

THE IMPACT OF PIRACY ON GOSPEL MUSIC INDUSTRY IN KENYA

Julia Wanja Richard Muriithi

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Supervisor:

Dr Ben Sihanya

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ABSTRACT

This study sought to evaluate effects of piracy on the gospel music industry and on musicians as individuals. The study endeavoured to establish the nature of gospel music piracy and whether it is a threat in the gospel music industry in Kenya. The study also sought to establish the role that technology play in gospel music piracy and determine the escalation of piracy in the gospel music industry. Finally, the study sought to find out whether there is legal framework put in place to fully protect all aspects of gospel musical works as required by World Intellectual Property Organisation (WIPO).

By determining the above objectives, the study sought to bring into focus the threat of piracy in the gospel music industry in particular and in the whole music industry in general. The study tried to show factors that have greatly contributed to the presence of piracy in the gospel music industry. The findings of the study would be used by the various stakeholders such as the musicians, producers, lawyers, police the music copyright of Kenya and the Kenyan government to minimize if not to eradicate the threat.

Policy makers would greatly benefit in getting literature and data, which are useful in coming up with sound legal framework on piracy and copyright law and policy in Kenya. This should enable adequate administration and implementation of the same.

Finally, the study would contribute enormously to the field of research for both seasoned and upcoming researchers in media law. It would also form basis for new study being carried out on the same area of study. The findings and the recommendations would be useful for the growth of the gospel music as well as the whole music industry in Kenya.

This study found out that piracy is so rampant in Kenya that people do not know what is legitimate. Due to piracy the local musicians die poor and bitter instead of millionaires. The study also indicated that advancement in information communication and Technology sector seems to be the main gear towards piracy. From the study findings, it is very clear that piracy is a big problem to the gospel music industry in Kenya. There is need for sound policies to be put in place, in order to uproot the threat. According to this study, the problem persists not because of lack of copyright laws but due to poor enforcement. Piracy is a serious offence in Kenya but this has not hindered the practice.

In this study it is found that, enforcement failures, from raid to prosecution in the courts, as well as in regard to border procedures, make it virtually impossible for right holders to protect their rights in Kenya.

Besides, the judicial system in Kenya is slow and expensive, and cases rarely if ever result in deterrent sentencing. Attempts to reign in piracy, such as a stickering system, fail due to lack of legal knowledge among authorities and sometimes even mismanagement.

Finally, according to this study findings the issues concerning piracy are yet to be adequately tackled although the respondents agree that the laws exist , the enforcement of the laws have dealt them a big blow and especially in regard to the income from their production and related works of art.