



CAN YOUR CONTENT GET YOU INTO TROUBLE?

It is not uncommon to be stopped by a stranger for a short TikTok interview in the city today. On a serene day as you move about the streets of Kampala your eyes will be met with a set youth recording how they are going about their day and a similar video might pop up when you open any social media app on your phone. But just as a knight must beware of the dragon, creators must beware of the pitfalls of the digital age. The temptation of virality might be your ownfall.

The rise of the digital era has seen the growth of digital creators also known as “content creators”. Digital creation takes the form of images, videos, and written words in some scenarios. Like every other ordinary Ugandan content creators have the right to freedom of expression and speech, although these rights are not absolute and are subject to limitations. Digital creators must remain very wary of possible actions that could attract legal consequences for them.

These are some of the ways your content can get you into trouble.

NON-DISCLOSURE OF PARTNERSHIPS

We all know a content creator with the clearest of skins. We know that they represent a brand and always list their products as effective to achieve the glow. The audience is convinced that they can achieve those results if they buy the products. Unlucky for them, they do not know that there is a brand sponsorship.

In Uganda, the current UCC Advertising Standards primarily focus on traditional advertising media (radio, television, and newspapers) and lack specific provisions concerning online and social media advertising. Social media influencers have no obligation to disclose partnerships and paid promotions.

That doesn't mean that you should make false or unsubstantiated claims about a product. Not only is it a misrepresentation, but it can attract civil action. Be transparent and disclose that paid promotion. Your following will value you for it.

COPYRIGHT AND TRADEMARK INFRINGEMENT

Imagine Jace, an aspiring YouTuber who loves using popular songs in his videos. The channel gains traction, and with it, the eagle eyes of record labels. Jace is making money until he receives a copyright strike that places his channel in jeopardy. Jace receives two more strikes, and his channel is suspended. He learns the hard way that using copyrighted material without permission has legal consequences.



Jace's story is not new. You have probably heard about YouTube's suspension of That Guy Glasses, a channel that was run by comedian and internet personality Doug Walker of Nostalgia Critic in 2007. The takeaway lesson here is to always seek the permission of the authors and composers.

That "tea" or "savagery" could cost you millions. Recently a Tiktoker Ibrahim Musana alias Pressure championed a campaign to insult the Kabaka of Buganda and the President of Uganda. He was charged with two counts; promoting hate speech and spreading malicious information.

Defamation is a statement that injures one's reputation. The tort of defamation includes both libel (written statements) and slander (spoken statements).

It takes two forms. Libel is written for example taking to your Twitter, Facebook, WhatsApp, and newspapers. Slander, if spoken words are channeled on videos via Twitter, X, telegram, WhatsApp, television, TikTok, and other platforms.

Always fact-check your content before you put it out there.

THE RIGHT TO PRIVACY AND IMAGE RIGHTS

Put that camera in people's faces with caution. Content creation will also get you into trouble if it infringes on other people's privacy. The Constitution provides every Ugandan with a right to privacy. You need to work with caution while capturing images in public places like hotels, swimming pools, and bars where sensitive photos may be taken.

Other public places prohibit taking pictures or videos to protect their clientele. Breaking such rules will get you into trouble.

Content that infringes image rights will get you into trouble. Most digital content creators have not invested in the expertise to exclude other people's images from their "content".

Using another person's image to generate money and likes without their permission infringes image rights under intellectual property. The owner of the image will come after you seeking com-

CONCLUSION

Content creation offers immense opportunities for expression and influence, but it also comes with significant legal responsibilities. Understanding and adhering to copyright and trademark laws, avoiding defamatory content, respecting privacy, and securing permissions are essential steps to prevent legal trouble.

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