



Mirga Waraabbii fi Mirgoota Hidhata Qaban Meeshaa Hojiiwwan Kalaqaa Itiyooophiyaa Keessaatiif

ADDIS ABABA, ITIYOOPHIYAA
Ebla 16, 2016

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Seensa

Hawaasa har'aa beekumsaan geggeeffamu keessatti qabeenya kalaqa sammuu (intellectual property /IP) , kalaquu, uumuufi guddina dinagdee jajja-beessuu keessatti gahee olaanaa qaba. Uumtonni, kalaqtoonni, barsiisonni, fi fayyadamtoonni hojiiwwan kalaqaa qabiyyee oomishuufi qooduu irratti caalmaatti yeroo hirmaatan, bu'uuraalee seeraa mirgoota kanneen eegsisan hubachuun yeroo kamiyyuu caalaa barbaachisaa dha.

Meeshaan kun namoota dhuunfaa fi dhaabbilee dirree qabeenya kalaqa sammuu keessa naanna'uun sakatta'uu barbaadaniif **seera mirga waraabbii Itoophiyaa irratti xiyyeeffannoo addaa** kennuudhaan **qabeenya qabatamaa fi dhaqqabamaa** ta'ee kan qophaa'edha. Kunis yaad-rimeewwan ijoo IP salphisuu, mirgoota fi dirqamoota uumtotaafi fayyadamtootaa ibsuu, akkasumas hojimaataa fi eegumsa sirna seeraa Itoophiyaa jalatti argamu ibsuuf kan akeekedha.

Meeshaan kun naannoowwan IP adda addaa kan hammadha garuu irra caalaa mirga waraabbii fi mirgoota hidhata qaban irratti kan xiyyeeffatu ta'ee, kalaqa, barnootaa fi miidiyaa dijitaalaa jajja-beessuuf kan yaadamedha.

Seenaa dugduubee maal iyyuu yoo qabaatte, meeshaan kun akka si deeg-garuuf kan qophaa'edha:

- Mirgi waraabbii maal akka eegu fi yeroo hangamii akka turu hubachuu
- Mirga kee akka kalaqaa ykn fayyadamaa tokkootti baradhu
- Itti fayyadama seera qabeessa meeshaalee mirga waraabbii qabaniif beekamtii kennuu
- Seera Itiyoophiyaa jalatti kan hin hammadamne fi daangeffaman sakatta'uu
- Adeemsawwan raawwachiisummaa fi walitti bu'insa hiikuu irratti bobba'uu

Beekumsa bu'uura fi qajeelfama qabatamaa isin hidhachiisuun, meeshaan kun qabeenya kalaqa sammuu Itoophiyaa keessatti uumama, eegumsa, qaqqabummaa, kalaqaa fi haqummaa guddisuun caalaatti odeeffannoo fi ofitti amanamummaadhaan hojjechuu humneessuuf kan akeekedha.

Haaluu

Meeshaan kun abbootiin mirgaa mirga kalaqaa isaanii akka hubatan, akka eeganifi akka bulchan gargaara. Haa ta'u malee, bakka bu'aa seeraa waan hin taaneef, fayyadamtoonni yeroo barbaachisaa ta'etti seera seeraaqabeessaa ykn gorsa seeraa mariisisuu qabu.



1. Mirgoota Qabeenya Kalaqa Sammuu Itiyoophiyaa

- 1.1. Qabeenya kalaqa sammuu (IP) jechuun uumama sammuu jechuudha.
- 1.2. Qabeenyi kalaqa sammuu uumtota fi oomishtoota meeshaalee kalaqa sammuu biroo itti fayyadama oomishaalee sana irratti raawwatamu to'achuuf mirga yeroo murtaa'e kennuudhaan eeguuf kan akeekedha.
- 1.3. Qabeenyi kalaqa sammuu damee lamatti qoodama, **Qabeenya Industirii**" fi **Mirga waraabbii**.
- 1.4. Qabeenyi industirii kalaqa, dizaayinii industirii, mallattoo daldalaa, mallattoo tajaajilaa, maqaa daldalaafi moggaasa, agarsiisa maddafi maqaa ka'umsaa dabalatee, dorgommii haqa qabeessa hin taane irraa eegumuu kan dabalatu dha;
- 1.5. Hojiiwwan ogbarruu, aartiifi saayinsiifi raawwii aartistoota ga'umsa agarsiisani, waraabbii sagalee fi tamsaasa, yeroo baay'ee mirgoota hidhata qaban ykn mirgoota mirga waraabbii wajjin walqabatan kan jedhaman damee mirga waraabbii qabeenya kalaqa sammuu.



15+5
Years

2. Hiikawwan Abbummaa Kalaqaa, Mallattoo Daldalaa fi Mirga Waraabbii

Jalqaba dhimmoota waliigalaa tokko tokko abbummaa kalaqaa, moodeelota faayadamaa, dizaayinii industirii fi mallattoo daldalaa ibsuun eegalla boodarra immoo mirga waraabbii gadi fageenyaan ni ilaalla.

- 2.1. **Abbummaan kalaqaa** sanada seeraa kalaqa eeguuf kennamudha.
- 2.2. Kalaqni yaada ogeessa kalaqaa qabataan furmaata rakkoo tokkoof damee teeknooloojii keessatti kan hayyamuudha.
- 2.3. Yeroon eegumsaa yeroo jalqabaaf waggaa kudha shan yoo ta'u eegumsa gaariidhaaf waggaa shan dheerachuu danda'a.
- 2.4. **Moodeelli Faayadamaa** yeroo tokko tokko "abbummaa kalaqaa xiqqaa" jedhama, **kalaqawwan teeknikaa** ulaagaa guutuu abbummaa kalaqaa istaandaardii guutuu dhiisuu danda'aniif (keessattuu sadarkaa kalaqaatiin) eegumsa kan kennudha. Moodeelotni faayadamaa **eegumsa gabaabaa**, yeroo baay'ee waggaa 5-10 kan kennan ta'us, meeshaalee ykn oomishaalee faayidaa qabaatanii fooyya'iinsa xiqqaa qaban ykn umurii daldalaa gabaabaa qaban eeguu fi kalaqa jajjabeessuuf **meeshaalee gatii guddaa qabanidha**, keessumaa **kalaqtoota xixiqqoo**, **dhaabbilee jalqabaa**, fi **kalaqtoota qabeenyan daangeffaman** eeguuf fayyada.
- 2.5. Abummaan Dizaayinii industirii mirga kenname, bu'uura sirna galmee, mee-



Protection
15+5
Years



Renewable
7
Years

shaa ykn oomisha industirii hojii dizaayinii irraa maddu amaloota fakkaattii orrijinaa-laafi hojii irra hin oolle eeguuf.

- 2.6. Itiyoophiyaan aartii aadaa fi afoolaan gar-malee kan badhaate yoo ta'u kunis uumama ogummaa harkaa biyya keessaa kan kakaas-udha. Uumamni kun yeroo baay'ee daangaa jecha "dizaayinoota industirii" jedhu keessatti kufu. Beekkamtii fi faayadamummaa meeshaa kalaqtoota dizaayinii industirii, sirna eegumsaa bu'a qabeessa sochii kalaqaa kan kakaasudha.
- 2.7. Yeroon eegumsaa mirga dizaayinii industirii waggaa 5 hanga 15tti kan deemu yoo ta'u, yeroo baay'ee yeroo eegumsaa dheerefamuu argachuuf abbaan qabeenyaa galmee haaromsuu akka qabu kan gaafatuun qoodama.
- 2.8. Mallattoon daldalaa meeshaalee yookiin tajaajiloota namootaa kan akka jechootaa, dizaayiniwwan, qubeewwan, lakkoofsoota, halluuwwan yookiin boca meeshaalee yookiin samsamuu isaanii yookiin walitti makamuu isaanii adda baasuu kan danda'an mallattoo mul'atu dha;
- 2.9. Mallattoon daldalaa, kaayyoo isaa tajaajiluuf, adda ta'uu qaba.
- 2.10. Galmeen mallattoo daldalaa dhuma waggaa 7tti kan haaromfamuudha.
- 2.11. Meeshaalee qabeenya industirii waliigalaa kana erga beeksifamee booda, kutaan meeshaa itti aanu **seera mirga waraabbii Itiyoophiyaa** irratti xiyyeeffata. Mirgi waraabbii mirga qabiyyee hojiiwwan adda addaa labsii mirga waraabbii fi mirga kanaan walqabatan keessatti tarreeffaman keessatti kan argamudha. Mirga kalaqa sammuu kalaqtootaa kalaqa isaanii keessatti qaban ilaala.

3. Qajeelfamoota Eegumsa Mirga Waraabbii

3.1. Ulaagaalee Eegumsaaf barbaachisan

Barreessaan tokko hojii tokko yeroo uumu ofumaan eegumsa mirga waraabbii argata, **qulqullina isaa ykn kaayyoon isaa osoo hin ilaalin**, hojiin sun:

- **orijinaala** dha;
- bifa qabatamaa ta'een kan **dhaabbatudha** (jechuunis, haala hubatamuu, baay'ifamuu, ykn walqunnamsiifmuu danda'uun kan galmaa'edha);
- **Labsii lakk. 410/2004 keewwata 3** jalatti akka ibsameen **Itiyoophiyaa waliin walitti dhufeenya gahaa qaba**; fi
- **Hojiin tokko Itiyoophiyaa keessatti eegumsa mirga waraabbii argachuuf, ulaagaalee hanga tokko kana waliin walqabatan Labsii keessatti kaa'aman kanneen barreessaa waliin hidhata qaban, maxxansaa jalqabaafi bakka tamsaasaa** of keessatti hammate **guutuu qaba**.

3.2. Dhimma Gahumsa Qabachuu

Dhimmoonni ulaagaa guutan akkaataa Labsicha keewwata 2 (3) jalatti ibsamaniin, kanneen armaan gadii of keessatti qabatu:

- a. Kitaabota, biroosheroota, barruulee sakatta'insaafi gaazexaa, sagantaawwan kompiitaraa;
- b. Haasaawwan, barumsawwan, dubbiiwwan, lallaba, fi hojiiwwan afaaniin hojjetaman biroo;
- c. Hojiiwwan diraamaa, diraamaa-muuziqaa, baacoo, hojiiwwan ko-reegiraafii, fi hojiiwwan biroo qophii waltajjiif uumaman.
- d. Qophii muuziqaa;
- e. Hojiiwwan suur-sagalee;
- f. hojiiwwan arkitekcheraa;
- g. Hojiiwwan fakkii kaasuu, qalama dibuu, bocuu, boboca, litogiraafii, wantota fannifaman fi hojiiwwan aartii biroo;
- h. Hojiiwwan suuraa;
- i. Ibsituwwan fakkii, kaartaawwan, pilaaniwwan, wixineewwan, fi hojiiwwan kallattii sadii ji'ogiraafii, teessuma lafaa, arkitekcharii ykn saayinsii wajjin walqabatan;
 - i. Aartii hojiirra oole;

ii. Hojiiwwan Ka'umsaa:

Hiikkaawwan, madaqsawwan, qindeessuwwan fi jijjiiramawwan ykn fooyya'iinsa biroo hojiiwwanii fi jijjiiramni biroo hojii ogbarruu ykn aartii tokko hojii jalqabaa keessatti mirga waraabii osoo hin tuqin akka hojiiwwan orriinaalaa akkasumas walitti qabama orriinaalaa kan akka insaayikilooppiidiyaa ykn kuusaa daataa, filannoo ykn qophii isaanii keessatti kalaqa yoo agarsiisan eegumsa argatu.

3.3. Hojiiwwan eegumsa hin argannee fi Sababa isaa

Yaadota, adeemsa, sirna, mala hojimaataa, yaad-rimee, foormulaa, gabatee lakkoofsa fi bifa itti fayyadama waliigalaa, qajeelfama, argannoo yookiin guyyaa qofa, hojii tokko keessatti yoo ibsame, addeef-fame yookiin agarsiifame yookiin kan hammatame illee; akkasumas barreeffamni seera qabeessaa kamiyyuu kan seera baastuu, bulchiinsaa yookiin seeraan walqabatu, dabalataan hiikawwan seera qabeessaa labsii mirga waraabiiitiin hin eegamu. Akkasumas eegumsi mirga waraabii akka labsicha keessatti ibsametti wanta fiizikaalaa hojii sana of keessaa qabu kamittuu hin babal'atu. Kan gaaffii ta'u isaan kun maaliif eegumsa hin argatanii?

Yaadonni armaan gadii eegumsa keessaa akka baafaman sababa ta'u:

a. Yaadotaa fi Ibsa

- i. Mirgi waraabii ibsa yaadaa eega malee, yaada ofii isaatii miti.
- ii. Yaadonni osoo eegamu ta'ee yaada bilisaa fi oddeeffannoo daangeessa, warri kaan immoo irratti ijaaruu ykn hojii haaraa uumuu hin danda'an.

b. Dhugaa fi Argannoo Waan Waliigalaa dha

- i. Wantoonni akka foormulaa, yaad-rimee, fi argannoo dhugaa uumamaa ykn beekumsa waliiniiti.
- ii. Eenyullee argannoo akka guula harkisa lafaa ykn foormulaa herregaa "dhuunfachuu" hin danda'u — isaanis kan nama hundaaf itti fayyadamamuu fi guddifamuudha.
- iii. Fedhii Ummataa fi Dhaqqabummaa: Barreeffamoonni seera qabeessaa kan akka seera, murtii mana murtii, fi sanadoota mootummaa bilisaan ummata biratti argamuu qabu.

c. Qaamoleen Hojii Ibsa kalaqaa Miti: Hojiiwwan kaayyoo qabatamaa ykn teeknikaa malee kan aartii ykn ogbarruu miti, mirga waraabii osoo hin taane, kalaqa abbummaa ykn seera icciitii

jalatti eegumsa argachuuf caalaatti mijatu.

d. Itti Fayyadama Waliigalaan Meeshaalee Oriinaalummaa hin qaban: Wantoonni akka unkaalee, gabateewwan, fi kalaandarii meeshaalee dhaabbataa jireenya guyyaa guyyaa keessatti itti fayyadamnu, mata dureewwan, dhaadannoolee; mallattoolee beekamoo fi gaaleewwan waliinii akka waliigalaatti kalaqaa kan hin calaqqisiifnee fi ragaa orijinaalummaa eegumsa mirga waraabiiif barbaachisu kan hin qabnedha.

3.4. Abbummaa Mirga Diinagdee Oriinaalaa

- a. Labsii keessatti akka ibsametti, barreessaan hojii sana uume abbaammaa mirga dinagdee orijinaalaa sanaati.
- b. Hojiin tokko barreessitoota hedduu yoo qabaate, mirga dinagdee abbummaa orijinaalaa waloo ni qabaatu.
- c. Hojii waloo tokkoof, namni uumama isaa jalqabee fi qajeelche abbaa mirgaa isa jalqabaati.
- d. Hojiin tokko qaxarrii yookiin komishinii jalatti kan uumame yoo ta'e, hojjechiisaan yookiin qaamni ajaja kenne abbaa mirgaa isa jalqabaa ta'a, yoo waliigaltee biraatiin ta'e malee.
- e. Hojii suur-sagaleef:
- f. Qopheessaan abbummaa mirga dinagdee ni qabaata, garuu guumaachitootni ijoo (akka barreessaa iskiriipitii, daayreektaraa fi kkf) barreessummaa fi mirga kaffaltii waliigaltee ni qabaatu.
- g. Barreessitoonni kutaa suur-sagalee keessa hojjetan addaatti mirga waraabii isaanii fayyadamuu akka danda'an ni eegu.
- h. Haa ta'u malee, barreessitoonni waliinii fi barreessitoonni hojiiwwan hojii suur-sagalee tokko keessatti duraan turan gumaacha sana keessatti taasisaniin mirga isaanii ni eeggatu, hanga hojii suur-sagalee sana irraa adda ba'anii itti fayyadamuu danda'anitti.

3.5. Mirga Diinagdee fi Haamilee Barreessitootaa

- a. Barreessitoonni mirga diinagdee fi haamilee lamaanuu ni qabu.
- b. Mirgoonni dinagdee mirga barreessaan bu'aa dinagdee akka walitti qabatu gargaaraniidha.

- c. Barreessaan gochoota armaan gadii kana raawwachuu, hayyamuu ykn dhorkuu mirga addaa qaba:
- i. hojicha baay'isuu (waraabbii hojii barreeffama irratti hundaa'e, bifa maxxansa waraabbiin yookiin miidiyaa dijitaalaa kan akka CD-ROMtiin ummataaf raabsuu);
 - hiikkaa hojichaa (afaan jalqabaa malee afaanota biroottiin);
 - hojicha madaqsuu(hojii tokko gosa hojii tokko irraa gara gosa hojii biraatti fooyyessuu kan akka asoosama gara fiilmiitti jijjiiruu), qindeessuu ykn jijjiirama hojii biraa;
 - ii. hojichaa orijinaala yookiin waraabii isaa gurgurtaa yookiin kiraadhaan ummataaf raabsuu;
 - hojichaa orijinaala ykn waraabii isaa biyya alaati galchuu;
 - Orijinaala ykn waraabii hojii sanaa ummataaf agarsiisuu;
 - raawwii hojichaa(fakkeenyaaf, dubbisa ummataa, agarsiisa diraamaa fi muuziqaa hordoftoota dura);
 - iii. tamsaasa hojii (raadiyoo, keebilii, ykn saatalaayitii);
 - odeeffannoo hojichaa kan biroo ummataaf dabarsuu
- d. Mirgi kiraa ykn liqii to'achuu akka waliigalaatti **sagantaawwan kompiitaraa irratti raawwatiinsa hin qabu** yoo sooftiweerii mataan isaa meeshaa ijoo kireeffamaa jiru ta'e malee. Yoo qaama meeshaa tokkoo qofa ta'e, abbaan mirgaa kiraa **daangeessuu hin danda'u**. Garuu sagantichi **xiyyeeffannoo jalqabaa** yoo ta'e itti fayyadama isaa **to'achuu danda'u**. **Fakkeenyaaf:** Kompitara sooftiweerii dursee fe'ame qabu kireeffachuun hin daangeffamu, garuu sooftiweerii mataa isaa (akka sooftiweerii dizaayinii ykn gulaaluu) kireeffachuun to'annoo abbaa mirga waraabii jalatti argama.

3.6. Mirga Irra Deebiin Gurguruu Hojiiwwan Aartii fi Barreeffamoota Harkaa Orijinaalaa (Droit de Suite)

Hojiin aartii orijinaalaa(akka suura kaasuu, boca, ykn fakkii) ykn **barreeffamni harkaa orijinaalaa**(kan akka kitaaba harkaan barreeffame ykn muuziqaa qindeessuu) **barreessaan gurgurtaa jalqabaa erga gurguree booda** irra deebi'amee yeroo gurguramu, **barreessaan ykn dhaaltonni isaanii gatii irra deebiin gurgurame irraa qooda argachuuf mirga qabu.**

Mirgi kun:

- Kan hin haalamne, jechuunis kan bira hin darbamne ykn nama biraatti dabarfamuu hin dandenye jechuudha.
- Gurgurtaa jalqabaa kan uumeen erga raawwatamee booda irra deebiin gurguruu qofa irratti raawwatiinsa qaba.
- Uumtoonni ykn dhaaltonni isaanii yeroodha yerootti darbee gatiin hojii isaanii dabalaa yeroo dhufu irraa fayyadamoo ta'uu akka itti fufan gochuuf kan yaadame.

Dhibbeentaan sirrii gatii irra deebiin gurguramuu fi **haal-duree addaa** mirgi kun raawwatiinsa qabaatu **dambiiwwan gara fuula duraa** aangoo labsichaan ba'aniin ni **ibsama**.

Yaad-rimeen kun sadarkaa idil-addunyaatti "**droit de suite**" (mirga hordofuu) jedhamuun beekamtii kan qabu yoo ta'u, gurgurtaa jalqabaatiin alatti milkaa'ina dinagdee hojii isaanii keessaa qooda akka argatan gochuudhaan artistootni deeggarsa akka argatan tilmaamameera.

3.7. Mirga Haamilee

- a. Abbummaan mirga dinagdee osoo hin ilaalin barreessaan hojii tokkoo hojii isaa irratti mirga haamilee ni qaba.
- b. Mirgoonni haamilee barreessaa kanneen akka:
 - i. a.hojii barreessummaa isaa gaafachuu(mirga abbummaa), hojiin sun kan hammatame yoo ta'e malee, akka tasaa yookiin tasaa taateewwan yeroo ammaa karaa tamsaasaatiin gabaasuu;
 - ii. b.maqaa dhoksuu ykn maqaa fakkeessaa fayyadamuu; fi
 - iii. c.hojii isaa jallisuu, irraa cicciruu ykn jijjiiramni biroo kamiyyuu mormuu(mirga amanamummaa), gochi akkanaa kabaja ykn maqaa gaarii isaa kan miidhu yoo ta'e.
 - iv. d.hojii isaa maxxansuuf.

3.8. Yeroo mirgoota diinagdee

- a. Yeroon mirgoota diinagdee yeroo jireenya barreessaa fi du'a barreessaan booda waggaa shantama (50) dha.
- b. Bakka hojiin kun waliin barreeffameetti, yeroon waggaa shantama (50) du'a barreessaa isa dhumaa lubbuun hafe irraa eegalee kan raawwatamudha.
- c. Hojiin du'a booda yeroon waggaa 50f turu hojiin sun yeroo maxxanfame irraa eegalee ni hojjeta.

- d. Mirgoonni dinagdee hojii waloo (hojii suur-sagalee osoo hin dabalatiin) uumama yeroo dhiyoo isaan, maxxanfamuu ykn ummataaf gadhiifamuu isaa irraa eegalee waggoota 50 kan turudha.
- e. Hojiiwwan maqaa hin beekamne ykn maqaa fakkeessaatiin hojjetamaniif, mirgi dinagdee yeroo jalqabaaf maxxanfamuu ykn ummataaf gadhiifamuu irraa eegalee waggoota 50f turuu danda'a.
- f. Dhuma waggaa shantama (50) dura eenyummaan barreessaa hin beekamnetti, mirgi diinagdee bara jireenya barreessaa fi erga du'anii waggaa shantama (50) eegama.
- g. Yeroon mirga diinagdee hojii suuraa kaasuu hojiin sun yeroo hojjetame irraa eegalee waggaa digdamii shan tura.
- h. Mirgoonni dinagdee hojii suur-sagalee keessatti uumamee ykn ummataaf gadhiifamuu isaa irraa eegalee waggaa 50 tura, kamuu booda ta'u.
- i. Mirgi gahumsaa hojii hanga dhuma waggaa 50ffaa erga gahumsi galmaa'ee booda yookiin yoo hin galmaa'in erga gahumsi raawwatamee booda kan turudha;
- j. Mirgi waraabbii sagalee erga maxxanfamee waggaa 50 yookiin yoo hin maxxanfame ammoo erga qindaa'ee waggaa 50;
- k. Dhaabbileen tamsaasa: dhuma bara tamsaasaa irraa eegalee waggaa 20

3.9. Ramaddii Mirga Waraabbii

- a. Mirgoonni diinagdee guutummaan ykn gartokkoon ramadamuu ni danda'u.
- b. Ramaddiin mirgoota diinagdee barreeffamaan ta'uu qaba.
- c. Ramaddii keessatti mirgoota ifatti ibsaman qofatu dabarfame.

3.10. Daangaa ramaddii

- a. Ramaddiin mirgoota diinagdee kan haguugu yoo waliigaltee keessatti ibsamedha.
- b. Ramaddiin mirgoota diinagdee kennuun meeshaa fiizikaalaa hojii sana of keessaa qabanitti hin babal'atu.
- c. Waliigalteen tokko yeroo murtaa'aa ta'e tokko yoo hin ibsine, ramaddiin mirgoota diinagdee waggoota 10 booda xumurama.
- d. Waliigalteen tokko mirgootni akkamitti akka fayyadamamu yookiin sarbamu danda'an kan hin ibsine yoo ta'e, abbaan hayyamaa

kaayyoo gareewwan yaadame galmaan ga'uuf akka barbaachisummaa isaatti itti fayyadamuu ni danda'a.

- e. Mirgoonni dinagdee itti hin fayyadamamne ykn karaa sirrii hin taaneen itti fayyadamame barreessaa kan miidhu yoo ta'e barreesaan ramaddii sana haquu ni danda'a

3.11. Eeyyama Mirga Waraabbii

- a. Eeyyamni mirgoota diinagdee guutummaa ykn gartokkoon ta'uu danda'a akkasumas barreeffamaan ta'uu qaba.
- b. Eeyyamni mirga dinagdee kan adda ta'e ykn kan hin hammatamne ta'uu ni danda'a.
- c. Eeyyamni addaa abbaan hayyamaa mirgoota fayyadamuu fi barreessaa dabalatee namoota biroo akka hambisu hayyama.
- d. Heyyamni hin hammatamne abbaan hayyamaa barreessaa fi namoota biroo waliin mirgoota akka fayyadamu ni hayyama.
- e. Mirgoota hayyama keessatti ifatti ibsaman qofatu dabarfamuu

3.12. Daangaa hayyamaa

- a. Eeyyamni mirgoota diinagdee kan haguugu yoo waliigaltee keessatti ibsamedha.
- b. Eeyyama mirgoota dinagdee kennuun meeshaa fiizikaalaa hojii sana of keessaa qabanitti hin babal'atu.
- c. Waliigalteen tokko yeroo murtaa'aa ta'e tokko yoo hin ibsine, hayyamni mirgoota diinagdee waggoota 5 booda xumurama.
- d. Waliigalteen tokko mirgootni akkamitti akka fayyadamamu yookiin sarbamu danda'an kan hin ibsine yoo ta'e, abbaan hayyamaa kaayyoo qamolee yaadamee galmaan ga'uuf akka barbaachisummaa isaatti itti fayyadamuu ni danda'a.
- e. Mirgoonni dinagdee itti hin fayyadamamne ykn karaa sirrii hin taaneen itti fayyadamame barreessaa kan miidhu yoo ta'e barreesaan hayyama sana haquu ni danda'a.

3.13. Ramaddii Mirga Waraabbii fi Waliigaltee Hayyamaa: Yaadannoowwan Ijoo

Waliigalteewwan kana yeroo wixintu ykn haala barbaadamuun qopheessitu, kanneen armaan gadii ilaali:

- a. **Daangaa Mirgootaa:** Mirgoota kamtu akka dabarfamuu ykn hayyamaman ifatti ibsuu (fkn, irra deebbiin oomishuu, raabsuu, madaqsuu).
- b. **Yeroo fi Naannoo:** Yeroo fi naannoo teessuma lafaa waliigalticha uwwisu ibsu.
- c. **Beenyaa:** Kaffaltii qaamolee ol'aanoo ykn kaffaltii yeroo tokkoo dabalatee haala kaffaltii kamiyyuu ibsi.
- d. **Mirgoota Haamilee:** Barreessitoonni mirgoota haamilee dhiifamuu ykn dabarfamuu hin dandeenye qabu. Waliigaltee keessan haala labsichaa kan eegu ta'uu mirkaneessi.
- e. **Seera Bulchiinsaa:** Seera ykn dambii waliigalteewwan keessan itti eeggatan agarsiisi: Labsii Lakk.410/2004 ykn Lakk.872/2014 tumaalee barbaachisoo seera Waliigaltee seera hariiroo hawaasaa jalatti argaman waliin walqabate.

3.14. Tarkaanfiiwwan Ramaddii Mirga Waraabbii fi Waliigaltee Hayyamaa Madaksuuf

- a. Qamolee Hirmaatan Adda Baasi
 - **Ramadaa/Hayyama Kennaa:** Abbaa qabeenyaa orijinaalaa mirga waraabbii.
 - **Ramadamaa/Abbaa Hayyamaa:** Nama dhuunfaa ykn qaama mirga argatu.
 - Maqaalee seera qabeessa guutuu fi odeeffannoo teessoo qaamolee lamaan hammachiisuu.
- b. Hojiiicha Ibsi
 - i. Hojii waliigaltee sana jala jiru ifatti ibsuu. Kunis kanneen armaan gadii dabalata:
 - Mata duree hojii.
 - Gosa hojii (fkn, ogbarruu, muuziqaa, aartii).
 - Guyyaa uumame.

- Lakkoofsa galmee, yoo barbaachisaa ta'e.
 - ii. Akka barbaachisummaa isaatti saamuda ykn wabiiwwan hojii sanatti maxxansi.
- c. Daangaa Mirgoota Ibsi
 - i. Ramaddiidhaaf: Mirgoonni hundi akka dadabarfaman ibsi.
 - ii. Eeyyamaaf: Mirgoota bu'uuraa kenname bal'inaan ibsi, kan akka:
 - Mirgoota deebisanii oomishuu.
 - Mirgoota raabsuu.
 - Mirgoota raawwii hojii ummataa.
 - Mirgoota madaqsuu.
 - iii. Eeyyamni sun kan adda ta'uu fi kan hin hammatamne ta'uu isaa agarsiisi.
 - d. Yeroo fi Naannoo Qopheessi
 - i. **Yeroo:** Yeroo waliigaltee sanaa ibsi (fkn, waggaa 5, kan bara baraa).
 - ii. **Naannoo:** Naannoo teessuma lafaa mirgoonni itti raawwatan ibsi (fkn, Itoophiyaa, addunyaa guutuu).
 - e. Haala Beenyaa Ilaaluu
 - i. **Qophii maallaqaa bal'inaan ibsuu, kanneen akka:**
 - Kaffaltii yeroo tokkoo.
 - Dhibbeentaa kaffaltii qaamolee ol'aanoo.
 - Sagantaa kaffaltii.
 - ii. **Yoo barbaachisaa ta'e tumaalee wabii xiqqaa ykn guddaa kennuu hammachuu.**
 - f. Bakka Bu'iinsaa fi Wabii Hammachiisuu

Namni ramadu/hayyama kennu akka armaan gadiitti mirkaneesuu qaba:

 - Abbaa mirgaa hojii sanaati.
 - Hojichi mirga qaama sadaffaa kamiyyuu hin sarbu.
 - Waliigaltee kana seenuuf aangoo qabu.

- g. Seera Bulchiinsaa ibsu
Tumaalee Labsii mirga waraabbii ykn Seera Hariiroo Hawaasaa Itiyoophiyaa ilaallatan.
- h. Akka Barbaachisaatti Keewwata Dabalataa Dabali
Keewwata kanneen armaan gadii hammachuu isaa hubachuu:
- Haala hojii dhaabuu.
 - Mala falmii furuu.
 - Dirqama iccitii eeguu.
 - Taateewwan humna ol ta'an.
- i. Waliigaltee xumuruu
- Qaamoleen hundi waliigalticha mallatteessuun guyyaa akka barreessan ni taasisa.
 - Rogummaa seeraa dabalataaf mirkaneessitoota yaadi.
 - Qaama dhimmi ilaallatu hundaaf waraabbii qabachuu

3.15. Dirqamoota Aasxaafi Maddaa Qopheessitoota Waraabbii Sagalee

Qopheessitoonni waraabbiiwwan sagalee ykn hojiiwwan suur-sagalee mata duree, maqaa barreessaa fi raawwattoota ijoo, maqaa ykn mallattoo qopheessitootaa, fi beeksisa mirgoota eegumsaan addeessuu qabu. Faarfattoonni ykn okeesteroonni hogganaa isaanii waliin moggaafamuu qabu. Kunis iftoomina kan guddisu, beekamtii sirrii ta'e kan mirkaneessu yoo ta'u, mirgoota hirmaattota qaamolee hunda ni eega.

3.16. Beeksisa eegumsaa

Daldala suur-sagalee ykn waraabiin sagaleedhaaf , asxaan ykn agarsiiftuun mallattoo (P) fi bara jalqaba maxxanfame agarsiisuu kan qabu mirgoota qopheessitootaa agarsiisuu qaba akkasumas hojiin tokko eegumsa akka qabu uummata akeekkachiisa, kunis seera cab-sitoonni wallaalummaa akka hin himanne gargaara. Seeraan barbaachisaa ta'uu baatus raawwachiisummaa ni cimsa, falmii keessattis akka ragaa seeraa isa jalqabaa ta'eetti tajaajila.

3.17. Haalota Addaafi Daangaawwan?

Qaamonni sadaffaan hojiiwwan mirga waraabbii qaban hayyama ykn kaffaltii malee dhimmoota haqa qabeessa ta'an keessatti fayyadamuu ni danda'u, kanneen akka:

- a. Kaayyoo Dhuunfaatiif Irra Deebbiin Qopheessuu;
- b. Caqasa;
- c. Barsiisuuf Irra Deebbiin Qopheessuu;
- d. Manneen Kitaabaa, Kuusaa fi Dhaabbilee kana fakkaataniin Irra Deebbiin Qopheessuu;
- e. Ibsa Irra Deebbiin Qopheessuufi Odeeffannoo Uummata ga'uu;
- f. Sooftiweerii daangaa seeraatiin irra deebbiin Qopheessuufi jijjiiruu;
- g. Kaayyoo dhuunfaaf ol galchuu;
- h. Raawwii hojii dhuunfaa kaffaltii malee;
- i. Eeyyama dirqamaa kennuu;
- j. Agarsiisa hojii;
- k. Raabsa waraabbiiwwan hojiilee;

3.18. Galmee Mirga Waraabbii

- a. Eenyuutu mirga waraabbii galmaa'uu danda'aa?
 - i. Abbaan mirgaa ykn ramadamaan galmeedhaaf iyyachuu ni danda'a, akkasumas Waajjirichi akkaataa Dambii kanaan hojiiwwan galmeessuu fi waraabbii saamudaa kunuunsuuf itti gaafatamummaa qaba.
 - ii. Hojiin mirga waraabbii argachuuf ulaagaa guutu kamiyyuu ulaagaalee Labsii keewwata 6 kan guute yoo ta'e galmaa'uu ni danda'a.
- b. Ulaagaalee Galmee
 - i. Cuunfaa Ulaagaalee:
 - Unka iyyannoo guutame
 - Kakuu waadaa
 - Saamuda hojii (fkn, CD, teeppii) .
 - Kaffaltiin tajaajilaaf kaffalamuu isaa ragaa ibsu
 - Dokumantoota eenyummaa ibsu
 - ii. Ulaagaalee bal'inaan
 - Iyyannoowwan waa'ee iyyataa fi barreessaa, mata duree hojii, gita, afaan, haala maxxansaa, akkasumas seenaa maxxan-

saa barbaachisaa ta'e kamiyyuu, odeeffannoowwan barbaachisoo biroo Waajjirri kaa'e of keessatti qabachuu qabu.

- Iyyannoowwan saamuda hojii fi sanadoota akka ID, ragaa haala seeraa (namoota seera kanneen ta'aniif), aangoo abbaa seerummaa (yoo barbaachise), ragaa mirgootaa (yoo barrees-saa hin taane), nagahee kaffaltii tajaajilaa, fi sanadoota biroo akka barbaachisummaa isaatti of keessatti qabachuu qaba. Sanadoonni Afaan Amaaraa ykn Ingiliffaa hin taane kamiyyuu gara Afaan Amaaraa ykn Ingiliffaatti hiikamuu qabu.
- Iyyanni galmee mirga waraabbii afaan Amaaraa ykn Ingiliffaa ta'uu qaba, poostaa ykn toora interneetiitiin dhiyaachuu ni danda'a. Dhiyeessiin poostaa maqaa Waajjirichaa fi teessoo ifatti ibsuu qaba. Waajjirichi iyyataan ykn bakka bu'aan isaaniis yoo barbaachise qaamaan akka dhiyaatu gaafachuu ni danda'a.
- Tokkoon tokkoon iyyata galmee hojii tokko qofa uwwisuu qaba, hojiiwwan walduraa duubaan hojjetaman kan akka insaayikilooppiidiyaa, kanneen iyyata tokkoon galmaa'uu danda'an irraa kan hafe.
- Waajjirri iyyanni ulaagaa barbaachisu akka guutu mirkaneessuuf qorannoo foormaaliitii ni gaggeessa. Mudaan yoo argame iyyataan ji'a tokko keessatti sirreeffama akka godhu ni beeksifama. Yeroo kenname keessatti mudaa sirreessuu dhabuun iyyanni akka gatameetti akka ilaalamu taasisa.
- Waajjirichi abbummaa hojichaa mirkaneessuuf qorannoo qabatamaa kan hin gaggeessine ta'us iyyataan ragaa kakuu abbummaa isaa mirkaneessu akka dhiyeessu ni gaafata. Yoo ragaan kakuu sun soba ta'ee argame, iyyataan seerota dhimma kana ilaallatu jalatti yakkaan ni gaafatama.

iii. Waraqa Ragaa, qabiyyee fi bu'aa Kennuu

- Waajjirri yoo iyyanni ulaagaalee foormaaliitii kan guute ta'e hojii galmeessee ragaa galmee ni kenna.
- Waraqaan ragaa galmee hojii mata duree mirga waraabbii in Waajjirichaan kennamu lakkoofsa galmee, ibsa iyyataa, guyyaa iyyataa, fi yeroo turmaata galmee ni dabalata.
- Ragaa galmee abbummaa hojii sanaaf ragaa jalqabaa ta'ee tajaajila.

- Hojii galmeesuu dhabuun eegumsa mirga waraabbii Labsii-cha jala jiru irratti dhiibbaa hin geessisu.
- Ragaan galmee waggaa shaniif hojiirra oola. Waggoota shan walitti aansuun, hanga yeroon eegumsaa xumuramutti, yeroon isaas erga xumuramee ji'a jaha keessatti haaromfamu danda'a. Yeroo hayyamame keessatti haaromsuu dhabuun ragaan akka haqamu taasisa.
- Hojii mirga waraabbii galmaa'e yeroo ramadamu, namni ramadame ragaa ramaddii fi ragaa kaffaltii qabachuun Waajjiraatti iyyachuu ni danda'a. Waajjirichi ramaddii galmeessee maqaa nama ramadameen ragaa ni kenna.

3.19. Saamicha Galaanaafi Sarbama seeraa

- Namni tokko hayyama abbaa qabeenyaa malee hojii eegumsa qabu yeroo fayyadamu mirga waraabbii kan cabsudha. Hojiiwwan akkanaa hayyama malee itti fayyadamuun saamicha galaanarraa (Piracy) jedhama.
- Saamichi galaanarraa (Piracy) yeroo baay'ee bu'aa daldalaatiin kan hoogganamu yoo ta'u, yeroo baay'ee hojiiwwan mirga waraabbii qaban qindaa'ee baay'isuu fi raabsuu kan of keessaa qabudha. Fayyadamtoonni bakka itti ba'an tokko qofa arguu danda'us, yeroo baay'ee hojii seeraan alaa guddaa duuba jiru bakka bu'a.
- Saamichi galaanarraa (Piracy) yeroo gabaabaa keessatti hojii gatii salphaa ta'e dhiyeessuu danda'a, garuu yeroo baay'ee qulqullina kan hinqabne kan dhiyeessu yoo ta'u, kalaqtootaan beenyaa haqa qabeessa ta'e nidhabsiisa. Galii dhabuun kun invastimantii hojii kalaqaa haaraa irratti abdii kutachiisa, dhumarratti artistootaafi fayyadamtoota miidhaa.
- Dhiibbaan saamicha galaanaa fayyadamtoota, kalaqtoota, piroomootarootaafi aangawoota irratti qabu qabiyyee gatii salphaadhaan dhiyeessuu danda'a, garuu yeroo baay'ee qulqullina gaarii hinqabu. Kalaqtootaafi guddistoota galii ni dhabsiisa, kunis onnachiiftuu hojii haaraa hir'isa. Mootummoonni galii gibiraa dhaba, qormaata mirga qabeenya kalaqa sammuu dirqisiisu isaan mudata.
- Saamichi galaanarraa (Piracy) galii gibiraa gadi buusa, deeggar-sa mootummaan aartiif taasisuus ni hir'isa. Kunis sirna mirga waraabbii laaffisuun guddina eenyummaa aadaa biyyaalessaa mirga waraabbii eeguuf kaayyeffate balaadhaaf saaxilaa jira.

Ibsituwwan Saamicha Galaanarraa

- a. **Sobdoota:** Sobdoonni yookiin gowwomsitoonni kooppiiwwan diskiifi teeppiiwwan sagaleefi suur-sagalee sirrii ta'an uwwisaafi mallattoo daldalaan fakkeessanii teeppii yookiin siidii (CD) industiritiin oomishaman baasani dha.
- b. **Bootleegsiwwan (Bootlegs):** Bootleegsiwwan waraabuuf kan hin-hayyamamne agarsiisa kallattii ykn tamsaasadha.
- c. **Koppiiwwan saamtota galaanaa:** Koppiiwwan saamtota galaanaa qulqullina gadi aanaa kan qabanidha, waraabiiwwan hayyama hinqabne kan orijinaala hinfakkaannedha, yeroo baay'ee asxaa harkaan barreeffame kan qabu yoo ta'u, fedhii qulqullina fooyya'aa ta'een baay'ee hin-mul'atu.
- d. Jechi "Saamicha Galaanarraa (Pracy)" jedhu gosoota sarbama hundaa kan of keessatti hammate yoo ta'u, kunis sobdoota, bootleegsiwwan, fi koppiiwwan saamtota galaanaa haammata. Gosootni baay'inaan sarbaman waraabbii sagaleefi viidiyoo, sagantaa kompiitaraa, tamsaasa, fi kitaabota.

Raawwii Mirgootaa

Isa dhumaa (e) irraa kan hafe tumaaleen raawwachiisummaa armaan gadii seera mirga waraabbii Itoophiyaa keessatti hammatamaniiru.

- a. **Tarkaanfiiwwan seeraa:** tarkaanfiiwwan kana jalatti Manni Murtichaa meeshaaleen, meeshaalee biyya alaati galfaman dabalatee, erga gumurukaa qulqullaa'anii booda daldala akka hinseenne fi ragaa barbaachisaa ta'e akka hinseenne gochuuf tarkaanfiiwwan yeroof akka fudhataman ajajuu qaba.
- b. **Furmaatoota Siviilii:** Kunniin furmaata dhumaa manneen murtii beenyaa miidhaa meeshaafi haamilee kennuu danda'aniidha, ajaja kennuu, fi hojii sarbuu ykn wantoota kanaan walqabatan fudhachuu danda'aniidha. Abbaan mirgaas badhaadhina haqa hinqabne ykn bu'aa qulqulluu nama cabse gaafachuu ni danda'a. Beenyaan miidhaa meeshaa irra ga'u hamma miidhaa irratti kan hundaa'u yoo ta'u, miidhaan haamilee yoo xiqqaate qarshii 100,000 ta'a. Yoo namni cabse hinbeekne ta'e, beenyaan bu'aa isaanii qofa irratti daangeffamuu danda'a. Koppii cabsuun daldala irraa balleessuun ykn haqamuu danda'a, yoo amanamummaa gaariin argate malee.

c. **Tarkaanfii Daangaa irraa:** Abbaan Taayitaa Gumurukaa, barreeffama mirga waraabbii ykn mirgoota hidhata qaban irraa gaaffii dhiyaateen meeshaalee yakkaan yookiin sarbamiinsaan shakkaman qabachuu ni danda'a. Iyyataan meeshichi akka qabame turu beeksisuu qaba. Guyyaa 10 keessatti ragaan sirrii ta'e yoo hindhiyaanne, nigadhiifama. Iyyanni dhiyaate bu'uura kan hinqabne yoo ta'e iyyataan itti gaafatamummaa qaba. Abbaan Taayitaa Gumurukaa ajaja mana murtiitiin meeshaalee caban fudhachuu ni danda'a.

d. **Qoqqobbii yakkaa:** Adabbiin ulfaataa ta'e seera yakkaatiin yoo ibsame malee, seera kana jalatti itti yaadani mirga eegumsaa sarbuun hidhaa cimaa waggaa 5 hanga 10tti kan adabsiisudha. Sarbamni dagannoon waliigalaa hidhaa waggaa 1 hanga 5tti adabsiisa. Adabbiin meeshaalee seera cabsanii fi meeshaalee kanaan walqabatan balleessuus ni danda'a.

e. **Tarkaanfiiwwan:** Tarkaanfiiwwan raawwachiisummaa, tarkaanfiiwwan eegumsa teeknoolojii (TPM) kanneen akka hinwaraabnef ykn qabiyyee dijitaalaa akka hinarganneef qophaa'an kan ilaallatu yoo ta'u, meeshaalee eegumsa kana bira darban, akkasumas odeeffannoo bulchiinsa mirga elektirooniksii jijjiiruu ykn balleessuu akka hin oomishamne dhorka.

Furmaanni dhumaa kun, (e) qaama tumaalee raawwachiisummaa labsii mirga waraabbii keenyaa miti. Sirna keenya keessatti seerri addaa tarkaanfiiwwan eegumsa teeknoolojii (TPM) bulchan yoo hin jiraanne iyyuu, adeemsi addunyaa hanga seerri waraabbii hayyama hin qabnee fi meeshaalee eegumsa bira darban furutti tarkaanfiiwwan akkasii of danda'anii akka hojiirra oolchan jajjabeessa.

Tarkaanfii Seeraa Jalqabsiisuu

Tarkaanfii seeraa sarbama mirga waraabbii fi mirgoota hidhata qaban irratti hojii jalqabuuf qaamni miidhame tartiiba armaan gadii kana ni hordofa:

- a. **Gocha Sarbaminsichaa adda baasuu:** Ragaa qabatamaa sarbama seeraa kan akka waraabbiiwwan irra deebiin oomishuu, raabsaa kuusawwanii hayyama hin qabne, ykn sanadoota biroo hojii kee hayyama malee itti fayyadamuu agarsiisan kamiyyuu walitti qabuu.
- b. **Dhimmoota seeraa jalqabuu:** Mana Murtii ykn Mana Murtii dhimmi ilaallatu dhimma qabeenya kalaqa sammuu ilaalutti himannaa dhiyeessu. Manni Murtii qabeenya kalaqa sammuu bu'uura labsii lakk. 872/2014 ttin walitti bu'insa qabeenya kalaqa sammuu(IP) dhimmoota hariiroo hawaasaa hiikuuf waltajjii bu'a qabeessaa fi addaa ta'e qopheessuuf hundaa'e itti gaafatamummaa waliigalteen alaa irraan kan hafe yeroo ammaa sadarkaa dhimmoota akkasii hiikuu irra hin jiru. Bakka isaa manneen

murtii idilee dhimmoota mirga waraabbii wajjin walqabatan murteessuu itti fufaniiru.

- c. **Manneen Murtii kamtu Mijatoodhaa?** Labsiiwwan mirga waraabbii fi mirgoota hidhata qaban akkuma mirga qabeenya kalaqa sammuu biroo seera federaalaa jalatti kufu. Manneen Murtii Federaalaa seerota federaalaa irratti Aangoo seeraa qabu.

Akka Labsii Manneen Murtii Federaalaa Lakk. 1234/2021 keewwata 5(m)tti, manneen Murtii federaalaa dhimmoota hariiroo hawaasaa mirgoota abbummaa barreeffamaafi artii irratti aangoo seeraa ni qabu.

- **Mana Murtii Sadarkaa Jalqabaa Federaalaa:** Dhimmoota hariiroo hawaasaa maallaqa qarshii 500,000 hin caalle qaban ykn dhimmoota gatii maallaqaa murtaa'uu hin dandeenye ni ilaala.
- **Mana Murtii Ol'aanaa Federaalaa:** Dhimmoota hariiroo hawaasaa maallaqa qarshii 500,000 ol ta'an ni ilaala.

Kanaafuu, dhimmi mirga waraabbii sarbuu maallaqa himannaa qarshii 500,000 gadi yoo ta'e, akkaataa idileetti Mana Murtii Sadarkaa Jalqabaa Federaalaatiin ilaalama. Himannaan hanga qarshii kanaa yoo caale Manni Murtii Olaanaa Federaalaa aangoo ni qabaata.

Dhimmoota Yakkaa: Manni Murtii Sadarkaa Jalqabaa Federaalaa dhimmoota yakkaa murtii Labsii Mirga Waraabbii fi Mirgoota hidhata qaban irratti aangoo raawwachiisummaa qaba. Haa ta'u malee, sarbamichi addatti cimaa yoo ta'e yookiin dhiibbaa bal'aa kan qabu yoo ta'e Manni Murtii Olaanaa Federaalaa aangoo murtii fudhachuu ni danda'a.

Akkasumas naannolee keessatti **dhimmoota Mana Murtii Sadarkaa Jalqabaa Federaalaa** bakka bu'ummaan kan fudhatan **Manneen Murtii Ol'aanoo Naannoo** ta'uu isaaniis ni hubarama.

4. Hoggansa Waliinii Mirga Waraabbii fi Mirgoota Hidhata Qaban

4.1. Adeemsa Bu'uuraa Isaanii:

- Mirgoota dhuunfaan bulchuun yeroo baay'ee qabatamaa miti; dhaabbileen bulchiinsa waloo hojiiwwan mirga waraabbii qaban hayyama kennuu irratti ni gargaaru, abbootii mirga waraabbii bakka bu'uun raawwachiisummaa ni hordofu.
- Abbootiin mirgaa hojii isaaniif badhaafamuu qabu. Dhaabbileen bulchiinsa waloo kaffaltii mirga waraabbii bu'aa tokko malee haqaan walitti ni qabu akkasumas ni raabsu.
- Abbootiin mirgaa mirga waraabbii fi mirgoota hidhata qaban hundi dhaabbilee bulchiinsa walootti makamuu ni danda'u.
- Miseensoni yeroo itti makaman hojii isaanii labsu, gurmii naannoo uumu. Kunis hojiiwwan biyya alaa gurmii idil-addunyaa keessatti argaman cinatti itti fayyadama abbootii mirgaa waliin wal qunnamsiisa.

4.2. Bakka hawaasni itti socho'u

Dhaabbileen bulchiinsa waloo barsiifataan mirgoota armaan gadii ni bulchu:

- Mirgoota agarsiisa uummataa (muuziqaa bakka uummanni itti baay'atutti taphatamu)
- Mirgoota tamsaasaa (sochii tamsaasa kallattii fi kan waraabame raadiyoo fi TV tiin)
- Mirgoota makaanikaal irra deebbiin oomishuu (hojii bifa adda addaatiin kan akka CD, teeppii fi kkf irra deebbiin oomishuu)
- Mirgoota agarsiisa hojiiwwan diraamaa (tapha waltajjii)
- Mirgoota irra deebbiin oomishuu reprographic (hojii og-barruu fi muuziqaa irra deebbiin waraabuu)

Mirgoota walqabatan (raawwatootaa fi qopheessitoota mallattoo barreeffamaa sagalee bakka bu'u, kanfaltii tamsaasa ykn qunnamtii uummataa mirkaneessuu)

5. Abbaa Taayitaa Qabeenya Kalaqa Sammuu(IP) Itiyoophiyaa: Hojiiwwan Ijoo Mirga Waraabii Keessatti

Walumaagalatti, Abbaan Taayitaa Qabeenya Kalaqa Sammuu Itiyoophiyaa imaammata mirga waraabii, seera baasuu, fi tooftaalee raawwachiisummaa ni to'ata. Akkasumas sirna galmee ni bulcha, kunis guddina indaastirichaa fi fedhii galmee irratti hundaa'uun hojii ijoo ta'us yeroo baay'ee cimaadha. Dhimmoota hayyama dirqamaas, tumaalee addaa jalatti ilaaluu ni danda'a.

Bulchiinsa mirga waloo ilaalchisee Abbaan Taayitichaa:

- 5.1. To'annoo Dambii
 - a. Ulaagaalee seeraa ifa ta'an irratti hundaa'uun dhaabbilee bulchiinsa waloo (CMO)tiif **beekamtii kennuu fi hayyama kennuu**.
 - b. Bulchiinsa sirrii, qoodinsa kaffaltii abbaa qabeenyummaa haqa qabeessa, gabaasa faayinaansii iftoomina qabu dabalatee seera **kabajuu mirkaneessuu**.
 - c. Sirnni Bulchiinsa To'annoo (CMS) tokko ulaagaa seeraa guutuu yoo dadhabe ykn faayidaa miseensota isaan faallaa yoo hojjete **beekamtii haquu**.
- 5.2. Abbootii Mirgaa Tiksuu
 - a. Sirnni Bulchiinsa To'annoo (CMS) kalaqtoota, raawwattoota, fi oomishtootaaf kaffaltii abbaa qabeenyummaa sirnaan walitti qabuu fi raabsuu isaa mirkaneessuu.
 - b. Yeroo barbaachisaa ta'etti falmii Sirnna Bulchiinsa To'annoo(CMS) fi abbootii mirgaa gidduu jiru ni araarsa.
- 5.3. Fayyadamtoota Deeggaruu (fkn, tamsaastoota, qindeessitoota taatee)
 - a. Jechoota hayyamaa haqa qabeessa, sadarkaa, fi dhaqqabamaa ta'e akka kennan Sirna Bulchinsa Qabiyyee (CMC) jajjabeessu.
 - b. Kaffaltii, daangaa mirgaa yookiin haala kenna hayyamaa ilaalchisee waldabdee Sirna Bulchinsa Qabiyyee (CMC)fi fayyadamtoota jidduu waldhabdee uumu hiikuuf gargaaru
 - c. Amala farra dorgommii Sirna Bulchinsa Qabiyyeetiin (CMC) ykn fayyadamtootaan hordofuu.

- 5.4. Dantaa Seektara Kalaqaa Guddisuu
 - a. Duula **hubannoo uummataa** mirgoota waraabii fi mirgoota waloo irratti taasifamu deeggaru.
 - b. Mirga kalaqtoota kabajuun hojiiwwan eegumsa argatan haqaan akka itti fayyadaman jajjabeessuu.
 - c. Bulchiinsa mirga dijitaalaa fi tumsa idil-addunyaa dabalatee guddina indaastirii kalaqaa haala dandeessisu uumuu.

5.5. Iftoominaafi Itti gaafatamummaa

- a. Sirni Bulchiinsa To'annoo (CMS) **gabaasa idilee**, odiitii faayinaansii fi sagantaa raabsaa dabalatee akka dhiyeessu gaafachuu.
- b. Odeeffannoowwan ijoo akka taarifa, imaammataa fi hojimaata hayyamaa **ummataaf akka dhaqqabamu** gochuu.
- c. Sirna Bulchiinsa To'annoo (CMS) keessatti **bulchiinsa dimokiratawaa** mirkaneessuu (fkn, hirmaannaa miseensotaa murtee kennuu keessatti).

6. Gudunfaa:

Gaheen Abbaa taayitaa fedhii mirga fudhattoota, fayyadamtootaafi uummataa haala madaalawaa ta'een kabachiisuun sirna bulchiinsa waliinii keessatti amantaa ijaarudha. Kunis dinagdee kalaqaa guddachaa jiru bakka abbootiin qabeenyaa sirrii ta'an beenyaan itti kaffalamu, fayyadamtoonni salphaatti qabiyyee hayyama kennuu danda'an, ummanni immoo qaqqabummaa aadaa bal'aa ta'e argachuu danda'u guddisuuf gargaara.

Dabalee

Unkaan waliigaltee hayyama mirga waraabbii haala barbaadamuun qophaa'u kan Labsii Lakk 410/2004 irratti hundaa'e, **filannoowwan addaa fi adda hin taane** of keessatti qabata.

Waliigaltee Hayyama Mirga Waraabbii.

Waliigalteen kun

Hayyamni kun guyyaa _____ bara 20 irraa eegale waliigaltee hayyama kennaafi heeyyama fudhataa jidduutti taasifamedha.

Hayyama Kenna:

Maqaa Guutuu: _____

Teessoo: _____

L.W.E/ Lakk. Galmee dhabbatichaa: _____

(Kana booda "**Hayyama Kenna**") jedhamee waamamuu danda'a.

fi

Hayyama Fudhataa:

Maqaa Guutuu: _____

Teessoo: _____

L.W.E/ Lakk. Galmee dhabbatichaa: _____

(Kana booda "**Hayyama Fudhataa**") jedhamee waamamuu danda'a)

1. Kenniinsa Hayyamaa

Hayyama kennaan, hojii mirga waraabbii qabu armaan gadii fayyadamuuf ("Hojii") hayyama kanneen kenna

Hayyama Addaa

Hayyama Adda hintaane

(Tokko filadhu)

Mata duree hojii: _____

Gosa Hojii: [Fkn., kitaaba, fiilmii, sooftweerii, faaruu]

Lakk. Galmee (Kan biroo): _____

Guyyaa kalaqaa: _____

2. Daangaa Heeyyamichaa

Heeyyamichi mirgoota armaan gadii haammata (hojiirra oolu isaa mirkaneeffadhu):

Baay'isuu

Raabsuu

Agarsiisa uummataa

Madaqsuu yookiin hiikuu

Tamsaasa dijiitaalaa yookiin maxxansa kallattii

Kan biroo: _____

Daangaa: [Fkn., Itoophiyaa qofa, Afrikaa, Addunyaa guutuu]

Turtii (Yeroo): Fkn., Waggoota 5, kan bara baraa]

Afaan: [Fkn., Amaariffa, Ingiliffa, Afaanota hunda]

3. Beenyaa

Akka hayyamichaatti, hayyama fudhataan, hayyama kennaaf kaffaluuf waliigaleera.

Hanga Qarshii: ETB _____ (yookiin % rooyaalitii: _____%)

Yeroo Kaffaltii: [fkn., lump sum, quarterly, annually]

Ulaagaalee gabaasaa (yoo rooyaalitii ta'e): [fkn., gabaasa fayyadama waggaa]

4. Abbummaa fi Mirga Haamilee

- Hayyama kennaan abbummaa mirga waraabbii ni qabata.
- Hayyama kennaan seera Itoophiyaa jalatti **mirga haamilee** qaba, Isaaniis kanneen akka:
 - Mirga barreessaa adda baasuu.
 - Mirga Hojicha jallisuu ykn xiqqeessuu mormuu.

5. Daangaawwan

Hayyama fudhataan

- Hayyama barreeffamaa malee Hojii kanaaf hayyama xiqqaa kennuu hindanda'u.
- Hojii fooyyessuu (yoo hayyama ifa ta'e malee) hindanda'u.
- Abbummaa Hojii sanaa gaafachuu hindanda'u.

6. Waliigaltee Kutuu

Waliigalteen kun kan adda cituu danda’u:

- Garee waliigalan keessaa tokko guyyoota _____ keessatti barreeffamaan yoo iyyate.
- Battala yoo meeshaan cabe.
- Turtii yeroo waliigaltee yoo dhumu

Yeroo waliigalteen addaan citu, yoo waliigaltee biraa irra gahe malee hayyama fudhataan itti fayyadama hojii hunda dhaaba. Akkasumas, waraabbii hunda ni deebisa ykn ni balleessa.

7. Seera Bulchiinsaa

Waliigalteen kun **Labsii Lakk.410/2004** dabalatee **seera Rippabiiliika Dimookiraatawaa Federaalaa Itoophiyaatiin** kan bulu ta’a.

8. Waliigaltee Guutuu

Waliigaltee kun waliigaltee gareewwan gidduu jiru guutuu kan bakka bu’u yoo ta’u, hubannoowwan kanaan duraa hunda kan bakka bu’udha.

9. Mallattoo

Hayyama Kennaa:

Maqaa: _____

Mallattoo: _____

Guyyaa: _____

Hayyama Fudhataa:

Maqaa: _____

Mallattoo: _____

Guyyaa: _____

Unka Waliigaltee Ramaddii Mirga Waraabbii kan haala barbaadamuun jijjiiramuu danda’u kan Labsii Lakk.410/2004 ykn fooyya’iinsa isaa Labsii Lakk.872/2014 irratti hundaa’e.

Waliigaltee Ramaddii Mirga Waraabbii

Waliigalteen kun guyyaa _____ bara 20 irraa eegale waliigaltee Ramadaafi Ramadamaa jidduutti taasifamedha.

Ramadaa:

Maqaa Guutuu: _____

Teessoo: _____

LWE: _____

(Kana booda “**Ramadaa**” jedhamee waamamuu danda’a)

fi

Ramadamaa:

Maqaa Guutuu: _____

Teessoo: _____

LWE: _____

(Kana booda “**Ramadamaa**” jedhamee waamamuu danda’a)

1. Ramaddii Mirga Warraabbii

Ramaddichi hojii mirga waraabbii qabu armaan gadii (“Hojii”) irrattis ta’e mirga, mata duree, fi dantaa hunda ramadamaaf haala hin deebineen ramada, dabarsee kenna:

Mata duree hojiichaa: _____

Gosa hojiichaa: [Fkn., ogbarruu, muuziqaa, sagalee fi viidiyoo, sooftiweerii fi kkf.]

Guyyaa Kalaqaa: _____

Kan maxxanfame/kaniin maxxanfamne: _____

Lakk. galmee (kan biroo): _____

- Ramaddiin kun kanneen armaan gadii hammata, garuu kanaan daangaa’aa miti:
- Mirga hojiicha baay’isuu, raabsuu, raawwachu, agarsiisuu, madaqsuufi hiikuu.

- Mirga, mirga waraabiiif hayyama kennuu, dabarsuufi hojiirra oolchuu.
- Mirgoonni hundi yeroo eegumsa mirga waraabii guutuu, Itoophiyaa fi addunyaa guutuutti.

2. Xiyyeeffannoo

Ramaddii kana jijjiiruuf, Ramadamaan, ramadaadhaaf maallaqa qarshii _____ (ykn akka waliigaltee biraatti) kaffaluuf walii gala, kan Ramadaaf nagaheen dhihaate.

3. Wabummaa fi Bakka Bu'iinsa

Ramadaan kanneen armaan gadiif wabiifi bakka bu'aa ta'a:

- Abbaa hojiichaafi barreessaa hojiichaadha.
- Hojiin kun orijinaala yoo ta'u, mirga qaama sadaffaa kamiyyuu kan hin cabsinedha.
- Mirgi waraabii ba'aa ykn ramaddii duraan kenname kamiyyuu irraa bilisa.

4. Mirgoota Haamilee

Ramaddichi, seera Itoophiyaa jalatti mirgoonni haamilee kan hindabarfamin ta'uu ni beeka. Akkasumas, mirga:

- Abbummaa hojiichaa gaafachuu; fi
- Badii kabajaafi maqaa isaanii miidhu, qaama hir'isu kamiyyuu niqabaata.

5. Mirkaneessa Dabalataa

Ramaddichi sanadoota dabalataa kamiyyuu raawwachuuf waliigaluu fi Mirgoonni asitti ramadaman guutummaatti akka raawwatan ykn galmaa'an dandeessisuudhaaf ramaddii waliin tumsa ni taasisa.

6. Seera Bulchiinsaa

Waliigalteen kun seerota Rippabiliika Dimookiraatawaa Federaalawaa Itiyooophiyaa keessattuu **Labsii Lakk.410/2004** fi waliigalteewwan idil-addunyaa dhimmi ilaallatu kan Itoophiyaan miseensa taateen kan bulfamu ta'a.

7. Waliigaltee Guutuu

Waliigaltee kun waliigaltee gareewwan gidduu jiru guutuu kan bakka bu'u yoo ta'u, waliigalteewwan ammaa ykn waliigalteewwan kanaan duraa kamiyyuu kan bakka bu'udha.

8. Mallattoo

Ramadaa:

Maqaa: _____

Mallattoo: _____

Guyyaa: _____

Ramadamaa:

Maqaa: _____

Mallattoo: _____

Guyyaa: _____



Copyright and Neighboring Rights Toolkit – Ethiopia

A Practical Guide for Creators, Users, and Institutions

ADDIS ABABA, ETHIOPIA

APRIL 24, 2024

SELAM
Ethiopia



Copyright and Neighboring Right Toolkit for Creative Works in Ethiopia

ADDIS ABABA, ETHIOPIA
APRIL 24, 2024

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Introduction

In today's knowledge-driven society, intellectual property (IP) plays a pivotal role in encouraging innovation, creativity, and economic development. As creators, innovators, educators, and users of creative works become more engaged in producing and sharing content, understanding the legal frameworks that protect these rights is more important than ever.

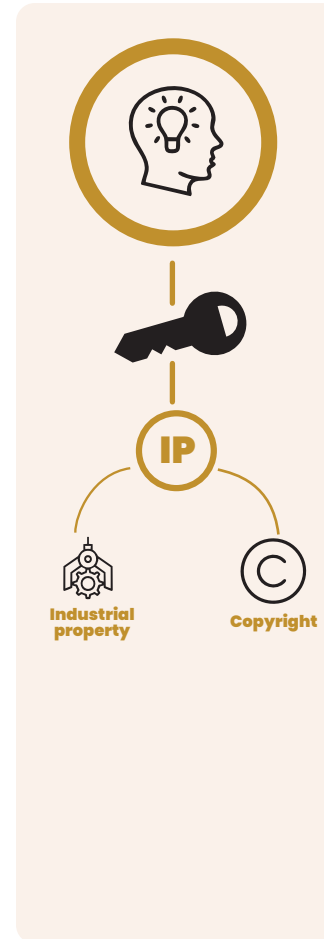
This toolkit is designed as a **practical and accessible resource** for individuals and institutions seeking to navigate the field of intellectual property with a **special focus on Ethiopian copyright law**. It aims to demystify key IP concepts, explain the rights and responsibilities of creators and users, and outline the procedures and protections available under Ethiopian legal system.

The toolkit covers various IP areas but focuses mainly on copyright and neighboring rights with the view to encourage creativity, education, and digital media.

No matter what background you may have, this toolkit is designed to support you to:

- Understand what copyright protects and how long it lasts
- Learn your rights as a creator or user
- Recognize lawful uses of copyrighted materials
- Navigate exceptions and limitations under Ethiopian law
- Engage with enforcement and dispute resolution processes

By equipping you with foundational knowledge and practical guidance, this toolkit aims to empower more informed and confident engagement with intellectual property in Ethiopia promoting creation, protection, access, innovation and fairness.



1. Intellectual Property Rights in Ethiopia

- 1.1. Intellectual property (IP) refers to creations of the mind.
- 1.2. Intellectual property aims at safeguarding creators and other producers of intellectual goods by granting them certain time-limited rights to control the use made of those productions.
- 1.3. Intellectual property is divided into two branches, **Industrial property** and **Copyright**.
- 1.4. Industrial property includes inventions, industrial design, trademarks, service marks, commercial names and designations, including indications of source and appellations of origin, and protection against unfair competition;
- 1.5. Literary, artistic and scientific works and performances of performing artists, sound recordings and broadcasts, usually called neighboring rights or rights related to copyright belong to the copyright branch of intellectual property.

Disclaimer:

This toolkit helps right holders understand, protect, and manage their creative rights. However, it is not a substitute for the law, and users should consult official legislation or legal advice when needed.



15+5
Years

2. Definitions of Patents, Trademarks, Copyright,

We start by defining just some common aspects of patents, utility models, industrial design and trademarks and later will take copyright in depth.

- 2.1. **Patent** is a legal document granted to protect inventions.
- 2.2. Invention is an idea of an inventor which permits in practice the solution to a specific problem in the field of technology.
- 2.3. The term of protection is fifteen years for an initial period with a possible five years extension of the protection for good.
- 2.4. **Utility Model** is sometimes called a “petty patent” and offers protection for **technical inventions** that may not meet the full requirements of a standard patent (especially in terms of inventive step). Though utility models offer **shorter protection**, often 5–10 years, they are **valuable tools** to protect devices or useful products with small improvements or with a short commercial life and encourage innovation, especially for **small inventors, startups, and resource-limited creators**.
- 2.5. **Industrial design Patent** is the right granted, pursuant to a registration system, to protect the original ornamental and non-functional features of an industrial article or product that result from design activity.



Protection
15+5
Years



Renewable
7
Years

- 2.6. Ethiopia is extremely rich in traditional art and folklore which stimulates creations of local craftsmanship. These creations usually fall within the ambit of the term “industrial designs.” Recognition and material benefits for the creator of an industrial design, is an effective system of protection stimulating creative activity.
- 2.7. The term of protection for an industrial design right goes from 5 to 15 years, often divided into terms requiring the proprietor to renew the registration in order to obtain an extension of the term of protection.
- 2.8. **Trademarks** are visible signs capable of distinguishing goods or services of persons like words, designs, letters, numerals, colors or the shape of goods or their packaging or the combinations thereof;
- 2.9. **A trademark**, in order to serve its purpose, it must be distinctive.
- 2.10. The trademark registration is renewable end of every 7 years.
- 2.11. After introducing these common industrial property tools, the next part of the toolkit focuses on **copyright law in Ethiopia**. Copyright is a property right which subsists in the various works listed in the copyright and related right proclamation. It deals with the rights of intellectual creators in their creation.

3. Principles of Copyright Protection

3.1. Requirements for Protection

An author automatically receives copyright protection upon the creation of a work, **regardless of its quality or purpose**, provided that the work:

- is **original**;
- is **fixed** in a tangible form (i.e., recorded in a way that it can be perceived, reproduced, or communicated);
- has a **sufficient connection to Ethiopia** as defined in **Article 3 of Proclamation No. 410/2004**; and
- For a work to qualify for copyright protection in Ethiopia, it must meet certain connecting criteria set out in the Proclamation that include connection by authorship, first publication and place of transmission.

3.2. Eligible Subject Matter

The eligible subject matters as enumerated by the Article 2 (3) of the Proclamation, includes:

- a. Books, booklets, articles in reviews and newspaper, computer programs;
- b. Speeches, lectures, addresses, sermons, and other oral works;
- c. Dramatic, dramatico-musical works, pantomimes, choreographic works, and other works created for stage production.
- d. Musical compositions;
- e. Audiovisual works;
- f. works of architecture;
- g. Works of drawing, painting, sculpture, engraving, lithography, tapestry, and other works of fine arts;
- h. Photographic works;
- i. Illustrations, maps, plans, sketches, and three dimensional works related to geography, topography, architecture or science;
 - i. Applied art;
 - ii. Derivative works:

Translations, adaptations, arrangements and other transformations

or modifications of works and other alterations of a literary or artistic work are protected as original works without prejudice to the copyright in the original work as well as original collections like encyclopedias or databases, are protected if they show creativity in their selection or arrangement.

3.3. Works not protected and the Justifications thereof

Ideas, procedures, system, method of operation, concept, formula, numerical tables and forms of general use, principle, discovery or mere date, even if expressed, described, explained, illustrated or embodied in a work; and any official text of a legislative, administrative or of legal nature, as well as official translations thereof are not protected by the copyright proclamation. And also copyright protection doesn't extend to any physical object containing the work as indicated in the proclamation. The question is why these are not protected?

The following considerations justify their exclusion from protection:

a. Ideas vs. Expression

- i. Copyright protects the *expression* of ideas, **not the ideas themselves**.
- ii. If ideas were protected, it would limit **free thought and communication**, and others couldn't build upon them or create new works.

b. Facts and Discoveries Are Universal

- i. Things like **formulas, concepts, and discoveries** are **natural truths or shared knowledge**.
- ii. No one can "own" a discovery like gravity or a mathematical formula — they are for everyone to use and develop.

iii. Public Interest and Access: Official texts such as laws, court decisions, and government documents must be **freely accessible to the public**.

c. Functional Elements Are Not Creative Expressions: Works for practical or technical purposes, not artistic or literary ones are better suited for protection under **patents or secret law**, not copyright.

d. General Use Materials lack Originality: Things like forms, tables, and calendars are **standard tools** used in daily life, **titles, slogans;**

familiar **symbols** and **common** phrases don't generally reflect creative and lack evidence of originality needed for copyright protection.

3.4. Original Ownership of Economic Right

- a. Subject to exceptions in the proclamation, the author who created the work is the original owner of the economic rights.
- b. If a work has multiple authors, they are joint original owners of the economic rights.
- c. For a collective work, the person who initiated and directed its creation is the original owner of the rights.
- d. If a work is created under employment or commission, the employer or commissioning party is the original owner of the rights, unless otherwise agreed.
- e. For audiovisual works:
 - i. The producer owns the economic rights, but key contributors (like the scriptwriter, director, etc.) retain authorship and a right to contractual remuneration.
 - ii. Authors of works within the audiovisual piece that can be used separately keep their independent copyright.
- f. However, co-authors and authors of pre-existing works in an audiovisual work keep their rights in those contributions, as long as they can be used separately from the audiovisual work.

3.5. Economic and Moral Rights of Authors

- a. Authors have both economic and moral rights.
- b. Economic rights are those rights which help the author reap economic benefits.
- c. The author has the exclusive right to do, to authorize or to prevent others from doing the following acts:
 - i. reproduction of the work (to distribute copies of a text-based work to the public, whether in the form of printed copies or digital media such as CD-ROMs);
 - translation of the work (in languages other than the original);
 - adaptation of the work(modification of a work from one type of work to another such as a novel into a movie), arrangement or other transformation of the work;

- ii. distribution of the original or a copy of the work to the public by sale or rental;
 - importation of original or copies of the work;
 - public display of the original or a copy of the work;
 - performance of the work(for example, public readings, dramatic and musical performances before an audience);

- iii. broadcasting of the work (by radio, cable, or satellite);
 - other communication of the work to the public

- d. The right to control rental or lending generally does not apply to **computer programs** unless the **software itself is the main item** being rented. If it is just part of a device, the right holder **cannot restrict** the rental. But if the program is the **primary focus**, they **can control** its use.

For example: Renting a computer with pre-installed software is not restricted, but renting the software itself (like design or editing software) is subject to the copyright holder's control.

3.6. Resale Rights for Original Works of Art and Manuscripts (Droit de Suite)

When an **original work of art** (like a painting, sculpture, or drawing) or an **original manuscript** (such as a handwritten book or musical composition) is resold **after the first sale by the author**, the **author or their heirs** are entitled to receive a **share of the resale price**.

This right is:

- **Inalienable**, meaning it **cannot be waived or transferred** to someone else.
- **Applies only to resale** after the initial sale by the creator.
- **Intended to ensure** that creators or their heirs continue to benefit from the increasing value of their work over time.

The **exact percentage** of the resale price and the **specific conditions** under which this right applies will be **defined by future regulations** issued under the authority of the proclamation.

This concept is internationally recognized as the "**droit de suite**" (right to follow), and envisaged support to artists by allowing them a share of the economic success of their works beyond the first sale.

3.7. Moral Rights

- a. Irrespective of the ownership of the economic rights the author of the work has moral rights over his /her work.
- b. The moral rights of the author include:
 - i. to claim authorship of his work(**right of paternity**) , except where the work is included, incidentally or accidentally, in reporting current events by means of broadcasting;
 - ii. to remain anonymous or to use a pseudonym; and
 - iii. to object any distortion, mutilation or other alteration of his work(**right of integrity**), where such an act is or would be prejudicial to his honor or reputation.
 - iv. to publish his work.

3.8. Duration of economic rights

- a. The duration of the economic rights is life and fifty (50) years after the death of the author.
- b. Where the work was jointly authored, the term of fifty (50) years runs from the death of the last surviving author.
- c. The term of 50 years of a posthumous work shall runs from the date of publication of the work.
- d. Economic rights in a collective work (excluding audiovisual works) last 50 years from the latest of its creation, publication, or public release.
- e. For anonymous or pseudonymous works, economic rights last 50 years from first publication or public release.
- f. Where before the expiration of fifty (50) years the identity of the author is known, the economic rights are protected during the lifetime of the author and fifty (50) years after their death.
- g. The term of the economic rights of a photographic work is twenty-five years from the making of the work.
- h. Economic rights in an audiovisual work last 50 years from its creation or public release, whichever is later.
- i. Performance rights last until the end of the 50th year after the performance is recorded or, if not recorded, after the performance took place;
- j. Sound recording rights last 50 years from publication or, if

unpublished, 50 years from fixation;

- k. **Broadcasting organizations:** 20 years from the end of the year of the broadcast

3.9. Assignment of Copyright

- a. Economic rights may be assigned in whole or in part.
- b. Assignment of economic rights must be in writing.
- c. Only rights clearly stated in the assignment are transferred.

3.10. Scope of assignment

- a. An assignment only covers the economic rights specified in the agreement.
- b. The assignment of economic rights does not extend to the physical object containing the work.
- c. If an agreement doesn't specify a time period, the assignment of economic rights ends after 10 years.
- d. If an agreement doesn't specify how the rights may be used or exploited, the assignee may use them as reasonably needed to fulfill the parties' intended purpose.
- e. If economic rights are unused or misused to the author's harm, the author may revoke the assignment.

3.11. Licensing of Copyright

- a. A license of economic rights may be in whole or in part and must be in writing.
- b. A license of economic rights may also be exclusive or non-exclusive.
- c. An exclusive license allows the licensee to use the rights and exclude others, including the author.
- d. A non-exclusive license allows licensee use the rights alongside the author and others.
- e. Only rights clearly stated in the license is transferred

3.12. Scope of license

- a. A license only covers the economic rights specified in the agreement.

- b. Licensing of economic rights does not extend to the physical object containing the work.
- c. If an agreement doesn't specify a time period, the license of economic rights ends after 5 years.
- d. If an agreement doesn't specify how the rights may be used or exploited, the licensee may use them as reasonably needed to fulfill the parties' intended purpose.
- e. If economic rights are unused or misused to the author's harm, the author may revoke the license.

3.13. Copyright Assignment and License Agreements: Key Considerations

When drafting or customizing these agreements, consider the following:

- a. **Scope of Rights:** Clearly define what rights are being transferred or licensed (e.g., reproduction, distribution, adaptation).
- b. **Duration and Territory:** Specify the time frame and geographical area the agreement covers.
- c. **Compensation:** Outline any payment terms, including royalties or lump-sum payments.
- d. **Moral Rights:** Authors have moral rights that cannot be waived or transferred. Ensure your agreement complies with terms of the proclamation.
- e. **Governing Law:** Indicate the law or regulation your agreements comply with: Proclamation No.410/2004 or No.872/2014 coupled with the appropriate provisions of Contract law under the civil code.

3.14. Steps for Customizing a Copyright Assignment and License Agreements

- a. Identify the Parties Involved
 - Assignor/Licensor: The original owner of the copyright.
 - Assignee/Licensee: The individual or entity receiving the rights.
 - Include full legal names and contact information for both parties.
- b. Describe the Work

- i. Clearly specify the work subject to the agreement. This includes:
 - Title of the work.
 - Type of work (e.g., literary, musical, artistic).
 - Date of creation.
 - Registration number, if applicable.
- ii. Attach samples or references to the work as necessary.
- c. Define the Scope of Rights
 - i. **For Assignments:** Specify that all rights are being transferred.
 - ii. **For Licenses:** Detail the specific rights granted, such as:
 - Reproduction rights.
 - Distribution rights.
 - Public performance rights.
 - Adaptation rights.
 - iii. Indicate whether the license is exclusive or non-exclusive.
- d. Set the Duration and Territory
 - i. **Duration:** Define the time frame of the agreement (e.g., 5 years, perpetual).
 - ii. **Territory:** Specify the geographical area where the rights apply (e.g., Ethiopia, worldwide).
- e. Outline Compensation Terms
 - i. Detail the financial arrangements, such as:
 - One-time payment.
 - Royalty percentages.
 - Payment schedules.
 - ii. Include provisions for minimum guarantees or advances if applicable.
- f. Include Representations and Warranties

The assignor/licensor should affirm that:

 - They are the rightful owner of the work.
 - The work does not infringe on any third-party rights.
 - They have the authority to enter into the agreement.

g. Specify Governing Law

The relevant provisions of the copyright Proclamation or the Ethiopian Civil Code.

h. Add Additional Clauses as Needed

Consider including clauses on:

- Termination conditions.
- Dispute resolution mechanisms.
- Confidentiality obligations.
- Force majeure events.

i. Finalize the Agreement

- i. Ensure all parties sign and date the agreement.
- ii. Consider notarization for added legal validity.
- iii. Keep copies for all parties involved

3.15. Labeling and Attribution Duties of Sound Recording Producers

Producers must label sound recordings or audiovisual works with the title, author and main performers' names, producer's name or mark, and a rights reservation notice. Choirs or orchestras must also be named with their leader. This promotes transparency, ensures proper credit, and protects the rights of all parties involved.

3.16. Notice of protection

For commercial audiovisual or sound recordings, the label or container must display the (P) symbol and the year of first publication to indicate the producer's rights and it also alerts the public that a work is protected, helping prevent infringers from claiming ignorance. It strengthens enforcement, even though it's not legally required, serving as initial legal evidence in disputes.

3.17. Exceptions and Limitations?

Third parties may use copyrighted works without consent or payment in fair dealing cases, such as:

- a. Reproduction for Personal Purposes;
- b. Quotation;
- c. Reproduction for Teaching;
- d. Reproduction by Libraries, Archives and Similar Institutions;

e. Informatory Reproduction and Communication to the Public;

f. Reproducing and altering software within legal limits;

g. Importation for personal purpose;

h. Private performance free of charge;

i. Issuance of compulsory license;

j. Display of works;

k. Distribution of copies of works;

3.18. Copyright Registration

a. Who can register a copyright?

- i. The rights holder or assignee may apply for registration, and the Office is responsible for registering works and preserving sample copies as per the Regulation.
- ii. Any work eligible for copyright may be registered if it meets the requirements of Article 6 of the Proclamation.

b. Requirements for Registration

i. Requirements Summarized:

- Completed application form
- Sworn affidavit
- Sample of the work (e.g., CD, tape)
- Proof of payment for the service fee
- Identification documents

ii. Requirements in detail

- Applications must include details about the applicant and author, the title of the work, class, language, publication status, and any relevant publication history, along with other required information set by the Office.
- Applications must include a sample of the work and documents such as ID, proof of legal status (for legal persons), power of attorney (if needed), proof of rights (if not the author), service fee receipt, and other documents as required. Any non-Amharic or non-English documents must be translated into Amharic or English.
- Applications for copyright registration must be in Amharic

or English and can be submitted by post or online. Postal submissions must clearly state the name of the Office and address. The Office may also request the applicant or their agent to appear in person if needed.

- Each application for registration must cover only one work, except for series works like encyclopedias, which may be registered with a single application.
- The Office will conduct a formality examination to ensure the application meets the required criteria. If defects are found, the applicant will be notified to make corrections within one month. Failure to correct the defects within the given time will result in the application being considered abandoned.
- The Office does not conduct a substantive examination to prove ownership of the work but requires the applicant to submit an affidavit confirming their ownership. If the affidavit is found to be false, the applicant will be criminally liable under relevant laws.

iii. Issuance of Certificate, content and effects

- The Office will register a work and issue a certificate of registration if the application meets the formality requirements.
- The certificate of registration for a work entitling copyright issued by the Office will include the registration number, applicant details, date of application, and the registration's validity period.
- The certificate of registration serves as prima facie evidence of ownership of the work.
- Failure to register a work does not affect its copyright rights protection under the Proclamation.
- The certificate of registration is valid for five years. It can be renewed within six months of expiration for five successive years, until the protection period ends. Failure to renew within the allowed period will result in the cancellation of the certificate.
- When a registered copyrighted work is assigned, the assignee can apply to the Office with evidence of the assignment and proof of fee payment. The Office will register the assignment and issue a certificate in the assignee's name.

3.19. Piracy and Infringement

- a. Copyright is infringed when someone uses protected work without the owner's consent. Unauthorized copying and commercial use of such works is called **piracy**.
- b. Piracy is often driven by commercial gain and usually involves organized reproduction and distribution of copyrighted works. Though consumers may only see a single outlet, it often represents a larger illegal operation behind the scenes.
- c. Piracy may offer cheaper works in the short term, but it often delivers poor quality and deprives creators of fair compensation. This loss of income discourages investment in new creative works, ultimately harming both artists and consumers.
- d. The effect of Piracy on Consumers, Creators, Promoters, and Authorities is that it may offer cheap content, but often in poor quality. It deprives creators and promoters of income, reducing incentives for new works. Governments also lose tax revenues and face challenges enforcing intellectual property rights.
- e. Piracy undermines tax revenue, reducing government support for the arts. This weakens the copyright system and threatens the growth of national cultural identity that copyright aims to protect.

Notions of piracy

- a. **Counterfeits:** Counterfeits are exact copies of sound or video discs or tapes, often replicating packaging and trademarks, and can be tapes or industrially manufactured CDs.
- b. **Bootlegs:** Bootlegs are unauthorized recordings of live performances or broadcasts.
- c. **Pirate copies:** Pirate copies are low-quality, unauthorized recordings that don't imitate the original, often with handwritten labels, and are now less common due to demand for better quality.
- d. The term "piracy" includes all types of infringement—counterfeits, bootlegs, and pirate copies. The most affected categories are sound and video recordings, computer programs, broadcasts, and books.

Enforcement of Rights

The following enforcement provisions except the last one (e) are incorporated in Ethiopian copyright legislations.

- a. Provisional measures:** under these measures the court shall order prompt provisional measures to prevent infringement, especially to stop goods, including imports, from entering commerce after customs clearance and to preserve relevant evidence.
- b. Civil Remedies:** These are final remedies in which Courts can award compensation for material and moral damages, grant injunctions, and confiscate infringing works or related items. The rights holder may also claim unjust enrichment or the infringer's net profits. Compensation for material damage is based on the extent of harm, while moral damage is at least Birr 100,000. If the infringer was unaware, compensation may be limited to their profit. Infringing copies can be destroyed or removed from commerce, unless acquired in good faith.
- c. Border Measure:** The Customs authority, upon written request from the copyright or neighboring right holder, may retain goods suspected of infringement. The applicant must be informed of the retention. If no justifiable evidence is provided within 10 days, the retention is lifted. The applicant is liable for damages if the request is unfounded. The customs authority may confiscate infringing goods upon court order.
- d. Criminal Sanctions:** Intentional violations of protected rights under this law are punishable by 5 to 10 years of rigorous imprisonment, unless a heavier penalty is specified by criminal law. Gross negligence violations are punishable by 1 to 5 years of imprisonment. Penalties may also include seizure, forfeiture, and destruction of infringing goods and related materials.
- e. Measures:** Enforcement measures address abuses of technological protection measures (TPMs) designed to prevent **unauthorized copying** or access to **digital content**, it also prohibits the manufacture or distribution of devices **that circumvent these protections**, as well as the alteration or removal of electronic rights management information.

This last remedy, (e) is not part of the enforcement provisions of our copyright proclamation. While there is no specific law governing technological protection measures (TPMs) in our system, global trends encourage right holders to independently apply such measures until legislation addresses unauthorized copying and tools that bypass protections.

Initiating Legal Action

To initiate legal action against copyright and neighboring rights violations the affected party follows these steps:

- a. Identify the Infringement act:** Gather concrete evidence of the infringement, such as copies of unauthorized reproductions, distribution records, or any other documentation demonstrating the unauthorized use of your work.
- b. Initiate legal proceedings:** File a complaint with the appropriate Tribunal or Court that handles intellectual property matters. The intellectual property Tribunal established pursuant to Proclamation No. 872/2014 to provide an efficient and specialized forum for resolving IP disputes of civil cases except extra-contractual liability is not currently in a position to handle such cases. Instead regular courts continue adjudicating cases relating to copyrights.
- c. Which Courts are appropriate?** Copyrights and neighboring rights proclamations like other intellectual property rights fall under federal laws. Federal Courts have Jurisdiction over federal laws.

According to the Federal Courts Proclamation No. 1234/2021, Article 5(m), federal courts have jurisdiction over civil cases relating to literary and artistic-ownership rights.

- **Federal First Instance Court:** Handles civil cases involving amounts not exceeding ETB 500,000 or cases where the monetary value cannot be determined.
- **Federal High Court:** Handles civil cases involving amounts exceeding ETB 500,000.

Therefore, if a copyright infringement case involves a claim amount below ETB 500,000, it would typically be heard by the Federal First Instance Court. If the claim exceeds this amount, the Federal High Court would have jurisdiction.

Criminal Cases: The Federal First Instant Court has jurisdiction over criminal cases under Copyright and Neighboring Rights Proclamations specified in the enforcement provisions. However, if the infringement is particularly severe or has broader implications, the Federal High Court may assume jurisdiction.

Note also that in regions, it is Regional High Courts that take on the Federal First Instance Court's matters by delegation.

4. Collective Management of Copyright and Neighboring Rights

4.1. Their Basic Operations:

- Managing rights individually is often impractical; collective management organizations help handle licensing of copyrighted works, follow on enforcement on behalf of copyright owners.
- Right holders should be rewarded for their work. Collective management organizations collect and distribute copyright fees fairly on a non-profit basis.
- All copyright and related rights owners can join collective management organizations.
- Members declare their works when joining, forming the local repertoire. This links usage to rightful owners, alongside foreign works in the international repertoire

4.2. Where societies are active

Collective management organizations typically manage the following rights:

- Public performance rights (music played in public places)
- Broadcasting rights (live and recorded performances on radio and TV)
- Mechanical reproduction rights (reproduction of works in various formats like CDs, tapes, etc.)
- Performing rights in dramatic works (stage plays)
- Reprographic reproduction rights (photocopying of literary and musical works)

Related rights (for performers and producers of phonograms, ensuring remuneration for broadcasts or public communication)

5. The Ethiopian IP Authority: Key Functions in Copyright

Generally, the Ethiopian Intellectual Property Authority oversees copyright policy, legislation, and enforcement strategies. It also manages registration systems, a key but often burdensome task depending on the industry growth and registration demand. It may also handle issues of compulsory licenses, under special provisions.

In respect of collective right administration the **Authority has:**

5.1. Regulatory Oversight

- Granting recognition and licensing** collective management organizations (CMOs) based on clear legal criteria.
- Ensuring compliance** with the law, including proper governance, fair distribution of royalties, and transparent financial reporting.
- Revoking recognition** if a CMS fails to meet legal standards or acts against the interests of its members.

5.2. Protecting Right Holders

- Ensuring that the CMS properly **collects and distributes royalties** to creators, performers, and producers.
- Mediating disputes between CMS and right holders when necessary.

5.3. Supporting Users (e.g., broadcasters, event organizers)

- Encouraging CMS to provide fair, standardized, and accessible licensing terms.
- Helping to resolve conflicts between CMS and users over fees, scope of rights, or unfair licensing conditions.
- Monitoring anti-competitive behavior by CMS or users.

5.4. Promoting the Interests of the Creative Sector

- a. Supporting public awareness campaigns on copyright and collective rights.
- b. Encouraging the fair use of protected works while respecting creators' rights.
- c. Creating an enabling environment for the growth of the creative industry, including digital rights management and international collaboration.

5.5. Transparency and Accountability

- a. Requiring CMS to submit **regular reports**, including financial audits and distribution schedules.
- b. Making key information **publicly accessible**, such as tariffs, policies, and licensing procedures.
- c. Ensuring **democratic governance** within CMS (e.g., member participation in decision-making).

6. In Summary:

The Authority's role is to **balance the interests** of right holders, users, and the public, while **building trust** in collective management systems. This helps foster a thriving creative economy where right holders are fairly compensated, users can easily license content, and the public enjoys wider cultural access.

Annexes

A customizable **Copyright License Agreement Template** based on **Proclamation No. 410/2004**, includes both **exclusive and non-exclusive** options

Copyright License Agreement

This Agreement is entered into on this ___ day of _____, 20, by and between:

Licensor:

Full Name: _____

Address: _____

ID/ Company Reg. No.: _____

(hereinafter referred to as the "**Licensor**")

and

Licensee:

Full Name: _____

Address: _____

ID/ Company Reg. No.: _____

(hereinafter referred to as the "**Licensee**")

1. Grant of License

The Licensor hereby grants to the Licensee a:

Exclusive License

Non-Exclusive License

(check one)

to use the following copyrighted work (the "**Work**"):

Title of Work: _____

Type of Work: [e.g., book, film, software, song]

Registration No. (if any): _____

Date of Creation: _____

2. Scope of the License

The license includes the following rights (check applicable):

- Reproduction
- Distribution
- Public performance or display
- Adaptation or translation
- Digital transmission or online publication
- Other: _____

Territory: [e.g., Ethiopia only, Africa, worldwide]

Term (Duration): [e.g., 5 years, perpetual]

Language(s): [e.g., Amharic, English, all languages]

3. Compensation

As consideration for the license, the Licensee agrees to pay the Licensor:

- Amount: ETB _____ (or % royalty: _____%)
- Payment Terms: [e.g., lump sum, quarterly, annually]
- Reporting Requirements (if royalties): [e.g., annual usage reports]

4. Ownership and Moral Rights

- The Licensor retains ownership of the copyright.
- The Licensor retains moral rights under Ethiopian law, including:
 - The right to be identified as the author.
 - The right to object to distortion or derogatory treatment of the Work.

5. Restrictions

The Licensee shall not:

- Sub-license the Work without written permission.
- Modify the Work (unless explicitly licensed).
- Claim ownership of the Work.

6. Termination

This Agreement may be terminated:

- By either party with ___ days' written notice.
- Immediately upon material breach.
- Automatically upon expiration of the license term.

Upon termination, the Licensee shall cease all use of the Work and return or destroy all copies, unless otherwise agreed.

7. Governing Law

This Agreement shall be governed by the laws of the **Federal Democratic Republic of Ethiopia**, including **Proclamation No. 410/2004**.

8. Entire Agreement

This Agreement represents the **entire agreement** between the parties and supersedes all previous understandings.

9. Signatures

Licensor:

Name: _____

Signature: _____

Date: _____

Licensee:

Name: _____

Signature: _____

Date: _____

A customizable Copyright Assignment Agreement Template based on Proclamation No. 410/2004 or its amendment Proclamation No.872/2014

Copyright Assignment Agreement

This Agreement is entered into on this ___ day of _____, 20, by and between:

Assignor:

Full Name: _____

Address: _____

ID Number: _____

(hereinafter referred to as the “Assignor”)

and

Assignee:

Full Name: _____

Address: _____

ID Number: _____

(hereinafter referred to as the “Assignee”)

1. Assignment of Copyright

The Assignor hereby irrevocably **assigns**, transfers, and conveys to the Assignee **all rights, title, and interest** in and to the following copyrighted work (the “Work”):

Title of the Work: _____

Type of Work: [e.g., literary, musical, audiovisual, software, etc.]

Date of Creation: _____

Published/Unpublished: _____

Registration No. (if any): _____

This assignment includes, but is not limited to:

- The right to reproduce distributes, perform, display, adapt, and translate the Work.
- The right to license, transfers, and enforces the copyright.
- All rights for the **entire duration of copyright protection**, in Ethiopia and worldwide.

2. Consideration

In exchange for this assignment, the Assignee agrees to pay the Assignor the amount of ETB _____ (or as otherwise agreed), the receipt of which the Assignor hereby acknowledges.

3. Warranties and Representations

The Assignor represents and warrants that:

- They are the **sole owner and author** of the Work.
- The Work is **original** and does not infringe on any third-party rights.
- The copyright is **free from any encumbrances** or prior assignments.

4. Moral Rights

The Assignor acknowledges that, under Ethiopian law, **moral rights are non-transferable**, and retains the right to:

- Claim authorship of the Work; and
- Object to any distortion, mutilation, or modification that would prejudice their honor or reputation.

5. Further Assurances

The Assignor agrees to execute any further documents and cooperate with the Assignee to enable full enforcement or registration of the rights assigned herein.

6. Governing Law

This Agreement shall be governed by the laws of the **Federal Democratic Republic of Ethiopia**, particularly **Proclamation No. 410/2004** and relevant international treaties to which Ethiopia is a party.

7. Entire Agreement

This Agreement represents the **entire understanding** between the parties and supersedes any previous agreements or understandings.

8. Signatures

Assignor:

Name: _____

Signature: _____

Date: _____

Assignee:

Name: _____

Signature: _____

Date: _____



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