

INVESTIGATING THE EXISTENCE AND EFFECTIVENESS OF MUSIC COPYRIGHT LAW IN LESOTHO.

Lefu Letata¹, Tawanda Mukurunge², Takura Bhila³

Limkokwing University of Creative Technology, Lesotho Campus

Abstract

Lesotho has got musical talent that produces quality entertainment for consumers of diverse musical genres. However, the artists are not enjoying the fruits of their labour and talent in full due to lack of protection of their work due to piracy and the artists' ignorance of legal protection of their work. Musicians are exploited because of this lack of knowledge and other people end up benefitting more from the music than the musicians who will have worked hard to compose and produce the work. This study therefore sought to investigate the existence and effectiveness of musical copyright law in Lesotho in relation to protection of owners of music and ensuring they reap the full benefits of their works of art. The study also sought to establish whether the responsible authorities are taking the necessary steps to rectify the anomalies and guarantee musical artists access to all the benefits due to them out of their work. The study employed qualitative research methods for information gathering, thematic presentation of findings and analysis of those findings.

Keyword: *copyright law, musical genre, musicians, piracy, music consumers*

1. INTRODUCTION

This study is about the copyright law existence and its effectiveness. It is going to look into the problems faced by musicians and also check what is being done to address those problems. It is going to be carried out by conducting an investigation in order to find out if copyright law really exists. The department of art and science will be interviewed as well as the local musicians in order to know the stories from both sides. Since music also has its consumers, they will also be interviewed in

order to see if they know how they are supposed to use other people's work without breaking any laws.

2. BACKGROUND OF STUDY

There are many musical genres in Lesotho and most of the artists always complain about the theft of their work, but there is never a time when legal action is taken against the perpetrators. Officials often visit media outlets and proudly state that Lesotho has got copy right law and they always talk of its effectiveness and how often they help musicians. People use others' work without permission and end up benefiting more than the original owner of the work.

There are numerous ways in which artists' rights are often undermined, this is seen through piracy, royalties denial, remaking of music and the use of music in people's projects without the artists' consent. Artists also complain that when they want to lay charges against people who use their work without their consent, they find it difficult because they do not know where to go or who to contact.

They are also asked to produce documents which clearly show that the music really belongs to them and it is difficult because there are no such documents in the country. Other people, on the other hand, claim to misuse others' work because they are not made aware of the proper usage by the people responsible.

3. PROBLEM STATEMENT

Raymond (2006) is of the view that artists ought to benefit from their craft. In Lesotho, the artists do not benefit from their work. Some people use music without permission from the owners and this leads to mass losses incurred by the artists. Sometimes they find

people who misuse their work but when they approach the authorities to seek remedy nothing is done to the perpetrators. Ellis (2010) also adds that musicians should be provided with all documents available from the country's arts department that clearly specify that certain art products belong to artists. This is a different story in Lesotho where artists are not given documentation which makes them true and rightful owners of their work and this makes it difficult for them to prove that the work is theirs.

4.AIMS OF STUDY

The study aims to make sure that people who create music benefit from it. It also aims to guide the public on how to use musicians' works without infringing their rights. The study aims to fully disclose whether this copyright law really exists in Lesotho or not. The other anticipated accomplishment is to help the concerned people to use this copyright law to the maximum if it is really working.

5.OBJECTIVES

- The study intended to establish the existence of the copyright law and its effectiveness in protection of music ownership by artists in Lesotho.
- It also sought to expose fully what can be done and what cannot be done by consumers when they engage in the usage of people's work so as to avoid breaking the law.
- the study also sought to give pointers to artists on the requisite steps to take in the event of theft or misuse of their work.
- The study also evaluated how reported cases of copyright infringement are dealt with in Lesotho.

6.THEORETICAL FRAMEWORK

The fairness theory of copyright is going to be employed to frame this study. Barb (2017:17) portrays the fairness theory of copyright as based on the premise that the law ought to give artists what they deserve, in other words, hard work should be rewarded and musicians should retain control of the fruits of their labours. This theory focuses on protecting the emotional bond between the artists and their creation.

Leon (2016:90) articulates that copyright is intended to benefit society as a whole. It's easy to lose sight of this broader perspective in the course of day-to-day dealings with copyright, but it's important to keep in mind, especially as one considers the ways in which the current copyright system might be improved.

Locke (2017:77) is also of the opinion that the creators of art (music) and other original works deserve either to control their creations or to be rewarded for their efforts. In other words, creators have moral entitlements that the law should recognize and enforce so that musicians can enjoy the fruits of their hard without worrying about other people bearing the same benefits as them (musicians).

This theoretical framework is appropriate for this study because it addresses the copyright issues and the study is also based on copyright infringement itself. All the correct measures one needs to consider when using others' work is clearly portrayed by the framework and this will assist in making the research easier. The framework is also going to help in providing the right channels the researcher should take during the conduct of this study.

7.LITERATURE REVIEW

Becky (2015:31) writes that the history of copyright law starts with early privileges and monopolies granted for printers of books. The British statute of Anne 1710, which was titled "an act for the encouragement of learning by vesting the copies of printed books in the authors or buyers of such copies during their times therein mentioned" was the first copyright statute. Initially, the copyright law only applied to the copying of books, but over time uses such as translations and derivative works were made subject to copyright and copyright now covers a wide range of works including music.

Becky (2015:32) continues to show that today national copyright laws have been standardized to some extent through international and regional agreements such as the Berne Convention and the European copyright directives. Although there are consistencies among nations, copyright laws, each jurisdiction has separate and distinct laws and regulations about copyright. Some

jurisdiction also recognizes moral rights of the creators such as the right to be credited for the work.

The creation of the copyright law has a great impact on the artists. It makes artists to enjoy their production and to benefit from their art. Copyright law also encourages musicians to keep on producing more music for the public to consume since it makes sure that people use music appropriately without any infringement.

In the case where infringement has already been made, artists get proper protection from such people and they get to be compensated well. Copyright also allows artists to know the right channels to follow when filing an infringement case without having to struggle like in a case where there is no copyright law.

In the UK, McGregor (2016:67) outlines that the concept of fair usage exists within the copyright law, commonly referred to as fair dealing, or free use and fair practice. It's a framework designed to allow the lawful use or reproduction of work without having to seek permission from the copyright owner(s) or creator(s) or infringing their interest. Fair use law is not only applicable to musical art based works, but also on text-based works, dramatic, artistic, literary and typographical works too. However, it does not cover the copyright of printed music.

The USA also has the copyright law implemented in the US regulatory system in order to protect musicians and their craft. The copyright law of the United States is intended to encourage the creation of art and culture by rewarding authors and artists with a set of exclusive rights. Copyright law grants authors and artists the exclusive right to make and sell copies of their works, the right to create derivative works, and the right to perform or display their works publicly. These exclusive rights are subject to a time limit, and generally expire 70 years after the author's death.

This does not mean people are not allowed to make use of the artists' work. Like the UK, the USA also has the fair use rule which allows or gives music consumers a chance to use the artists work for certain instances.

Jones (2016:90) articulates that fair use is the use of limited amounts of copyrighted material in such a way

as to not be an infringement. It states that the fair use of a copyrighted work is not an infringement of copyright. The section lists four factors that must be assessed to determine whether a particular use is fair. There are no bright-line rules regarding fair use and each determination is made on an individualized case-by-case basis.

Clevond (2015:37) is of the view that purpose and character of the use, including whether the use is of a commercial nature or is for nonprofit educational purposes: Nonprofit educational and noncommercial uses are more likely to be fair use. This does not mean that all nonprofit education and noncommercial uses are fair use or that all commercial uses are not fair.

Additionally, Cooney (2016:10) shows that transformative uses are more likely to be considered fair. Transformative uses are those that add something new, with a further purpose or different character, and do not substitute for the original use of the work. "Nature of the copyrighted art also plays an important role. Using a more creative or imaginative work (such as a novel, movie, or song) is less likely to support fair use than using a factual work (such as a technical article or news item). In addition, use of an unpublished work is less likely to be considered fair" Gibson (2017:61).

Mhiripiri (2011:3) writes that it appears that the Zimbabwean popular music industry is yet to develop a culture of using copyright to maximize earnings, judging from the little research that has so far been carried out. Literature on the Zimbabwean music industry indicates dissatisfaction among artists with the contracts that they sign with their financiers. "Musicians have often alleged that they are being ripped off after signing contracts that benefit financiers and recording companies at the musicians' expense. Artists that have moved from one recording company to another or those that have started their own independent labels have often done so after acrimonious relations with their former recording companies" (Mhiripiri (2011:3)

Mhiripiri (2011:3) portrays that some Zimbabwean musicians have preferred to stop recording altogether to circumvent any further exploitation of their work through contracts that tie them to a recorder or financier

for some years .The story of the Zimbabwean music industry reads as if local musicians and recording companies are in parasitic relations in which the former receive paltry royalties or sell off all their economic rights through once-off payments and the latter reap the rewards.

However, Leisanyane (2018:10) portrays that in Lesotho there is no fair use rule. This has led to many misuses of artists' work because people are not aware of the correct way of using people's work. This is unlike in the UK. "As an exception to British copyright law, fair dealing is governed by Sections 29 and 30 of the copyright, designs and patents act 1988, which outlines three instances where fair dealing is a legitimate defense, If the use is for the purposes of research or private study, If it is used for the purposes of criticism, review or quotation or where it is utilized for the purposes of reporting current events" (McGregor (2016:67).

Leisanyane (2018:11) is of the view that copyright being a creature of law, the law defines what is copyrightable and what is not. An international agreement of which Lesotho and South Africa are party to and 173 other countries is the *Berne Convention for the Protection of Literary and Artistic Works (1886)*. "This agreement stipulates that every production in the literary, scientific and artistic domain, whatever the mode or form of its expression (*Article 2(1)* of the Convention) should be protected and *section 2 of Copyright Order No. 13 of 1989 of Lesotho* sets off the same categories in the agreement as works eligible for copyright"(Leisanyane (2018:13).

Leisanyane adds that South African *Copyright Act 98 of 1978 section 2* also adheres to the same categories. The person(s) who shall own copyright according to these laws and the convention shall be the author or authors who created the work. That explanation should clear all uncertainties regarding copyright ownership. "Being in possession of an artistic or literary work (book or Compact Disk of your favorite musician) does not render one the copyright owner of such a work, they simply own the tangible property while all right to reproduce, copy, distribute and broadcast belong to the author of that book or compact disk. As a person who bought the copyrighted work, your rights to are limited to personal usage" (Leisanyane (2018:14).

8.METHODOLOGY

For this study, the qualitative method of research was used. Shawn (2016:12) explains that qualitative research is defined as a [research method](#) that focuses on obtaining data through open-ended and conversational communication. This method is not only about what people think but also why they think so. Therefore, the qualitative research methods allow for in-depth and further probing and questioning of respondents based on their responses, where the interviewer/researcher also tries to understand their motivation and feelings.

Stevens (2018:90) states that qualitative research methods are designed in a manner that they help reveal the behavior and perception of a target [audience](#) with reference to a particular topic. There are different types of qualitative research methods like in-depth interviews, focus groups, ethnographic research, content analysis, and case study research. The results of qualitative methods are more descriptive and the inferences can be drawn quite easily from the data that is obtained. In this study, the qualitative method helped with deep description of what the copyright law is all about.

9.RESEARCH DESIGN

The research design is explained by Simpson (2019:212) as the overall strategy that one chooses to integrate the different components of the study in a coherent and logical way, thereby, ensuring that they will effectively address the research problem. It constitutes of the blueprint for the collection of data, measurement and data analysis.

In this study, Literature reviewing and case studying were employed. This is where data from prior articles were reviewed and interpreted. The copyright law infringement cases in Lesotho were also studied and reviewed. This was so because the study was based on a topic which had been studied before, reviewing such literature played an important role. There are also many copyright infringement cases which have been reported in Lesotho and reviewing them also played an important part.

One-on-One Interviews were carried out during the study as one of the qualitative methods. Prudence

(2019):2017 discloses that one-on one interview is a personal interview that is carried out with one respondent at a time. This is purely a conversational method and invites opportunities to get details in depth from the respondent. It also allows the researcher to get the emotions of the respondents which also play a crucial role in the study. Emotions allow the researcher to see how a certain topic makes the respondent feel. These one-on-one interviews were used to interview the police and the parliamentarians.

10. RESEARCH SETTING

The study was carried out with interviewees primarily from within Maseru. Maseru is both the political and commercial capital of Lesotho. Musicians from all the ten districts of Lesotho can be equally represented and easily accessed in the city of Maseru, because many artists from other nine districts of the country took to Maseru in search for opportunities.

11. STUDY POPULATION

In statistics, a population is the entire pool from which a statistical sample is drawn. A population may refer to an entire group of people, objects, events, hospital visits, or measurements. A population can thus be said to be an aggregate observation of subjects grouped together by a common feature.

In this study, the population consisted of the musicians of all the genres found in Lesotho. Four musicians from each genre were interviewed. This meant the chosen musicians were the representatives from the north, south, east and western parts of the country. This is because the behavior and ways of conducting things is similar from artists coming from these four sides of the country.

The police were also interviewed. Ten police officers were interviewed so that all the ten districts of the country could be represented. This also allowed the researcher to know how many cases had been reported in each district concerning the copyright infringement.

The parliamentarians were the last group of the population to be interviewed. They played a crucial role in this study because they are responsible for the

creation of copyright law. Five parliamentarians were interviewed. This population played an important role in this study because it included all the people who are involved in the copyright issue in Lesotho.

12. RESEARCH FINDINGS

12.1. Findings from Famo artists

The study gleaned information from artists specializing in different genres of music in Lesotho namely; Famo, Hip hop, House, Jazz and Pop. Police officers, parliamentarians and the public were also interviewed. The interviewees were from all the ten districts of Lesotho. After the completion of interviews, the following information was gathered.

The interviewed majority Famo musicians showed that they had no idea what copyright law was and how it was supposed to work. They continued to show that their music got to be misused on a daily basis and they cannot do anything about it since they do not know who to report to. Some showed that their work got to be reproduced and sold at a very low price by unauthorized people on a regular basis.

The Famo musicians said they had cried about the piracy issue for over ten years now and no one is helping. They claimed that they paid a lot of money for recording their work, but when they go into the streets in town they find their work sold for twenty Maloti. The people who usually do this piracy also when confronted tell musicians that they bought the original copy and thought they could multiply it since it was now belonging to them.

A few Famo musicians showed that they know copyright law and it works in Lesotho. These artists showed that they registered with the Arts and Entertainment department and got the protection they were seeking. They showed that after the registration one was fully protected by the government. They also showed that when one was found infringing their work they would be fined.

These artists continued to show that as much as they are protected by the law, cases take a long time to be worked on. They said, sometimes they even have to

forget about the culprit because of the delay caused by the authorities. "When we report these matters to the police, they do not take the matters seriously like other crimes" one artist said.

12.2. Findings from hip hop artists

All the interviewed hip hop artists said they have heard of the term copyright law. However, they have only heard about it being discussed in other countries not Lesotho. Some showed that they knew how it works and every little detail it entailed but they had no idea if that law had been implemented in Lesotho.

Hip hop musicians said when it comes to benefiting from their art; they are the least of the people who benefit. They said their music is published for free. The only time they get to rip something from their work is when they sell albums. Albums are also not guaranteed to sell since people are used to getting hip hop music for free. When one sells their album, it gets to be bought by the people close to the musician only.

Some said Lesotho has copyright law and they are part of it though it does not seem to be effective since people have not heard of it. They also showed that there is an association that strictly deals with the protection of artists but rappers are reluctant to register with it. They continued to show that other rappers some time remix their work and go unpunished.

Some hip hop musicians showed that reporting people who infringe their work at the police station is a waste of time. They showed that the police ask them belittling questions and make fun of them. Sometimes they are asked to provide legal documentation that shows that they own the music and they never have them. This leads to the dismissal of their cases by the police on many occasions.

A few of the interviewed hip hop artists disclosed that their music is never wrongfully used because they are registered with the copyright law. They also showed that they were given legal documentation of their work after registering. Most artists do not want to join or sign up with the protection but they often complain of their work being misused, this is the reason why most people do not take hip hop seriously as a genre.

12.3. Findings from house musicians

The house music deejays were also interviewed and they disclosed that they have heard people mention the term copyright law. They also said they did not know whether it was one of the rules implemented in Lesotho. They showed that they have been producing music for decades but have never heard of any protection that they might get for their music.

The house music makers continued to show that their music gets to be used by other individuals and it is not considered to be a bad thing. House music makers share music all the time as such no one could say their work is wrongfully used. They said the only time they think they could complain would be when their music is used in advertisements without their permission.

House music creators showed that they do not think getting any legal protection for their work would be of benefit. They continued to say house music is one genre that one can use however they want to use except for remaking without permission from the owner.

Some deejays showed that they have heard of the copyright law in Lesotho. They further said they have no idea where to go when they want to register or want to be protected by the law. These artists complained about their music benefiting other people rather than them. They said copyright infringement is done at a high rate in Lesotho and no one is punished.

They also showed that the government needs to make awareness workshops countrywide in order to inform people about the copyright law. They said this will help in making the public aware of the correct usage of their work. They also said the fines for copyright infringement have to be serious so that people can take the law seriously.

12.4. Findings from Jazz musicians

The jazz musicians explained that they have been doing music for decades and they were operating under the protection of copyright. They disclosed that their work still gets to be misused but it happens at a very low rate. They also outlined that maybe this is caused by the type

of music they are doing. The interviewees continued to said that not many people listen to jazz music and those who do, are responsible people.

They further showed that jazz listeners do not usually infringe music since they are older people. The interviewees showed that their music gets to be bought in large numbers. They get help from the music distributors both locally and internationally. They outlined that even without copyright law, their music still benefits them a lot.

Some of the jazz makers portrayed that they have complained to the authorities about their music being misused. They said their reports were taken by the police but nothing was done. The jazz musicians showed that copyright law is an existing law that no one takes seriously.

They further showed that people who have heard of the copyright law only know the term but know nothing about the law. The interviewees continued to say the government is not taking any action in making the public aware of the copyright law. They said that it is the responsibility of the government to make people aware of this law so that they can abide by it. The copyright law existence is not effective according to some of the jazz musicians.

12.5. Findings from pop artists

The interviewed pop musicians disclosed that getting protection from the government is a long procedure. They say it includes long processes that are tiring and never ending. They shared that they have tried and failed to be part of the protected individuals. They went on to say the information required by the authorities in order to be protected is unnecessary and unworthy.

Some interviewees shared that they have never heard of copyright law in Lesotho. They went on to show that they make music and they have no idea that their music can be misused somehow. They further portrayed that they have never encountered a situation where their music was misused. These artists continued to show that in Lesotho music is not taken seriously hence they do it for fun. They went on to say their benefits come from selling albums and getting payments from bookings.

Some outlined that they think copyright was implemented some time back. They said even though they know there's a law of that nature; they know that it is not effective since people were not made aware of it through the right channels. They went on to say the government creates laws but never lets the public know of such laws.

A few artists, however, showed that they are signed with the music rights association. They said this is the association that protects their music from infringement on a regular basis. They outlined that musicians are just lazy and reluctant to register with the music rights association.

They also showed that this has helped them a lot because their music never gets to be wrongfully used. Furthermore, they showed that being under this association helps them to get quick help from the authorities. They continued to express that musicians should take responsibility when it comes to their music.

12.6. Findings from the police

The interviewed police officers exposed that they have heard of copyright law. However, they showed that they have never worked on a case related to that issue. They went on to show that musicians do not report any infringement hence they do not know of any copyright law cases.

The other police officers showed that copyright law has not been brought to the people's attention. They also said if people misused music in the outside world it was because they did not know about infringement. Police officers outlined that copyright law is one of the laws that do not get reported at the stations.

The other officers portrayed that they have heard of the infringement cases. They said that although they have, people who normally report these incidents normally do not own any legal documentation that proves they own the music. They further showed that cases do not get to be solved because people have no documents or have not registered with the government.

12.7. Findings from parliamentarians

The parliamentarians are responsible for creation of laws and they showed that copyright law really exists in Lesotho. They mentioned that it might have just not

been properly introduced to the public. They continued to say it's one of the laws that do not get to be broken a lot because the music industry in Lesotho is not huge. The interviewees also showed that copyright law is the Order of 1989 section VIII, and protects all artistic works. It applies only to Lesotho nationals, individuals with habitual residence, works first produced in Lesotho and it applies to expressions of folklore developed and maintained in Lesotho.

The interviewees further showed that a person who violates or causes to be violated the rights protected under this Order commits an offence and is liable on conviction to a fine of 12 000 or to imprisonment for 5 years or both. A person who, without the authorization of the minister, utilizes an expression of folklore in violation of section 19 or contravenes section 21 commits an offence. That person is liable on conviction to a fine of M7, 200 or imprisonment for 3 years or both. Other parliamentarians showed that if a person rebroadcasts, distributes by cable, fixes or reproduces music of others without the authorization of those people commits an offence and is liable to a fine of M7200 or to imprisonment for 3 years or to both.

Some of the parliamentarians portrayed that Lesotho's copyright law is administered in Zimbabwe. They continued to elaborate that registering for copyright law is very expensive. Registration fee costs M 1 500 00, they said. The reason for this high charge they showed that was to control the number of people registering so that not every person can just be protected even when they are not serious about their art.

The other interviewees outlined that Lesotho has partnered with Zimbabwe and other countries and formed the African Regional Intellectual Property organization. It is said, this organization deals with the protection of artists across the continent and from within countries. These countries help one another in solving some of the infringement cases.

On the issue of the public not being of the copyright law in Lesotho, the interviewees showed that they held a series of workshops and seminars. Public participation is always key in creation of any law and happens 10 days before the law can be tabled. This was done to make the public aware of the law, unfortunately only a few people showed up. This was said to be the reason why most people have no idea about copyright law.

12.8. Findings from the public

The interviewed people who use music for different purposes revealed that they had no idea what copyright law was. They also expressed that they did not know that one can misuse music. These people showed that they thought music was made so that people can listen and share with their friends. They stated that they might have misused music for a long time but without realization.

The other interviewees showed that they have heard a little about copyright law and they are certain that they have never infringed peoples work. They said they used music for private purposes and through the process they do not think they broke the law. The interviewees stated that they never got a clear clarification on copyright law. They showed that they did not know that even Lesotho had that law.

Some respondents showed that because the Lesotho artists are not under any recording label they thought music could be used anyhow. They stated that Lesotho musicians publish their music online without any limitation of usage. This, they stated made them think it could be used in any way they wanted after downloading the music from the internet.

13.ANALYSIS

The majority of Famo musicians just compose music without having an idea of how to protect the end product. They also rely on other people for certain things to happen and that puts their work in danger. "Copyright owners of songs control the rights to have their songs performed publicly. Performance of a song generally means playing it in a nightclub or live venue, on the radio, on television, in commercial establishments, elevators or anywhere else where music is publicly heard" (Kouchoukas, 2005:2).

The government needs to host a lot of seminars and workshops in order for musicians to have access to the information regarding copyright law. Music and Arts offices also have to be located nationwide because musicians are all over the country. This will allow the artists to know the right channels to follow for reporting cases and for registration of copyright protection.

Hip hop artists publish their music on the internet in Lesotho. This means they do not get any benefits except

for performance bookings. They also cry about the lack of support in this genre, they need to find ways to attain listenership so that they can benefit from their music. Gerard (2017) says that making one's work available to buy on the internet is an easy way to market their music, while still making sure that they are being paid for their work. However, the negative side of this is internet piracy. This means that if one puts their music on the internet, someone may download and use your work without asking you. This is illegal.

As much as the internet creates a wider platform for sharing music, it also has a lot of individuals who would infringe one's work. Some may know that they are breaking the law whereas some would not. The government is still responsible for making sure that artists get proper platforms where they can share their music and benefit while also being protected.

Amos (2018) states that most African musicians do hip hop music for fame only. This hinders their governments from knowing the right people to protect because some do not care what happens to their songs. Amos further shows that most artists just wish for a huge number of downloads without knowing the consequences that might come with that.

House music makers or deejays share music. This is a worldwide known factor, but at the same time it does not mean one needs to turn a blind eye to the copyright law. They can still get protection directly or otherwise, hence the need to be aware of copyright. Many of the house creators take music from the internet and they use it to their benefit. Joshua (2017) articulates that using one's work without their consent is illegal and could put one in danger of infringement charges as per country rules. Shawn (2015:32) says that for an individual to use someone else's work for personal benefit without permission is wrong and illegal. The government still has another task for these musicians. They are in the dark when it comes to copyright law and this can be corrected by the help of the government. Correct procedures of making the artist know of copyright law need to be taken countrywide.

Some people have been making music for quite some time and because of no platforms, they also keep on getting peanuts for their hard work. This occurs because no platforms for music distribution are available in

Lesotho. Diego (2012:121) shows that it is an individual's responsibility to make sure that his or her work is properly used. No one should put the blame on others for not making their work to be protected. Many artists like to put the blame on the government for infringement cases that occur on their work. Jameson (2018) stipulates that the government creates laws but people should take responsibilities to abide by them.

Prudence (2018:12) writes that illegal activities should be charged and no one should go unpunished for claiming not to know of some rules. Most people claim they did some acts because they did not know that they were illegal and plead with courts to be a bit lenient when charging. They claim that when it comes to copyright law they have no idea what that is. This means they infringe people's work and nothing is done about it. Hamford (2019) shows that law ignorance is considered an illegal act in some countries, this means everyone should know the difference between right and wrong at all times.

The government on the other hand needs to regularly make workshops and seminars in order to sensitize people about copyright law. Some parliamentarians portrayed that this law does not attract attention like other law in Lesotho. This means people will have no idea of what copyright is and artists will continue to suffer and incur losses from their work. Herman (2017) expresses the view that it is the government's duty to prioritize when it comes to making the nation aware of the created laws in any country. Herman goes on to show that whenever certain changes are made to any law, no matter how minor the change is, people should be made aware of such changes.

14.RECOMMENDATIONS

This study recommends that all musicians regardless of the genre they are creating, should make research on copyright law so as to have all the necessary information. This will help them to know the correct measures to take when infringement occurs on their work. The study also recommends that musicians should take first responsibility in protecting their work and the government will come second with the law.

The study also recommends that musicians should create hardcopies of their original work as this will help them in proving that they own the work. The study also recommends that artists should attend seminars and workshops held by the government whenever the agenda to be discussed include art- this will help artists in having the correct information from the correct people and even ask questions for clarifications.

The study again recommends that the public as the music consumers should not use the artists' work as theirs, this means engaging in a complete halt of remaking, using in profitable areas that benefit the user and not the artists, no illegal selling as well as reproducing as if they own the original work. The study also recommends that music consumers should also attend workshops when requested by the government so that they can also have a clear picture of the right usage of someone's work.

The study recommends that police officers as the people who make sure that people do not break the law are aware of all the country's laws. This will help the officers in solving cases with ease when they are familiar with the crime committed. They should also try to solve cases even if they don't have all documents needed.

The study also recommends that the parliamentarians should hold seminars and workshops to make people aware of the laws that need to be abided by. The parliamentarians should also make registering to be a bit simple so that all musicians should be able to be protected by the law. The study also recommends that copyright law registration offices should be available in all districts of Lesotho.

15.CONCLUSION

The study investigated the existence and effectiveness of copyright law in Lesotho. The study interviewed artists who understand what copyright law is. They showed that this law is not well known in Lesotho though it exists. The police also showed that the copyright law exists but it is not well known by the citizens of the country.

The parliamentarians who were also interviewed articulated that this law still needs to be given some attention so that the whole country can know about it.

Copyright law is one law that needs to be respected by all citizens. It is a global law which other countries have made sure is respected. People should also make sure that when using the work that is not theirs they use it correctly. The parliamentarians as the law creators should also make sure that they make the public and the artists aware of the copyright law often.

REFERENCE

- [1] Amos, L, 2018, Definitation of copyright, Ocly, Michigan
- [2] Barb, K., 2017, Another Case For Piracy. University of Oregon
- [3] Becky, P., 2015, The Persistence of Piracy: The Consequences for Creativity, for Culture, and for Sustainable Development. Edward Elgar Publishing, Correa
- [4] Brooke, Q., 2017, Intellectual Property Enforcement, Palgrave, Miami
- [5] Clevond, A., 2015, Confusing Words And Phrases That Are Worth Avoiding, GNU Press
- [6] Cobey, I. K., 2018, Principles of Cyber-Crime, Cambridge University Press
- [7] Cooney, B., 2016, Media Piracy In Emerging Economies, London
- [8] Corrine, G., 2006, International Perspective, Itasca, Illinois
- [9] Cresswell, J., 2009, Information Circular, Washington DC
- [10] Diego, W., 2012, The abstraction, filtration and comparison test, Routledge, London. Available from: Ebook library.[29 September 2018]
- [11] Ellis, V., 2010, Western Historical Thinking, Berghahn Books, New York
- [12] Gerard, D., 2017, The Journal of Criminal Law & Criminology, Fletcher, Miami
- [13] Gibson, C., 2017, Swiss federation of Intellectual Property, Canberra, Georgia
- [14] Herman, Z., 2017, Dutch Parliament: Downloading Movies and Music Will Stay Legal, Torrentico. Available from: Ebook library [January 2018]
- [15] Hillingdon, U. Y., 2006, Online Intermediaries and Liability for Copyright Infringement, Huffington Post, Seychelles. Available from: Ebook library[June 2016]

- [16] Hmford, X., 2019, *The Intellectual Property Wars from Gutenberg to Gates*, Oxfordshire, Oxford University
- [17] Jameson, K., 2018, *Canada – U.S. Copyright Comparison*, Yorkshire, Canada
- [18] Jasmine, H., 2018, *Film piracy heads north of border*, Cambodia, Los Angeles
- [19] Joan, S., 2009, *Putting a Price Tag on Film Piracy*, Passau, Germany
- [20] Jones, L., 2016, *The Myth of the Idea/Expression Dichotomy in Copyright Law*, Harvard Law School, Harvard
- [21] Joshua, R., 2017, *Works Unprotected by Copyright Law*, Bitlaw, Norway
- [22] Kouchoukas, F. D., 2005, *Legal Protection of Digital Information*, Hollar, France
- [23] Leo, W., 2016, *International Copyright Law Survey*, New York
- [24] Leon, E., 2016, *Rethinking copyright: history, theory, language*, Brooklyn
- [25] Leisanyane, L., 2018, *Artistic Rights in Lesotho*, Morija, Maseru
- [26] Locke, G. J., 2017, *Contemporary Intellectual Property*, Oxford University Press
- [27] McGregor, D., 2016, *Copyright Ownership: Who Owns What?*, New Orleans, Available from: Ebook library [published online]
- [28] Mhiripiri, V., 2011, *Intellectual Property and Information Wealth: Copyright and related rights*, Zimbabwe
- [29] Morris, O., 2016, *Art and copyright* Hart Publishing, New York
- [30] Prudence, H. B., 2018, *Copyright (Visually Impaired Persons) Act 2002 comes into force*, Washington DC, Available from: Ebook library [October 2017]
- [31] Prudence, E., 2019, *Limitations on exclusive rights: Fair use*, New Jersey
- [32] Ranjit, S., 2018, *Copyright Law In India*, Mondaq
- [33] Raymond , Y., 2006, *authors, attribution, and integrity: examining moral rights in the united states*, Greenwood Publishing Group, Mexico2
- [34] Rebecca, R., 2015, *The People's Platform: Taking Back Power and Culture in the Digital Age*. Picador, New York
- [35] Sean, G. L., 2019, *What Does Copyright Protect? (FAQ) - U.S. Copyright Office*, Oxford University Press
- [36] Shawn, S., 2016, *Measuring Fair Use: The Four Factors*, Stanford University Libraries
- [37] Shawn, M., 2015, *Toward a Fair Use Standard*, Harvard Law school, Harvard
- [38] Simpson, B., 2019, *U.S. Constitution Annotated: State Sovereign Immunity*. Cornell University, New York
- [39] Stevens, A. S., 2018, *The Piracy Crusade: How the Music Industry's War on Sharing Destroys Markets and Erodes Civil Liberties*, University of Massachusetts Press.