021

As to whether the functions of GHAMRO are being carried out, seven (7) participants responded. One respondent indicated that just like any other CMO, GHAMRO has its three core departments in place i.e., Documentation, Licensing and Distribution. The licensing department has officials who are well trained and understand the work and task given. The zeal and passion with which they carry out their work is really amazing. they ensure to license and collect from every identified user in the region. with an accurate members database in place, which is ensured by the Documentation department, the Distribution department also ensures to distribute all monies collected to beneficiaries. The distribution is done twice a year but for any reason if the organization is unable to fulfil its obligation that particular year, the distribution is done the next year. Another indicated that particularly with respect to the various strategic goals and objectives set by the organization within specific periods, they have been very effective. Another response indicated that even though GHAMRO is still an infant organization with teething problems. Tariffs, levies and fees were well determined and many users know their obligations but are not paying as they should state also that the mode of distribution should be title specific which is not the case at the moment.

Another respondent indicated that there has been a paradigm shift in the collection process, as compared to previous years. Another simply indicated that it can be better and there is more room for improvement. One response indicated that the mode of payments was through bank payments and mobile money transfers.

One person indicated that GHAMRO is not effective in its function because of ignorance on the part of users with regards to copyright and how it functions.

#### **4.4.6 Respondents to Rights administered by GHAMRO**

Table: 4.16 Respondents to Rights administered by GHAMRO

<b>Number of respondents</b>	<b>Rights administered by GHAMRO</b>
2	Administer the Rights of Right Owners
4	Administer Performing, Mechanical and Synchronization rights
2	Administer Composers, Producers, Publishers and Performers rights

Source: Field Work, 2021

Responses as to what rights GHAMRO administers, revealed that there was a general response that the rights ministered are Performing rights, Mechanical rights, Synchronization rights with a few others indicating Sound recording rights and neighboring rights.

#### **4.4.7 Respondents to how many members represented by GHAMRO**

Table: 4.17: Responses to how many members are represented by GHAMRO

<b>Number of respondents</b>	<b>How many members represented by GHAMRO</b>
4	over 4,000
3	over 5,000
1	5,900

Source: Field Work, 2021

Responses as to the number indicated ranged between Four thousand (4000) and Five thousand nine hundred (5,900). Majority of the respondents stated that they administer over four thousand (4,000) members, two (2) responded stated over 5000 members, one (1) stated about 4000 and One (1) specifically stated 5,900 members.

#### **4.4.8 Respondents to how often GHAMRO communicates with members**

Table: 4.18: Responses to how often GHAMRO communicates with members

<b>Number of respondents</b>	<b>How often GHAMRO communicate with members</b>
2	Communicate whenever the need be
2	Communicate often with members
4	Not very often

Source: Field Work, 2021

Responses received indicated that GHAMRO communicates with its members often. Some indicated that the organization communicates very often and another indicated as

often as possible. Further explanation by one participant indicated that GHAMRO ensures to communicate any important information needed for members consumption as frequently as possible either by bulk message, web portal or social media and also in terms of account during Annual General Meetings.

Our communication strategy he stated, is in three faces:

1. Our normal communication that relates to membership which is handled by the member service department
2. Periodic communication as it relates to programs like AGM and others you cannot communicate earlier than that of course and
3. general communication of the mandate and its operations. So, communication is always ongoing and particularly with respect to website and digital information and new media, communication is always being carried out.

One respondent also elaborated the open-door system operated by the office which allows members to freely come to the office to request for any information required.

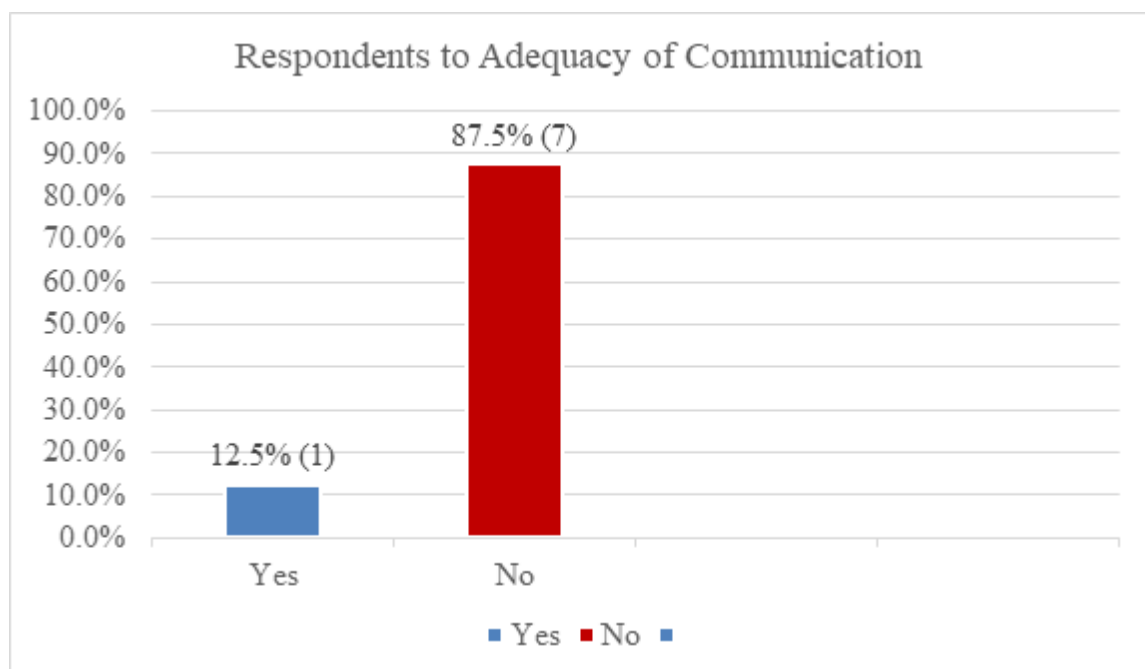
Other respondents indicated that GHAMRO did not communicate very often stating the reasons being that most of the information and activities of GHAMRO are communicated to members during AGMs and because they are not regular at AGMs they are not informed, another reason is that most members are technologically challenged or are not tech-savy therefore they are unable to access the website where most of the information of the institution can be found.

#### 4.4.9 Respondents to adequacy of communication

Table: 4.19 Respondents to the adequacy of communication

	Yes	No
<b>Adequacy of communication</b>	1	7
<b>Percentage (%)</b>	<b>12.5%</b>	<b>87.5%</b>

Source: Field Work, 2021



**Figure 4.14 Respondents to adequacy of communication**

Majority of the respondents admitted that the level of communication is not adequate, some indicated that there is more room for improvement, one indicated that they could do more, one stated that their communication was adequate. A further explanation from one candidate indicated that collective management operations are totally different from

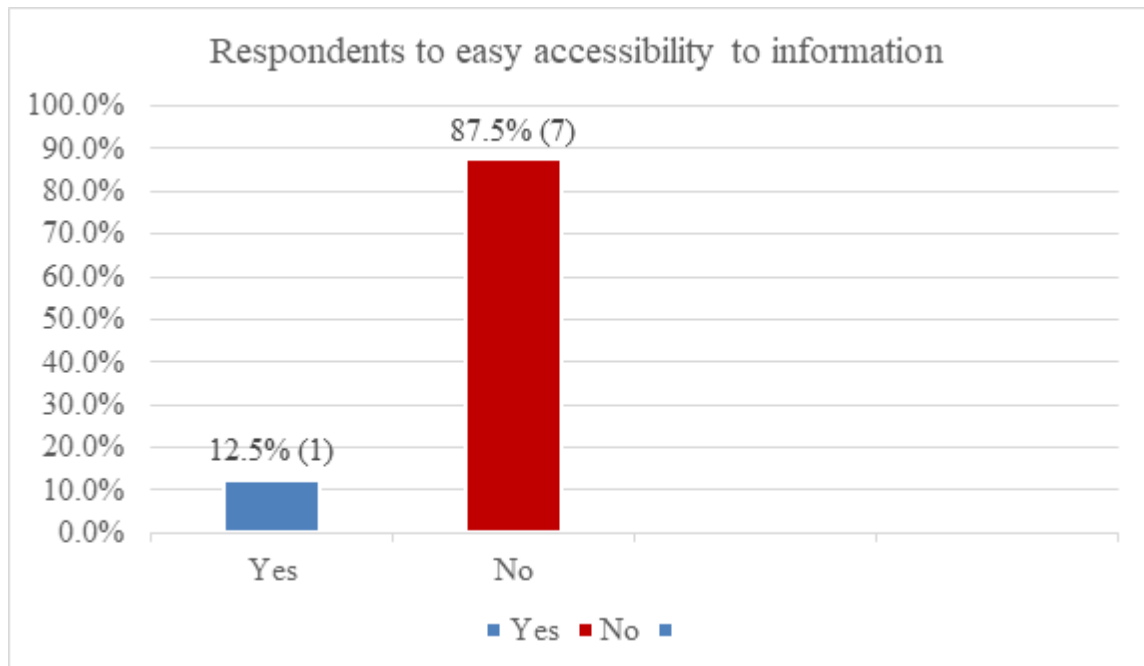
normal business operations where you are required to be communicating on product services. He further indicated that the organization's mandate is such that they need to communicate to specific members and not the public. He then stated that the organization's communication is to particular members who own rights so that if a member's work has not been used, there would be no money to collect for such a member, therefore there will be communication only at the point of distribution unless there are some complaints and so it is not one hundred percent which makes room for more improvement.

#### **4.4.10 Respondents to easy accessibility to information**

Table: 4.20 Respondents to easy accessibility to information

	<b>Yes</b>	<b>No</b>
<b>Respondents to easy accessibility to information</b>	1	7
<b>Percentage (%)</b>	<b>12.5%</b>	<b>87.5%</b>

Source: Field Work, 2021



**Figure 4.15 Respondents to easy accessibility to information**

Responses received from interviews reveals that activities for the year are shared through brochures and made available to all members, the organizations website is periodically updated with information and also members are attended to anytime they approach the office with issues or challenges. Accessibility of information relates to the infrastructure that is available for the information. The infrastructures that are available are human resources in terms of public relations. There is a public relations officer who is always available. The organization also has a website which is very active and the website has all the information, there are also catalogs that are printed periodically as well as infrastructural facilities that are available where people can walk in with whatever concerns and be attended to. The challenge faced with this from responses, reveals that the organization has no Public Relations department and that accounts for challenges faced by the organizations in this regard.

### **Trust of Members**

Interview responses to the question if the organization has earned the trust of its members revealed that respondents were of the view that the organization has not fully earned the trust of its members due to various factors such as ignorance and the organization's inability to please all members no matter how hard it tried. The factors that prevent the organization from earning the trust of its members were identified to include lack of understanding of the mandate by most members, lack of understanding of how the Organization works, bad mouthing of some disgruntled members, ignorance of the ordinary musician and lack of interest of some members in the affairs of the organization.

#### **4.4.11 Respondents for Users**

##### **4.4.11.i Gender distribution of respondents for Users**

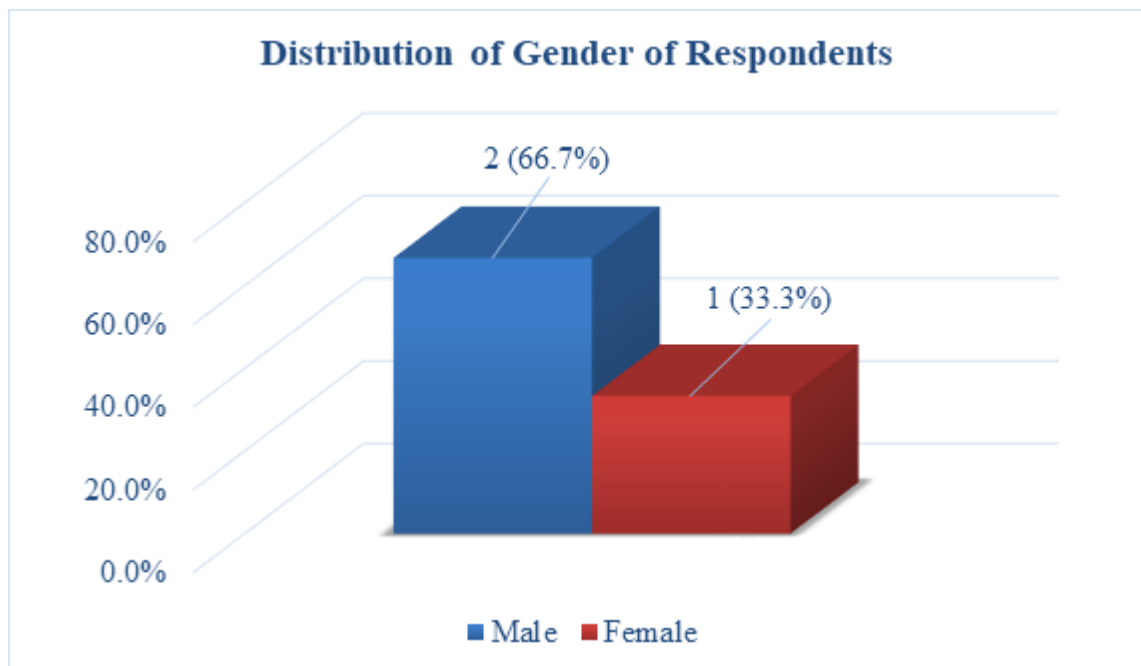
Table: 4.21 Distribution of Gender of Respondents

Gender	Number of Respondents	Percentage (%)
Male	2	<b>66.7%</b>
Female	1	<b>33.3%</b>
Total	<b>3</b>	<b>100%</b>

Source: Field Work, 2021

The data in the above table indicate that two (2) males and one (1) female responded to data collection instruments, which represents 66.7% and 33.3% respectively.





**Figure: 4.16 Distribution of Gender of Respondents**

#### **4.4.11.ii Organization of respondents for Users**

Table: 4.22 Organization of respondents for users

Name of Organization
Total Petroleum Ghana Limited
Agricultural Development Bank
Omni Media

Source: Field Work, 2021

The data in the above table indicate the three organizations which responded to the questionnaires administered.

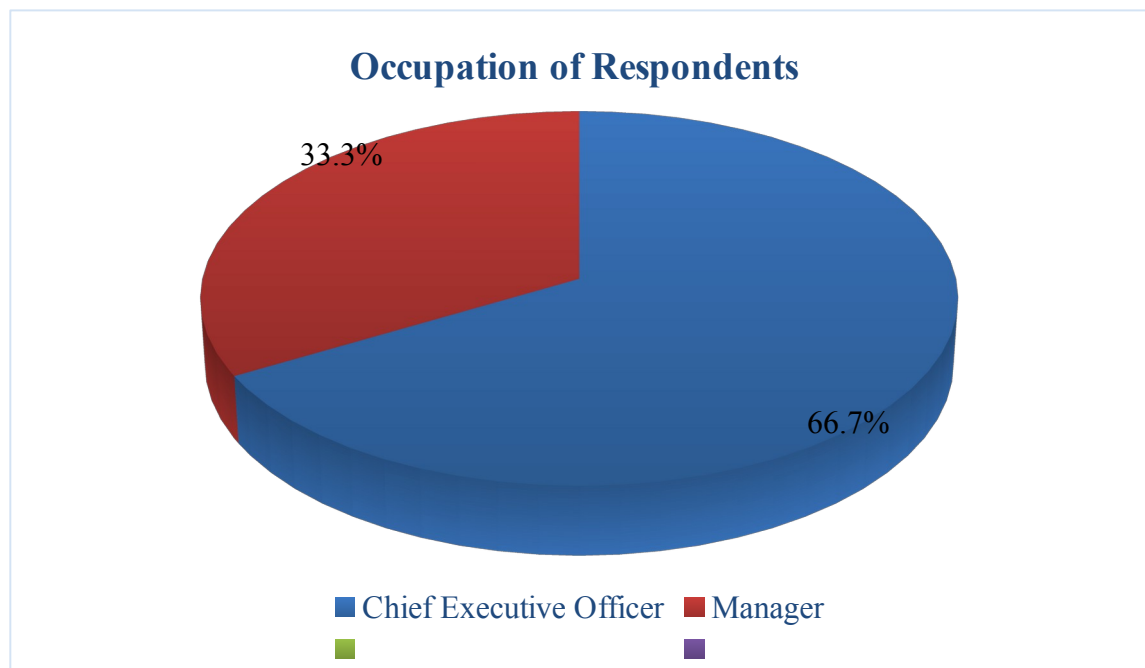
#### 4.4.11.iii Occupation of respondents for Users

Table: 4.23 Occupation of Respondents

Occupation	Number of Respondents	Percentage (%)
Chief Executive Officer	1	33.3%
Manager	2	66.7%
Total	<b>3</b>	<b>100%</b>

Source: Field Work, 2021

The data in the above table indicate the positions of the officers in the organizations who responded to the questionnaire administered



**Figure 4.17 Occupation of Respondents**

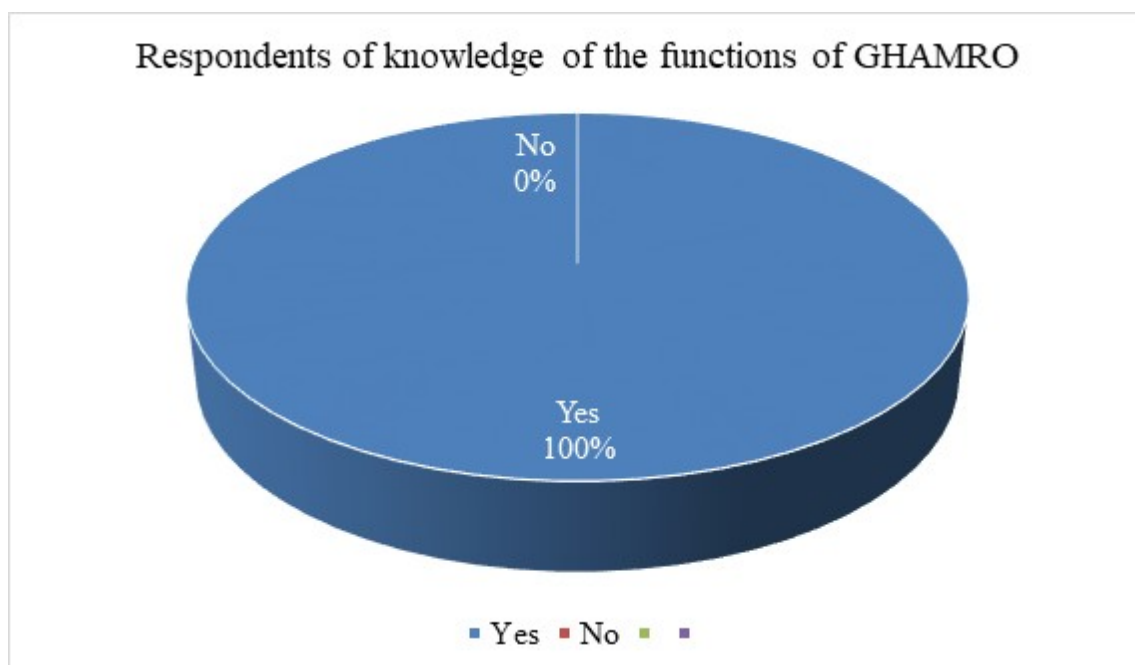
#### 4.4.11.iv Respondents to knowing the functions of GHAMRO for Users

Table: 4.24 Respondents to knowing the functions of GHAMRO

	Yes	No	Percentage (%)
Know the functions of GHAMRO	3	0	<b>100%</b>

Source: Field Work, 2021

The data in the above table reveals the awareness of the activities of GHAMRO by the officers who respond to the questionnaire. indicative of the fact that these organizations are aware of their obligations to GHAMRO.



**Figure 4.18 Respondents of knowledge of the functions of GHAMRO**

#### **4.4.11.v Respondents of the effectiveness of the functions of GHAMRO for Users**

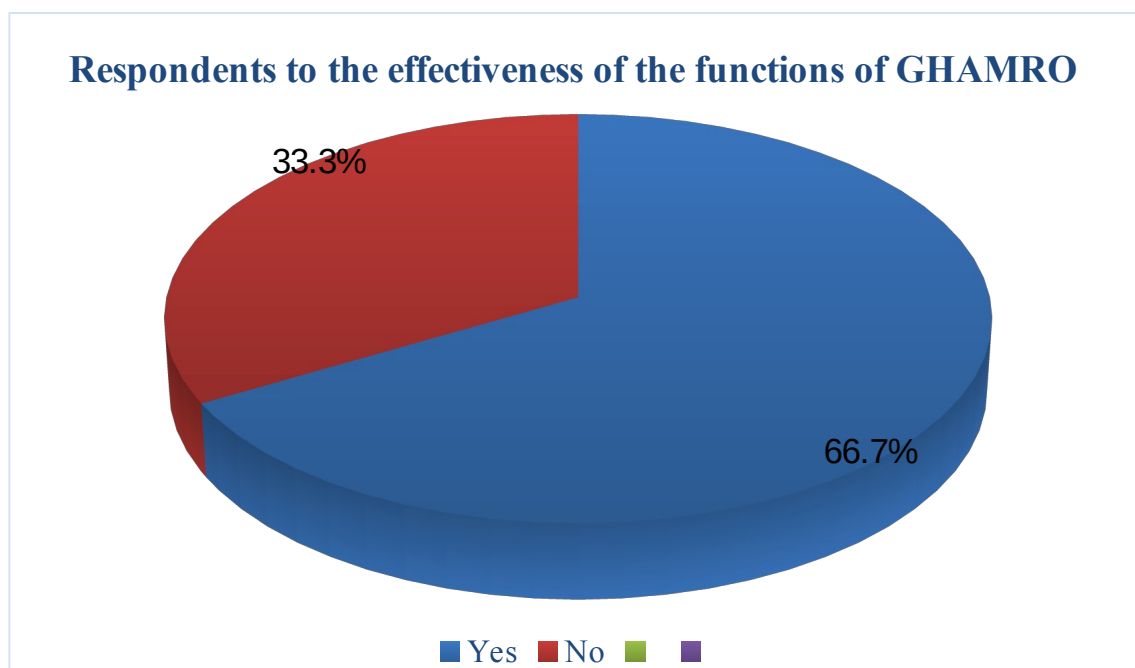
**Table: 4.25 Respondents to the effectiveness of the functions of GHAMRO**

	Yes	No	Total

Are the functions effective	2	1	3
Percentage (%)	<b>66.7%</b>	<b>33.3%</b>	<b>100%</b>

Source: Field Work, 2021

Responses to the questionnaire reveals that users even though they comply with the payment of royalties, simply do so to avoid litigation as most of them do not fully understand their obligations under the law and especially because there is no logging system in place which would, like in some other jurisdictions specifically indicate whose work has been used, for how long and how much accrued from such use. The current blanket licensing system makes users feel that the payments made are not distributed to the actual owners of works used and therefore feel that the organization can do much better to improve its mandate of collection of royalties. Some users also feel that more education programs should be organized to educate users and the general public on the provisions of the law and the functions of GHAMRO as well as their operation to bring them to the understanding of their obligations. The level of ignorance from users is evidenced in a response by a user who indicated that users are not appreciated when they pay royalties in spite of their music usage. Clearly this shows that some users do not quite understand the obligation imposed on them for the usage of musical works and see it as a favour being done to the right holders or even the organization for using the works of its members.



**Figure 4.19 Respondents to the effectiveness of the functions of GHAMRO**

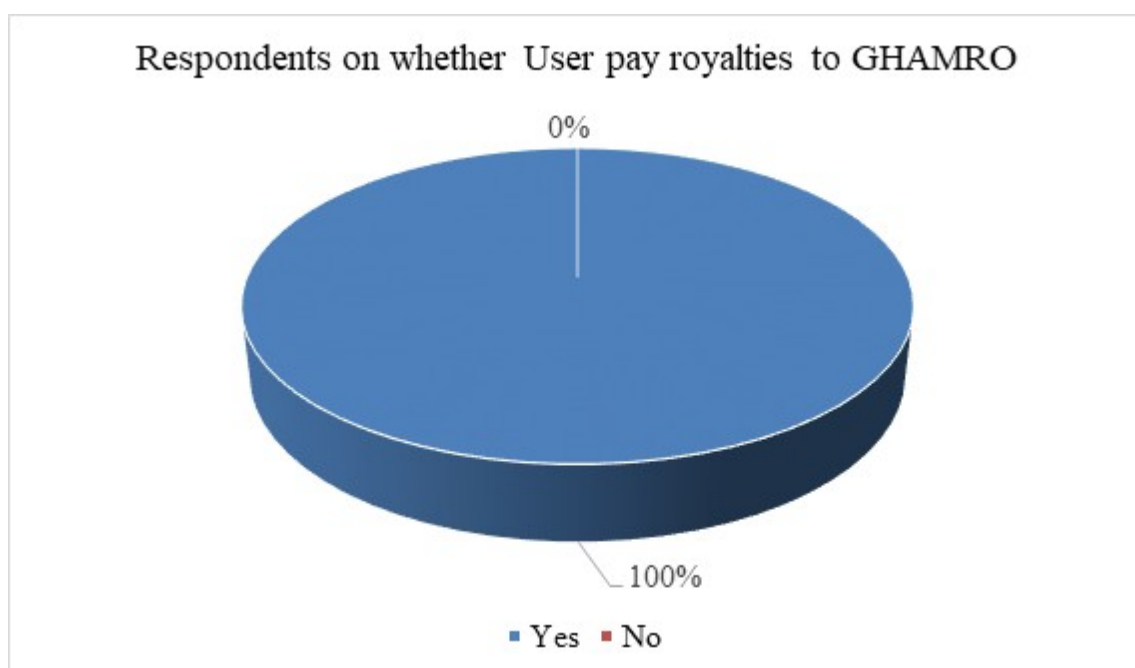
#### **4.4.11.vi Respondents on whether user pays royalties to GHAMRO**

**Table: 4.26 Respondents on whether receive royalties from GHAMRO**

	Yes	No	Total
Do you pay royalties to GHAMRO?	3	0	<b>3</b>
Percentage (%)	<b>100%</b>	<b>0%</b>	<b>100%</b>

Source: Field Work, 2021

The data in the above table indicates that all three (3) responding organizations responded in the affirmative representing 100% royalty payment.



**Figure 4.20 Respondents on whether users pay royalties to GHAMRO**

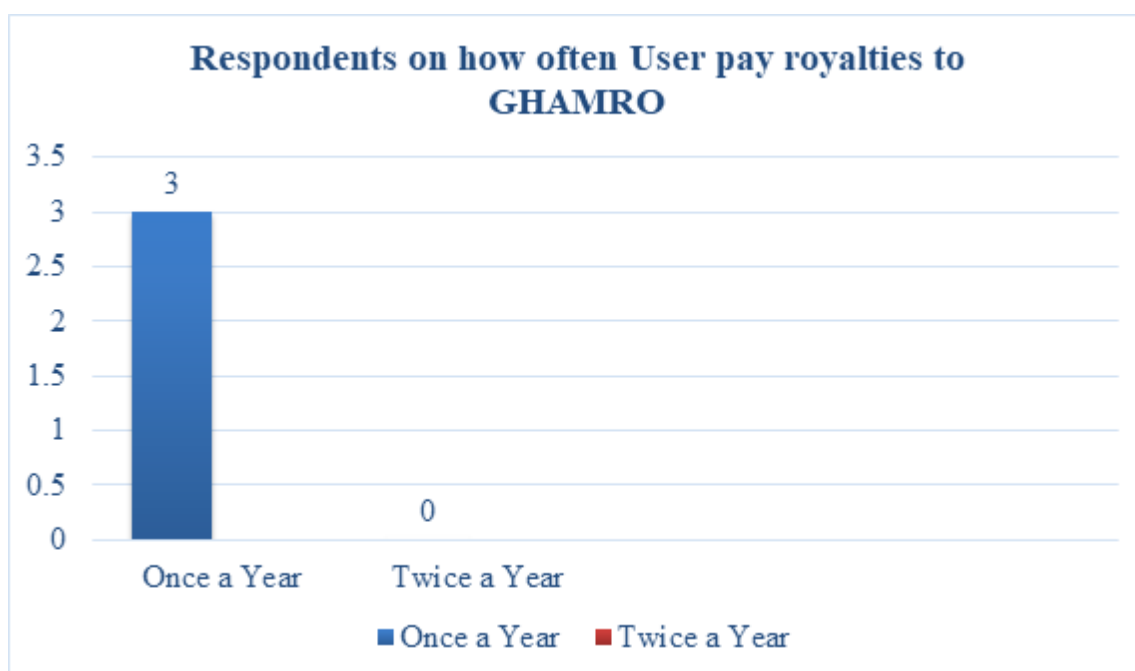
#### **4.4.11.vii Respondents on how often User pay royalties to GHAMRO**

**Table: 4.27 Respondents on how often Users pay royalties to GHAMRO**

	Once a Year	Twice a Year	Total
How often do you pay royalties to GHAMRO?	3	0	<b>3</b>
Percentage (%)	<b>100%</b>	<b>0%</b>	<b>100%</b>

Source: Field Work, 2021

The data in the above table indicates that all three (3) responding organizations pay royalties to GHAMRO once a year representing 100% of the participants paying royalties once a year.



**Fig 4.21 Respondents on how often users pay royalties to GHAMRO**

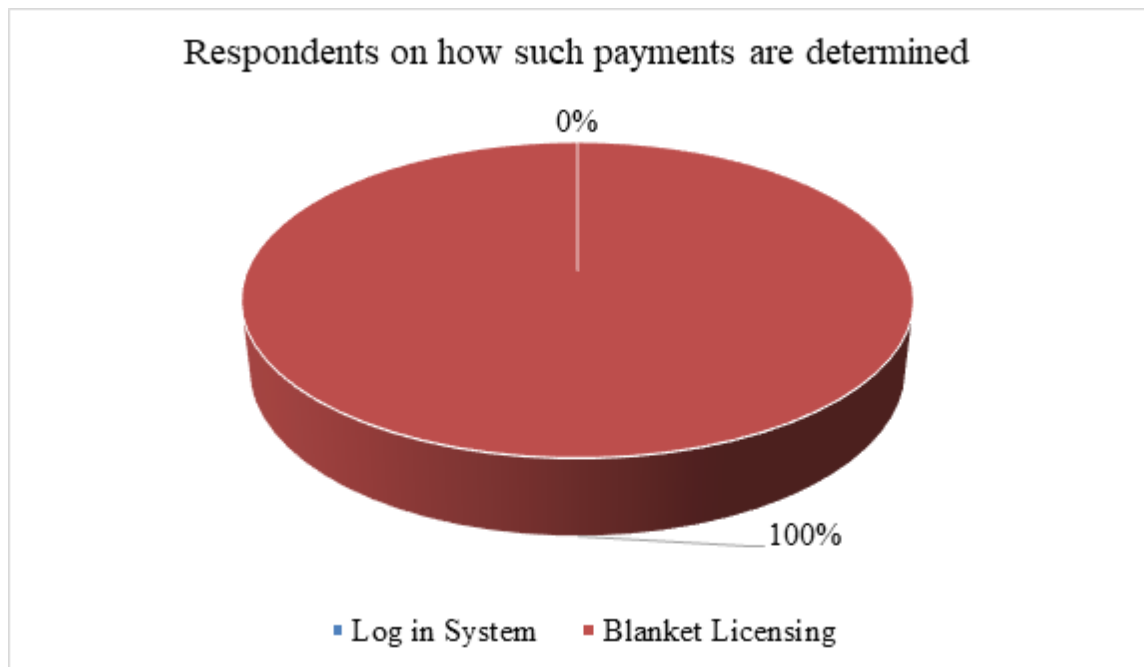
#### **4.4.11.viii Respondents on how such payments are determined for Users**

**Table: 4.28 Respondents on how such payments are determined by Users**

	Log in system	Tariffs	Total
How are such payments determined?	0	3	<b>3</b>
Percentage (%)	<b>0%</b>	<b>100%</b>	<b>100%</b>

Source: Field Work, 2021

The data in the above table indicates that all Three (3) responding organizations responded in the affirmative with regards to how payments are determined representing 100% of responses received.



**Figure 4.22 Respondents on how such payments are determined**

#### **4.4.12 Responses to the challenges faced by GHAMRO**

In response to the question as to what challenges GHAMRO faces in the execution of its mandate, the following responses were received;

1. Lack of logistics and assistance in the collection system.
2. Public perception of a generalized system where money collected is shared to every right holder
3. Civic Education, there Is a need to really educate people and it's a lot of investment that needs to be done and



4. Man power, that is inadequate staff strength.

## **4.5 Discussion and Interpretation**

### **4.5.1. Principles under which the Ghana Music Rights Organization Operates?**

As mentioned in the literature review of this research, the principles that govern collective management organizations hinge mainly on their functions which comprise monitoring, negotiations, licensing, tariffs, collection of remuneration and distribution of royalties.

### **4.5.2 Monitoring**

Some of the ways that CMOs obtain relevant usage data include the following options generally: Full reporting - the licensee provides the CMO with details of actual exploitation in each instance, Partial reporting based on sampling - a subset of licensees reports their uses over a given period of time, Statistical surveys - usage habits are measured at given intervals.

Data collected and interviews conducted indicate that GHAMRO uses the partial reporting system which is based on sampling and this involves officers monitoring the use of music users on the airwaves and periodic field survey exercises to identify users, after these users have been identified, assessment forms are sent to the users to provide information about their capacity, area of coverage and listenership but it was indicated that officers must be very observant so that even before the forms are filled, they have an overview of the users operations before they get to the them.

### **4.5.3 Negotiations**

Research responses also revealed that after the users are identified and assessment forms filled, officers of the organization approach such users who may be individuals or groups to negotiate with them on the tariffs and royalties required to be paid because there are currently no fixed tariffs. Sometimes because quite a number of the users have a backlog of unpaid royalties, a payment arrangement is entered with them so they can be paid in installment.

### **4.5.4 Licensing**

The very basis of a license agreement stems from mandates CMOs receive from rights holders, as CMOs can only license such uses as they are mandated to grant (Schroff, 2015). The license agreement specifies the scope of the license: which would include, the repertoire of the licensor, who is allowed to use the license, for what purposes, under which terms and conditions, and how the licensee reports usage. The licenses include; Blanket licensing, Transactional licensing to which the log in system relates.

Data collected revealed that GHAMRO uses the blanket licensing system which gives users permission to exploit any works in the CMO's repertoire within the limits of their agreement. Its licensing system is broken down in 3 parts. The first part is the administrative part. What the office does here is collect its marketing data. So that the users are identified as well as what they are using as indicated by an interviewee when elaborating the process said, "you must be very clear as to what material of yours the user is using". This is called internal market research (IMR). So, under the IMR, we do our own internal market research. Then under this same mode we develop tariffs for the

respective users. In addition to the development of tariffs, we have a view process follow up. The view process follow up is a system where there are a number of letters, one is the introductory letter of users' applications under the law, it's purely an educational material. The second letter positions what you are using that are known and if there is information contrary to what the organization is giving, they can clarify. Then an invoice issued, after the invoice what remains is a follow up. The follow up is also in 3 stages. A reminder letter, then a final reminder putting out the consequences of using without recourse to the law, and then the last stage is that where they still refuse to comply, an action is initiated against them. Normally, what is done is that the services of our monitoring team is employed to assist". All licenses run from 1st January to 31st December of the year. where practicable, negotiations are undertaken with umbrella bodies like Spinners, Hotels, Bars and Restaurants Associations (GHAMRO, 2015).

The same procedure as illustrated above also applies to digital use as well. GHAMRO with regards to digital content is collaborating with the local digital content providers association, IFPI and CAPASO who make their data and usage available to GHAMRO from which they initiate the licensing process elaborated above. The challenges associated with that include delay in data availability, some local digital content providers simply refuse to provide the data and for those who manage to provide the data there is in many cases a simple unwillingness to pay.

Currently, GHAMRO has 12 different categories of music users as listed in the table below:

Table 4.29 Categories of Music Users

<b>REF</b>	<b>Category</b>
1	Broadcasting
2	Television
3	Radio
4	Public Performance
5.	Hotels
6	Live Events
7.	Spinners
8	Shops and Malls
9	Restaurants
10	Pubs, Bars and Clubs
11	Banks
12	Advertisements
13	Filling Stations
	Communication to the Public

14	Digital
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Source: GHAMRO Annual Reports and Accounts 2018.

#### 4.5.5 Tariffs

As earlier indicated the license agreement specifies on what basis remuneration is to be paid. Common tariff parameters include a percentage of revenue, price per user, price per entity of usage, etc. (World Intellectual Property Organization, 2020). Interview responses revealed that tariff development is actually based upon 3 factors worldwide. 1. Market research, you must look at the state and level of economy. The economies are not the same so you must do market research. 2. industry norms. It cannot be totally different from what pertains in the US, Canada in terms of its structure. And 3. the type of usage. There are usages that are not very similar.

Practically, in Ghana, the research reveals that tariffs of CMO's in other African countries are considered in the development of its tariffs, also in Ghana music users have been categorized because all users cannot be charged the same way for example a radio station that has a listenership of say 1 million cannot be charged the same amount of money that a rural radio station that has a listenership of 100 is charged so they have been categorized into grades A, B, C and D. These categories are used to determine the tariffs to them. One respondent indicated as follows "The challenge faced here is that in other countries, or in other jurisdictions, it is the government that sets the tariffs for example the US, the government sets the tariff so it is impressed upon the music user to know that as long as they want to use music, this is what they have to pay. Here we

don't have any such thing so when officers go out as a collective management organization to collect money from music users, they question the basis upon which the organization is charging them the stipulated tariffs. This makes collection difficult and almost blanket for everyone".

#### **4.5.6 Collection of Remuneration**

Collection details are specified in a licensing agreement. Copyright remuneration can be invoiced quarterly, every half a year or at least once in a year depending on the particular CMO. Collection is closely linked with reporting obligations. Ideally, users of musical works are required to supply the CMO the details of its usage and with that report the CMO receives basis for its collection and consequently invoices them accordingly. In Ghana however, even though the law mandates the music users, especially the radio stations to log for the music they use and send the program returns to the CMO, most of them do not. Therefore, the little money collected as well as the data needed to distribute the money equitably is not available which makes distribution challenging. For incidental licensees, such as organizers of concerts, reporting of the use may be a prerequisite for invoicing. In that case, the particularities of paying are specified in the permission that is given to the user (Koskinen-Olsson & Lowe, 2012).

Interview conducted revealed that the administration of the collections of GHAMRO was such that users used the works before they were required to pay. So, users were accumulating huge debts which was standing in the organization's books meaning that there were users who had not paid for a whole year but invoices were still being sent, they didn't pay the whole ensuing year and the year before and therefore owed so much.

Observing the challenge this system created, the administration of the collection was changed to comply with the strict implementation provisions as set out in section 36 of the Copyright Regulations 2010 which provides “A person who intends to perform the work of an author or cause the work of the author to be performed in public or do any act in respect of work protected under the Copyright Act, 2005, (Act 690) shall apply to the appropriate society for a license for the performance of the work”. Which means that a user needs to obtain a license before they use musical works and 37(2) which provides “A society shall charge royalties in respect of the grant of a license as it may determine”. In applying this provision, a system was created which separated tariffs for annual performance fee from royalties. It means that after obtaining the license to use the organization can charge royalties for actual use which has positively improved collections so much so that usually by January of previous years collection was around thirty to forty thousand cedis (GH¢30,000 - C40,000) but after the new system was put in place, in January, collections hover around two hundred thousand cedis (GH¢200,000) and above this is because at the beginning of the year users are required to take a license for use of musical works. If they don't take a license and they use the works, they will be using it illegally and they can be sued for that.

As a result of the new organization directives, MTN, MILLICOM, VODAFONE and AIRTEL (Telco's), Ghana Broadcasting Corporation, E.I.B, Group Ndoum, Network Broadcasting, Global Media Alliance and Despite Company Limited were sued in 2018 for non-compliance. The matters against the telco's were determined in favour of GHAMRO with the rest still pending in the courts.

This accounts for the 100% payment shown in the data collected, many users pay simply to avoid litigation and that has been advantageous to the organization as users who intend to use music are compelled to take a license at the beginning of the year and that accounts for the major hike in collections in recent years. The table below shows the Revenue collection for the years 2016 to 2019.

Table 4.30 Revenue collected between 2016 and 2019

<b>YEAR</b>	<b>COLLECTIONS (GH ¢)</b>	<b>LEVY (GH¢)</b>	<b>TOTAL (GH¢)</b>	<b>PRO%</b>
2016	915,508.55	2,767,754.26	3,683,262.81	24
2017	1,761,969.94	2,244,627.23	4,006,597.17	26
2018	1,815,355.40	2,463,349.65	4,278,705.05	28
2019	1,993,953.53	1,510,012.05	3,503,965.58	23
<b>TOTAL</b>	<b>6,486,787.42</b>	<b>8,985,743.19</b>	<b>15,472,530.61</b>	<b>100</b>

Source: GHAMRO Annual Report and Accounts 2019.

This reflects the upward trend of actual collections between the years 2016 and 2019 which went from GH¢915,508.55 to GH¢1,993,953.53 respectively. The levy is the compensation collected by customs for the importation of devices upon which copyright works can be copied, a percentage of this levy is distributed to all the CMO's when collected this adds up to the actual collections to give a total amount for each year.



#### **4.5.7 Distribution of Remuneration**

Most licensees have a blanket licensing agreement with the CMO and collection of revenue is specified in that agreement while incidental licensees pay per event or transaction (World Intellectual Property Organization, 2020).

A basic principle of collective management of individual rights is that remuneration should be distributed to rights holders according to the actual use of their works. Thus, ideally, each rights holder would receive individual remuneration according to the actual use of his/her work in every instance even though this has not been the case, this research reveals that some efforts have been made in an attempt to remedy the situation in GHAMRO. So far, the distribution of the organization has been on two fronts, firstly, to align with timelines provided under section 29 (1b,2&3) and 30 of the Copyright Regulations 2010 (LI 1962), secondly, to effect a scientific process of pay per play as well as expatriation of foreign receipts to sister organizations. In this respect, collated monitoring data was piloted in partnership with Quisimah Audio Insights for an average of Forty-three (43) radio and Television stations which resulted in data of about 171,904 which was a departure from the categorization approach of previous years. The ultimate plan is to ensure distribution based on actual works used accompanied by statements which has been a challenge for the organization. A new agreement with a private partner is in the offing subject to putting in place the requisite metadata.

Internationally also, the research revealed that GHAMRO's consistency in CISAC programs led to the conclusion of reciprocal agreements with SAMRO, SAMPRA, BGDA, BMDA, CAPASSO, COSOMA, COSON, NASCAM, RSAU and SCM. The

organization has also executed a pivot agreement with CAPASSO as the single digital licensing hub for South Africa territory to cover platforms exploitation on Apple, Deezer, Google, Huawei, Joox, Simfy, Spotify and YouTube (GHAMRO, 2019). This is intended to enhance GHAMRO's ability to receive royalties for work of its members used in all of these countries where these organizations are located and places upon them an obligation to also collect for members of those organizations within Ghana.

The research further revealed that data for the distribution of royalties is in accordance with the provisions of Regulation 37(4) of the Copyright regulation which provides "A society may request a person granted a license to submit monthly returns of all the authors' works used or performed by the person, to the society". Based on this provision, data is collected from the Ghana Broadcasting Organization, Private broadcasters, the digital network providers association as well as CAPASSO. The mechanism for identifying missing data was indicated as being through monitoring mainly on YouTube, from bloggers and radio discussions. The modes of distribution identified were in two ways, general distribution where every member of the organization is paid royalties and the specific distribution which is paid according to data received as requested. The mediums of distribution were through cheques, direct bank transfers and through mobile money transfers. Some challenges faced at the initial stage were change of bank accounts for all customers of some banks which affected direct bank transfers because accounts numbers had been changed and the organization had not been notified and records updated as well as a few network challenges with the mobile money transfers but over all this mediums has proved reliable and has brought some sanity to the organization as in times past payments were done manually which meant that members

from all over the country had to travel to GHAMRO's head office to collect their royalties. This was a real discomfort to the members.

#### **4.6 Summary**

This section looked at the introduction to the chapter and then proceeded to look at the Source, quality and response to data collection instruments administered, then looked at the demographic profile of respondents, then proceeded to look at the data presentation and analysis and further the analysis of data which dealt with responses to the data collected in all four categories of the sample population in the research which included Right holders, Board and Staff of GHAMRO and Users of Musical Works. It then finally looks at the discussions and Interpretation of data collected which dwelt mainly on the functions of GHAMRO in relation to its effectiveness in the execution of its mandate incorporating its governance structure as well as challenges faced by GHAMRO in answer to the research questions.

### **CHAPTER 5 SUMMARY, CONCLUSIONS AND RECOMMENDATIONS**

## **5.1 Introduction**

This chapter aims at summarizing the research findings which in total relays to the statement of the problem, the objective of the study, the literature review, research methodology, major findings of the study, conclusions and recommendations. The research study has viewed the current operation of the Ghana Music Rights Organization with regards to the effectiveness of its core duties of collection and distribution of royalties identifying the challenges faced by GHAMRO in administering the stated mandate.

## **5.2 Discussion**

From the research finding, it is evident that GHAMRO has largely been effective in the delivery of its mandate especially with regards to the normal use of musical works even though it revealed a hundred percent payment of royalties by users, not all users do pay and for those that pay, they do so mainly to avoid litigation which has enured to the benefit of the organization with regards to its mandate. Distribution naturally flows from collection and so with the 100% collection revealed a 100% distribution rate to members, however the challenge as revealed by the research is not that members receive royalties but their complaint is the quantum of royalties they receive and that has been the constant complaint of right holders. This research did not really go into the details of that area but it is worthy to note that these may be a possible area for further research.

Secondly, the research revealed that the goal of GHAMRO is to make distributions based on actual works used which is the practice in many jurisdictions however attempts to get the users to actually provide the data of actual work used has proved futile over

the years making equitable distribution difficult. some attempts as revealed has been made to remedy the situation that is the collated monitoring data which was piloted in partnership with Quisimah Audio Insights for an average of Forty-three (43) radio and Television stations and which resulted in data of about 171,904 and another private partnership in the offing. This system even though piloted has not been really effective because the necessary infrastructure required to make it fully effective is lacking.

Thirdly, this research revealed that GHAMRO has in furtherance of its mandate taken steps internationally to enter into reciprocal agreements with sister organizations in other countries to enable it collect royalties for the use of its members works in those countries which adds to its revenue collection.

Fourthly, with regards to the Government's involvement in the operations of collective management organizations, the requirement is not the same in every country and the laws of the country must be considered in this regard. In Ghana, Government through the Copyright Office is responsible for mainly supervision of the operations of Collective management organizations and is not directly involved in its day-to-day operations such as setting of tariffs, monitoring and he likes even though in some instances the office comes in to advise and assist in these areas. The Copyright Act 2005 makes adequate provisions to give Collective management the legal backing to carry out their mandate; examples are provisions in Sec 36 and 37 of the Copyright Regulations. As part of its supervision, the government requires the collective management organizations to submit annual audit reports through the copyright office. This, since 2015 has been complied with by GHAMRO.

Over all, GHAMRO can be said to have been effective in its mandate and has been enhanced in its efforts by its adherence to the provisions of the copyright law which has made compliance by users easier and allowed them to continue to functions they should certainly not without their own challenges but in spite of the challenges they have made an effort to deliver especially with regards to distribution of royalties to members in the face of the challenges with collection.

### **5.3 Conclusions**

In a nutshell, the researcher in addressing the research objectives and questions found out that in assessing GHAMRO's effectiveness as to its core functions of collection and distribution of royalties, GHAMRO actually is successful in the execution of its mandate what however is the challenge that if when resolved to aid in more revenue collection is the need to operationalize the logging system which will allow for collection of data for actual work used and therefore enable GHAMRO pay more to its members.

Secondly the researcher found that even though GHAMRO successfully collects and distributes royalties as scheduled, its users don't fully understand their obligations under the law and therefore struggle with royalty payment unless compelled to with threats of litigation.

Finally, it came to light that even though the members are paid royalties for the use of their works, the payments in their view are not adequate as they feel that they should be earning more for the use of their works this is partly due to the fact that not all users pay

and even those that pay are not paid with regards to actual use so the little collected is distributed among all members whether their works are used or not. This is what GHAMRO is working tirelessly to move away from so that a system is established where payments are made for actual use with invoice to show details of the use that is where, when, for how long and how much accrued from the use so that there is no more doubt in the mind of the right holder as to the amount of royalty paid to them.

#### **5.4 Implications**

GHAMRO needs to expeditiously ensure the operationalization of its logging system to be able to track and monetize the exploitation of right holders' works both physical and digital to ensure wherever or whenever music or sound recording is used, they can identify and collect efficiently. That way they can ensure that all users comply with the provisions of the law and where they fail, sue accordingly. Obviously, it is easier to compel a user to pay for works used when there is evidence to show that the works were actually used, that too can serve as good evidence in the case of a litigation where they fail to comply.

#### **5.5 Recommendations**

It is the recommendation of the researcher that GHAMRO implement the following mechanisms to help in enhancing the effectiveness of its core function of collection and distribution of royalties.

1. In order for GHAMRO to fully achieve its mandate it is imperative that they expedite arrangement to fully implement the logging system that will facilitate collections for actual work used as well as distribution of same to clear the doubts of users as well as

right holders as to whether what they are required to pay and being paid respectively are adequate or not.

2. Awareness creation among rights holders, users and the general public cannot be overemphasized and is key to the effective execution of GHAMRO core functions. In order to improve the overall performance of GHAMRO as well as ensuring its relevance to rights holders and users, it is critical that constant public awareness is created for the general public to know and understand the role and mandate of GHAMRO. This will enhance a smooth licensing regime and also increase the level of revenue generated.

3. Making information available to members is also key because even though GHAMRO is putting in so much effort to ensure that it delivers on its mandate, if its operations are not effectively communicated to members to bring them to the understanding of what and why they are doing what they are doing, nature abhors a vacuum therefore the people will make up stories to justify what they see which may not be in the interest of the organization and may affect the execution of its functions.

4. GHAMRO must take steps to operationalize the reciprocal agreements entered into with other sister organizations and begin to collect for the same and make them available to the various organizations which in turn will obligate them to do the same in the interest of the organization. that also improves international relations among CMO's.

5. GHAMRO must continue to work towards operating within international standards so as to improve its reputation in the international front to give it leverage to access needed assistance and partnerships to enhance the execution of its functions.



## **5.6 Suggestions for Further Research**

It is hoped that future studies in this direction may draw larger samples to enable the researcher to apply the appropriate statistical tools and also generalize the findings. This can be done by comparing research from other jurisdictions to get the realistic trend within the region.

Another area may be an in-depth research into the concerns of right holders with regards to royalties they receive and how it affects their livelihood.

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## **APPENDICES**

### Appendix 1: Informed Consent Guide

## INFORMED CONSENT GUIDE

My name is Dorothy Habadah a (Masters in Intellectual property) student from Africa University. I am carrying out a study on Assessing the Effectiveness of the Governance Structure within Collective Management Organizations in Ghana: A Case Study of Ghana Music Rights Organization. I am kindly asking you to participate in this study by answering this following questions/filling in this questionnaire.

What you should know about the study:

Purpose of the study:

The purpose of the study is to establish how collective management organizations function and are governed as well as to establish if the Governance structure in place is effective. You and Thirty (30) others were selected for the study because of your first hand knowledge and expertise in the operations and governance of GHAMRO.

Procedures and duration

If you decide to participate you will be required to answer the listed questions on Governance of CMO's. It is expected that the interview will take about Thirty (30) minutes to be completed within which you are free to respond to the questions as openly as possible.

Risks and discomforts

Possible risks to participants may be the risk of an employee of the organization giving information that may be negative with regards to the organization which may put such an employee at the risk of falling out with their employers. To minimise this risk all information collected from employees with be discreetly handled and their identities kept from being disclosed.

Benefits and/or compensation

This dissertation if done will benefit the stakeholders, who are the right holders of the works being administered by the CMO's because if the organization is managed properly, it amounts to more income for the right holders. The organization also benefits because it will provide possible options for better management of right holders rights. No compensation will be given to participants of this research.

Confidentiality

Any information that is obtained in this study that can be identified with you will not be disclosed without your permission. Names and any other identification will not be asked for or indicated in the questionnaires.

Voluntary participation

Participation in this study is voluntary. If you decides not to participate in this study, your decision will not affect your future relationship with GHAMRO or the Copyright Office.(participant's organisation or other authority) If you chose to participate, you are free to withdraw your consent and to discontinue participation without penalty.

Offer to answer questions

Before you sign this form, please ask any questions on any aspect of this study that is unclear to you. You may take as much time as necessary to think it over.

Authorisation

If you have decided to participate in this study please sign this form in the space provide below as an indication that you have read and understood the information provided above and have agreed to participate.

-----  
Name of Research Participant (please print)

-----  
Date

-----



Signature of Research Participant or legally authorised representative

If you have any questions concerning this study or consent form beyond those answered by the researcher including questions about the research, your rights as a research participant, or if you feel that you have been treated unfairly and would like to talk to someone other than the researcher, please feel free to contact the Africa University Research Ethics Committee on telephone (020) 60075 or 60026 extension 1156 email [aurec@africau.edu](mailto:aurec@africau.edu)

Name of Researcher: Dorothy Habadah.

## Appendix 2: AUREC Approval



### AFRICA UNIVERSITY RESEARCH ETHICS COMMITTEE (AUREC)

P.O. Box 1320 Mutare, Zimbabwe, Off Nyanga Road, Old Mutare-Tel (+263-20) 60075/60026/61611 Fax: (+263 20) 61785 website: www.africau.edu

Ref: AU1890/21

4 February, 2021

Dorothy Habadah  
C/O CBPLG  
Africa University  
Box 1320  
**Mutare**

RE: **ASSESSING THE EFFECTIVENESS OF COLLECTION AND DISTRIBUTION OF ROYALTIES IN COLLECTIVE MANAGEMENT ORGANIZATIONS IN GHANA: A CASE STUDY OF GHANA MUSIC RIGHT ORGANIZATION**

Thank you for the above titled proposal that you submitted to the Africa University Research Ethics Committee for review. Please be advised that AUREC has reviewed and approved your application to conduct the above research.

The approval is based on the following.

- a) Research proposal
- b) Data collection instruments
- c) Informed consent guide
- **APPROVAL NUMBER** AUREC1890/21  
This number should be used on all correspondences, consent forms, and appropriate documents.
- **AUREC MEETING DATE** NA
- **APPROVAL DATE** February 4, 2021
- **EXPIRATION DATE** February 4, 2022
- **TYPE OF MEETING** Expedited  
After the expiration date this research may only continue upon renewal. For purposes of renewal, a progress report on a standard AUREC form should be submitted a month before expiration date.
- **SERIOUS ADVERSE EVENTS** All serious problems having to do with subject safety must be reported to AUREC within 3 working days on standard AUREC form.
- **MODIFICATIONS** Prior AUREC approval is required before implementing any changes in the proposal (including changes in the consent documents)
- **TERMINATION OF STUDY** Upon termination of the study a report has to be submitted to AUREC.



Yours Faithfully

MARY CHINZOU – A/AUREC ADMINISTRATOR/CHAIRPERSON, AFRICA UNIVERSITY RESEARCH ETHICS COMMITTEE

## Appendix 3: Questionnaire and Interview guide

### INTERVIEW GUIDE FOR RIGHT HOLDERS

Please answer all questions.

#### Right Holders

##### Part A: General Information

1. Occupation (select one)

- Student
- Musician
- Music producer
- Others.....

2. Age of Respondent

- Below 20
- 20-25
- 25-30
- 30-35
- 35-40
- 40-45

- 45-50
- Above.....

3. Gender

- Male
- Female

4. How long have you been a member of GHAMRO

- 1-5 years
- 6-10 years
- more than 10 years

5. What in your view is the function of GHAMRO?

.....

.....

.....

6. Do you think that is being carried out?

- Yes
- No

7. If no, what in your view is the reason why?

.....  
.....  
.....

8. How can it be improved?

.....  
.....  
.....

9. How easy is it to get information from GHAMRO?

- Very easy
- Easy
- Not so easy

10. If not so easy, what in your view is the reason why?

·.....  
.....  
.....

11. Are you updated on the activities of GHAMRO?

- Yes
- No
- If yes,

How often.....

12. What in your view can make 10 above better?

.....  
.....  
.....

### **QUESTIONNAIRE FOR RIGHTS HOLDERS**

1. Gender

a) Male

b) Female

2. Age of Respondent

- Below 20
- 20-25
- 25-30
- 30-35
- 35-40
- 40-45
- 45-50
- Above.....

3. Occupation

a) producer

b) Musician

c) Others .....

Do you know the function of GHAMRO?

a) Yes

b) No

5. Do you think those functions are carried out?

a) Yes

b) No

6. If yes above, do you think they are effective?

a) Yes

b) No

7. If no to 6 above, what in your opinion is the reason why?

.....

.....

.....

8. How easy is it to get information from GHAMRO?

- Very easy
- Easy
- Not so easy

9. Are you updated on the activities of GHAMRO?

- Yes
- No
- If yes,

10. If yes to 9 above, How often?

- Very often
- Often
- Not so often

**INTERVIEW GUIDE FOR BOARD MEMBERS AND STAFF OF GHANA MUSIC RIGHTS ORGANIZATION**

**Interview Guide**

1. Gender

- a) Male
- b) Female



## 2. Age of Respondent

- Below 20
- 20-25
- 25-30
- 30-35
- 35-40
- 40-45
- 45-50
- Above.....

## 3. Occupation

a) producer

b) Musician

c) Others .....

4. What is your designation in the company?

5. How long have you worked for the organization

6. What is the mandate of the organization?

7. In your view, are they being carried out?
8. If yes to 7 above, how effectively?
9. If no to 7 above, what in your view is the reason why?
10. What rights do you administer?
11. How many members do you represent?
12. How often do you communicate with your members?
13. Do you think it is adequate?
14. If no to 13 above, what in your view is the reason?
15. Is information easily accessible to your members?
16. If no to 15 above, what in your view is the reason?
17. Have you, in your view earned the trust of your members?
18. If no, in your estimation, what could be the reason why?
19. What are the challenges faced by GHAMRO?
20. how do u get data for distribution?
21. What is your mechanism for identifying missing data?
22. How do you distribute to members?

#### Appendix 4: Approval Letter from GHAMRO

