

## FINAL QUESTIONNAIRE ON LIMITATIONS AND EXCEPTIONS

*prepared by the World Intellectual Property Organization (WIPO) Secretariat*

The answers to this questionnaire have been provided on behalf of:

Country: Ghana

by

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### *Part I: General*

1. Does your national statute provide for a limited number of specific statutory limitations and exceptions, an open system of limitations and exceptions (such as fair use or fair dealing) or a mix of both systems?

- Specific  
 Open  
 Mixed  
 Others, please describe: \_\_\_\_\_

2. Does your national statute include the three-step test as a general provision on copyright limitations and exceptions?

- Yes  
 No  
 Partially, please describe: \_\_\_\_\_

3. Does your national statute provide limitations and exceptions as free uses (there is no need for authorization or for payment of remuneration)?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

4. Does your national statute include limitations and exceptions based on statutory licenses (direct permission granted by the law against remuneration)?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

5. Does your national statute include limitations and exceptions based on compulsory licenses (obligation of the rights owners under the law to grant licenses against remuneration)?

- Yes  
 No

6. Does your national statute include specific limitations or exceptions permitting the use of copyrighted works for private or personal purposes, without previous authorization of the copyright or related rights owner?

- Yes  
 No

Please describe: \_\_\_\_\_

7. Does your national statute provide remuneration for private or personal uses (for instance, copyright levies)?

- Yes  
 No

If yes, please describe: *Levies on devices used for reproduction.*

8. Does your national statute allow parties to agree in licensing agreements or other binding contracts not to engage in conduct that would otherwise be permitted under the national statute's exceptions and limitations?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

9. Does your national statute subject the exercise of limitations and exceptions to the condition of a lawful or authorized source requirement (for instance, that copies are made from a lawful source)?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

10. Does your national statute protect technological measures?

- Yes
- No

11. Does your national statute protect rights management information?

- Yes
- No

12. Does your national statute provide specific mechanisms to ensure that limitations or exceptions continue to apply despite the existence of any technological measures implemented by the copyright or related rights owners?

- Yes
- No

If yes, please describe: \_\_\_\_\_

13. If recourse to legal proceedings is needed, what is the average time to ensure the exercise of limitations and exceptions if some type of technological measures of protection is applied by copyright and related rights owners?

Please describe: \_\_\_\_\_

14. Does your national statute provide that certain limitations or exceptions prevail over the prohibitions on the act of circumventing technological protection measures or rights management information?

- Yes
- No

If yes, please describe: \_\_\_\_\_

15. If recourse to legal proceedings is needed regarding limitations and exceptions, what is the average time needed to resolve a dispute regarding the prohibition of circumventing the technological measures of protection and digital rights management?

Please describe: \_\_\_\_\_

16. Does your national statute include limitations and exceptions especially for the use of computer programs?

- Yes
- No

Please describe: *Single copy of a program by the lawful owner is allowed*

17. Does your national statute provide limitations and exceptions for the temporary use of digital works?

- Yes  
 No

Please describe: \_\_\_\_\_

18. Does your national statute include limitations and exceptions, or statutory safe harbors (statutory safe harbor refers to any statutory enactment which provides that a person will not be liable upon taking certain measures), for the activities of the service providers of digital transmission of works?

- Yes  
 No

Please describe: \_\_\_\_\_

19. Does your national statute provide that certain limitations or exceptions prevail over the prohibition on the acts of trafficking with devices or providing services that allow the circumvention of technological protection measures or rights management information?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

20. If recourse to legal proceedings is needed regarding exceptions and limitations, what is the average time needed to resolve a dispute regarding the prohibition of dealing with devices or providing services to circumvent the technological protection measures and rights management information?

Please describe: \_\_\_\_\_

*Part II: Limitations and Exceptions related to Educational Activities*

21. If your national statute is included in the analysis of specific exceptions contained in any of the studies on limitations and exceptions for educational or research activities (documents SCCR/19/4, SCCR/19/5, SCCR/19/6, SCCR/19/7, SCCR/19/8)<sup>1</sup>, do you consider that the analysis is correct?

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<sup>1</sup> For Latin American and the Caribbean countries, document SCCR/19/4. Available at: [http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=130303](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130303)

For African countries, document SCCR/19/5. Available at: [http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=130241](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130241)

- Yes
- No
- The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

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22. Does your national statute provide specific limitations and exceptions for educational purposes?

- Yes
- No

Please list them: \_\_\_\_\_

23. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

- Face-to-face activities
- Distance education
- Both

Please list them: \_\_\_\_\_

### *On performances<sup>2</sup>*

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[Footnote continued from previous page]

For Arab countries, document SCCR/19/6. Available at:  
[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=130302](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130302)

For Asian and the Pacific countries, document SCCR/19/7. Available at:  
[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=130249](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130249)

For countries in North America, Europe, Caucasus, Central Asia and Israel, document SCCR/19/8. Available at: [http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=130393](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130393)

<sup>2</sup> Performance is used here *lato sensu*. It is a broadly applied practice in national legislation to use terms other than those appearing in the international norms on copyright and related rights; that is, to characterize the acts and rights concerned in a way different from the way they are characterized legally in the said international norms. As in the current case, for example, several countries may grant a “right of public performance” in a way that it covers more or less all non-copy-related rights (not only the performance *stricto sensu*, but also and in particular, the right of broadcasting and the right of communication to the public by cable (wire), which, in the Berne Convention are construed as separate rights), or it is also frequent in national laws that a broader right of broadcasting is provided which also covers the right of communication to the public by cable (wire), a separate right under the Berne Convention.

24. Does your national statute provide specific limitations and exceptions allowing performances for educational purposes, such as performances by teachers in classrooms or school concerts?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

25. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions that permit performances for educational purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

26. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing performances for educational purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

27. Who is eligible to engage in activity covered by the specific limitations and exceptions allowing performances for educational purposes? (more than one option can be selected)

- Teachers  
 Students  
 Educational institutions  
 Others. Please describe: \_\_\_\_\_

28. In case educational institutions are eligible to engage in activities covered by specific limitations and exceptions allowing performances for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit  
 Not-for-profit  
 Public  
 Private  
 Others. Please describe: \_\_\_\_\_

29. Does your national statute provide targeted limitations and exceptions allowing reproduction for educational purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

30. What kind of reproduction is covered by those limitations and exceptions? (more than one option can be selected)

- Reprography  
 Digital copying  
 Others. Please describe: \_\_\_\_\_

31. Do the limitations or exceptions allowing reproduction include the preparation of course packs, compilations or anthologies?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

32. Does your national statute provide remuneration for the exercise of the specific limitations and exceptions allowing reproduction for educational purposes?

- Yes  
 No

If yes, please describe: *Fee on reprographic reproduction*

33. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing reproduction for educational purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

34. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing reproduction for educational purposes? (more than one option can be selected)

- Teachers  
 Students  
 Educational institutions  
 Others. Please describe: *Libraries and Archives*

35. In case educational institutions are eligible to engage in activities covered by the enumerated limitations and exceptions allowing reproduction for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
- Not-for-profit
- Public
- Private
- Others. Please describe: \_\_\_\_\_

36. Does your national statute subject the limitations and exceptions on reproduction for educational purposes to the use of technological measures?

- Yes
- No

If yes, please describe: \_\_\_\_\_



*On translations*

37. Does your national statute provide specific limitations and exceptions allowing translations for educational purposes?

- Yes  
 No

38. Does your national statute provide remuneration against the exercise of specific limitations and exceptions allowing translations for educational purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

39. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the enumerated limitations and exceptions allowing translations for educational purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

40. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing translations for educational purposes? (more than one option can be selected)

- Teachers  
 Students  
 Educational institutions  
 Others. Please describe: ***Professional Training or Public Education***

41. In case educational institutions are eligible to engage in activities covered by any of the enumerated limitations and exceptions allowing translations for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit  
 Not-for-profit  
 Public  
 Private  
 Others. Please describe: \_\_\_\_\_

*On making available in digital networks*

42. Does your national statute provide specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes  
 No

43. Do the specific limitations or exceptions for making available in digital networks include coursepacks, compilations or anthologies?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

44. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

45. Does your national statute include any specific requirement regarding the qualitative or quantitative limits extent and nature of the works or objects of related rights covered by the specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

46. Who is eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes? (more than one option can be selected)

- Teachers  
 Students  
 Educational institutions  
 Others. Please describe: \_\_\_\_\_

47. In case educational institutions are eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
- Not-for-profit
- Public
- Private
- Others. Please describe: \_\_\_\_\_

48. Does your national statute subject the limitations and exceptions on making available in digital networks for educational purposes to the use of technological measures?

- Yes
- No

If yes, please describe: \_\_\_\_\_

49. Does your national statute include any other specific limitations or exceptions related to educational purposes that have not been covered above?

- Yes
- No

50. If not, what other limitations and exceptions for educational purposes would be necessary?

Please describe: \_\_\_\_\_

51. Are there impediments to the use of limitations and exceptions for educational purposes (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

- Yes
- No

If yes, please describe: *Lack of information about the Limitations and Exceptions*

*Part III: Limitations and Exceptions related to Libraries and Archives*

52. If your national statute is included in the analysis of specific exceptions contained in the Annex of the WIPO Study on Copyright Limitations and Exceptions for Libraries and Archives (document SCCR/17/2)<sup>3</sup>, do you consider that the analysis is correct?

- Yes  
 No  
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

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53. Does your national statute contain any limitations or exceptions that permit copying by libraries and/or archives for purposes of preservation or replacement?

- Yes  
 No

Please describe: *Section 21 of the Copyright Act 2005, Act 690.*

54. What types of works may be reproduced for these purposes?

Please describe: *Published Articles, other short work, short extract of a work.*

55. Does your national statute establish qualitative or quantitative limits for these purposes?

- Yes  
 No

Please describe: *Single copy. Where more than one copy is required, permission shall be sought from the copyright owner or the appropriate CMO authorized by the publisher.*

56. What other conditions must be met in order for such reproduction to be authorized?

Please describe: *The interest of the publisher or appropriate CMO must be considered.*

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<sup>3</sup> Document SCCR/17/2, page 72. Available at:  
[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=109192](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=109192)

57. Does your national statute contain any limitations or exceptions that permit copying by libraries or archives for patron use?

- Yes  
 No

Please describe: *Section 21(2) of the Copyright Act 2005, Act 690.*

58. What types of works may be reproduced for these purposes?

Please describe: *Published Articles, other short work, short extract of a work.*

59. Does your national statute include specific provisions regarding orphan works?

- Yes  
 No

If yes, please describe: *Section 38: Works by authors who have renounced their rights, foreign works that do not enjoy protection in the Republic.*

60. Does your country have plans to include or modify the specific exceptions and limitations related to the activities of libraries and archives?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

61. If not, what other limitations and exceptions for libraries and archives would be necessary?

Please describe: \_\_\_\_\_

62. Are there impediments to the use of limitations and exceptions related to the activities of libraries and archives (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

63. Does your national statute establish qualitative or quantitative limits for these purposes?

- Yes  
 No

Please describe: \_\_\_\_\_

64. What other conditions must be met in order for such reproduction to be authorized?

Please describe: \_\_\_\_\_

65. Does your national statute contain any limitations or exceptions that permit libraries to reproduce and/or distribute works (either reprographic and/or digital) for the purposes of interlibrary lending?

- Yes  
 No

Please describe: \_\_\_\_\_

66. Does your national statute contain any limitations or exceptions that permit any other organizations (such as museums or educational institutions) to reproduce or distribute works for archival, preservation, or replacement purposes?

- Yes  
 No

Please describe: \_\_\_\_\_

*Part IV: Limitations and Exceptions for Persons with Disabilities*

67. If your national statute is included in the analysis of specific exceptions contained in Annexes 2 and 3 of the Study on Limitations and Exceptions for the Visually Impaired (document SCCR/15/7)<sup>4</sup>, do you consider that the analysis is correct?

- Yes  
 No  
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

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68. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with print disabilities<sup>5</sup> or visually impaired persons, including the reading impaired?

- Yes  
 No

Please describe: \_\_\_\_\_

69. Does your national statute specify the formats (for instance, Braille or large print) that fall under this exception?

- Yes  
 No

Please describe: \_\_\_\_\_

70. What other conditions must be met in order for such uses to be authorized?

Please describe: \_\_\_\_\_

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<sup>4</sup> Document SCCR/15/7, page 138. Available at:  
[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=75696](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=75696)

<sup>5</sup> A person with print disability is a person who cannot effectively read print because of a visual, physical, perceptual, developmental, cognitive, or learning disability.

71. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with print disabilities or visually impaired persons, including the reading impaired?

- Yes  
 No

Please describe: \_\_\_\_\_

72. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for deaf persons?

- Yes  
 No

Please describe: \_\_\_\_\_

73. Does your national statute specify the formats that fall under this exception?

- Yes  
 No

Please describe: \_\_\_\_\_

74. What other conditions must be met in order for such uses to be authorized?

Please describe: \_\_\_\_\_

75. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to the deaf persons?

- Yes  
 No

Please describe: \_\_\_\_\_

76. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with any other disabilities?

- Yes  
 No

Please describe: \_\_\_\_\_

77. Does your national statute specify the formats that fall under this exception?



- Yes  
 No

Please describe: \_\_\_\_\_

78. What other conditions must be met in order for such uses to be authorized?

Please describe: \_\_\_\_\_

79. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with any other disabilities?

- Yes  
 No

Please describe: \_\_\_\_\_

80. Does your country have plans to include or modify the specific exceptions related to persons with print disabilities, visually impaired persons or other persons with disabilities?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

81. If not, what other the limitations and exceptions for persons with disabilities would be required?

Please describe: \_\_\_\_\_

82. Are there impediments to the use of the limitations and exceptions for persons with disabilities (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

- Yes  
 No

Please describe: ***Capacity building; Lack of information about the Limitations and Exceptions.***

*Part V: Religious, social and cultural exceptions*

83. Does your national statute provide limitations and exceptions for religious, social and cultural purposes?

- Yes
- No

84. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

- Religious activities
- Cultural Activities
- Social Activities

85. Does your national statute subject the exercise of limitations and exceptions for religious purposes to the condition of the nature of the religious activities?

- Yes
- No

If yes, please describe: \_\_\_\_\_

86. Does your national statute provide remuneration for the exercise of limitations and exceptions for religious purposes?

- Yes
- No

87. Does your national statute subject the exercise of limitations and exceptions for religious purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

- Yes
- No

If yes, please describe: \_\_\_\_\_

88. Does your national statute subject the exercise of limitations and exceptions for cultural purposes to the condition of the nature of the cultural activities?

- Yes
- No

If yes, please describe: *Folklore*

89. Does your national statute provide remuneration for the exercise of limitations and exceptions for cultural purposes?

- Yes
- No

90. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the limitations and exceptions for cultural purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

91. Does your national statute subject the exercise of limitations and exceptions for social purposes to the condition of the nature of social activities?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

92. Does your national statute provide remuneration for the exercise of limitations and exceptions for social purposes?

- Yes  
 No

93. Does your national statute subject the exercise of limitations and exceptions for social purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

*Part VI: Other questions on digital technology*

94. Does your national statute provide any limitations or exceptions for reverse engineering?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

95. Does your national statute impose any kind of liability (direct, indirect, or secondary) according to which a party can be held liable for the copyright infringement of third parties under certain circumstances (such as when that party has the ability to control an infringer's actions or contributes to a third party's infringing actions)?

- Yes
- No

If yes, please describe: \_\_\_\_\_

96. With respect to liability that arises from the infringing activities of third parties, does your national statute, for purposes such as to encourage online service providers to cooperate with rightsholders in deterring infringement, provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers in any way?

- Yes
- No

If yes, please describe: \_\_\_\_\_

97. With respect to liability that arises from the infringing activity of a third party, for which of the following activities, if any, does your national statute provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers?

- Acting as a conduit for infringing material (e.g., transmitting, routing, or supplying connections for material)
- Caching infringing material
- Storing infringing material at the direction of a user
- Providing access by means of information search tools such as indices, references, hyperlinks and directories to infringing materials that users post
- Others. Please specify: \_\_\_\_\_

98. What conditions, if any, must be met in order for an online service provider to qualify for the limitation of liability, exception to liability, or statutory safe harbor?

Please specify: \_\_\_\_\_

*Part VII: General questions to cover areas left out in Part I to VI*

99. Are the following limitations or exceptions included in your national statute? (more than one option can be selected)

- right of quotation
- news reporting
- ephemeral copies
- incidental uses
- government uses
- non-voluntary license for broadcasting
- non-voluntary license for mechanical reproduction of musical works

Please describe: \_\_\_\_\_

100. Does your national statute include limitations and exceptions for any other activities that are not covered in the questionnaire so far?

- Yes
- No

If yes, please describe: \_\_\_\_\_

101. Has your country signed, or is in the process of negotiating, a Free Trade Agreement (FTA) containing clauses on copyright and related rights exceptions and limitations?

- Yes
- No

Please describe: \_\_\_\_\_

102. If so, with which country or group of countries?

Please describe: \_\_\_\_\_

103. Please add any further comments and information you deem interesting for this questionnaire.

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[End of questionnaire]