

Intellectual Property Rights and Ghanaian Church Music: A Critical Examination of Royalty Payment and Collections

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ABSTRACT

This study investigates the complex interplay of copyright law, royalty collection, and religious practice within Ghana's church music sector. Despite the significant cultural and spiritual value of gospel music, the sector is plagued by widespread copyright infringement, largely stemming from a critical lack of awareness and enforcement of intellectual property rights. Employing a qualitative case study methodology, this research gathered data through document review, case laws, and semi-structured interviews with nine key stakeholders, including musicians, church leaders, music producer, media personnel, and representatives from the collective management organization, GHAMRO. The findings reveal a pronounced power imbalance, where musicians' reliance on churches for performance opportunities creates an environment susceptible to exploitation. The study further examines the pivotal, yet often ineffective, role of GHAMRO in advocating for fair compensation. It concludes that resolving this impasse requires a dual approach: first, the implementation of robust educational initiatives to enlighten both churches and musicians on copyright law; and second, institutional reforms within royalty collection agencies to ensure transparency and build trust. This research offers practical recommendations for harmonizing the sacred dimensions of worship with the economic rights of creators, providing a crucial framework for policymakers and stakeholders aiming to foster a more sustainable and equitable music industry in Ghana.

Keywords: Ghanaian church music, copyright infringement, royalty collection, intellectual property rights, church leadership

INTRODUCTION

This article explores the complex interplay between church music, intellectual property rights, and royalty collection within Ghana, highlighting pervasive issues of copyright infringement and exploitation. Despite the substantial cultural and spiritual contributions of church music in Ghana, a significant number of churches and musicians lack awareness regarding intellectual property rights, leading to widespread violations that adversely impact musicians' financial well-being and livelihoods (Mwangola, 2007). The primary objective of this paper is to meticulously investigate the extant copyright laws and the formidable challenges associated with royalty payments within Ghana's religious sector. This qualitative research, employing stakeholder interviews, rigorous case law analysis, and direct observations, identifies critical causative factors such as inefficient royalty collection mechanisms, perceived systemic corruption, and the inherent conflict between spiritual mission and the commercialization of church music (Asmah, 2008).

Review of Related Literature

This study is critically needed to address a systemic crisis facing church musicians in Ghana, a crisis rooted in a pronounced power imbalance between religious institutions and the creators upon whom they rely. This dynamic, where musicians depend on churches for performance opportunities, creates an environment susceptible to exploitation (Ronin, 2018), a situation exacerbated by the unique commercial-spiritual context of gospel music.

The economic viability of these musicians is further impeded by significant structural and copyright challenges.

The pivotal role of collective management organizations, specifically the Ghana Music Rights Organisation (GHAMRO), in upholding copyright and ensuring equitable compensation is often under-realized. This research highlights the pressing need for transparent and efficient administrative frameworks within such royalty collection agencies to guarantee adherence and impartiality in distributions (Afriyie, 2021). In the digital age, these institutional weaknesses are compounded by the significant threat of digital piracy to musicians' revenue streams (Wicaksono & Andajani, 2023), mirroring broader concerns across Africa about the adequacy of intellectual property laws (Anamela et al., 2024; Lekunze, 2025).

To mitigate these pervasive issues, this paper proposes a dual-pronged approach focused on reform and education. There is an urgent need for policy reforms that address the unique challenges faced by religious musicians in a rapidly digitalizing landscape (Ofoeda et al., 2023). Concurrently, robust educational initiatives aimed at both ecclesiastical bodies and musical practitioners are paramount to elevate awareness of copyright statutes and intellectual property entitlements (Adu & Walt, 2021). Such education is crucial for shifting societal mindsets regarding the ethical consumption of music and the recognition of intellectual property as legitimate labor (Ofori, 2024; Wicaksono & Andajani, 2023), resonating with broader calls for digital literacy to modernize intellectual property legislation (Adams, 2023; Okyere, 2017).

Underpinning this entire endeavor is a critical ethical imperative. Church leaders must move beyond avoiding the discussion and instead embrace the ethical considerations at the intersection of spiritual values and the commercial realities of digital innovation (Cheong & Liu, 2025). This involves fostering a genuine commitment to ethical behavior within organizations (Kporgbor et al., 2022) and addressing issues of privacy and security in the digital dissemination of church music (Adjin-Tettey & Kwofie, 2024; Zain et al., 2025), considerations that often overlap with broader religious and societal values (Asamoah et al., 2023).

Ultimately, this research contributes a nuanced understanding of these interconnected issues. By advocating for systemic reforms, ethical leadership, and widespread education, this study provides a blueprint for reconciling spiritual expression with the economic rights of creators. This reconciliation is crucial for fostering a sustainable, honest, and trusting ecosystem where both artistic creation and spiritual expression can thrive without undermining the economic stability of Ghanaian church musicians (d'Angelo et al., 2023).

In the argument of Nyathi and Maguraushe (2023), the significant influence of the church on musical practices in Ghana underscores the necessity of a robust intellectual property framework to protect musical compositions and performances (Fiagbedzi, 2017). This involves a delicate balance between fostering spiritual expression and ensuring that creators receive equitable compensation for their artistic contributions (Arkhurst et al., 2023; Collins, 2004). The historical evolution of popular music in Ghana, deeply intertwined with Christian influences, further complicates the application of contemporary intellectual property laws to church music (Collins, 2004). The intersection of religious practice and musical composition often creates unique challenges for copyright enforcement, particularly when considering the spiritual rather than commercial motivations attributed to much of this creative output. The introduction of Western musical instruments and part harmony by Protestant missionaries in the 19th century significantly shaped Ghanaian church music, leading to the development of vernacular hymns that blended local traditions with foreign influences (Collins, 2004). The resulting syncretic musical forms, while enriching Ghana's cultural tapestry, also pose complexities for defining authorship and ownership within a legal framework not originally designed for such hybrid expressions. The globalization and urbanization of Christian music have introduced additional layers of complexity, expanding the reach of Ghanaian church music while simultaneously increasing opportunities for its unauthorized use across diverse platforms (Schrag, 2016). The unique ecosystem of Ghanaian church music, marked by its profound spiritual significance and increasing commercial reach, exists in a state of legal and ethical ambiguity. This necessitates a thorough examination of how copyright legislation can be adapted to protect creators within this distinctive context.

The challenge is rooted in the music's very nature. The historical trajectory of Ghanaian church music, from its missionary-influenced origins to its contemporary globalized forms, has resulted in a hybrid art that presents unique challenges for copyright enforcement (White, 2017). This is exacerbated by the proliferation of diverse

musical styles within Ghanaian Pentecostalism, including the integration of secular genres like rock and hiphop, which further blurs the lines between sacred inspiration and modern commercial production (Said, 2021). These unique characteristics—such as communal creation and spiritual purpose—directly intersect with, and often challenge, conventional intellectual property frameworks (DeValve, 2019).

This legal tension has significant real-world consequences. The widespread use of church music across denominations and public platforms, frequently without proper licensing, highlights an urgent need for clearer understanding and stricter enforcement of intellectual property rights (Sarbah, 2010). This situation often leads to a devaluation of musical labour, as the spiritual framing can implicitly discourage discussions of financial compensation, creating an environment susceptible to exploitation (Quayesi-Amakye, 2013). The vulnerability of musicians is compounded by the influential position of religious institutions. The significant social services provided by major Pentecostal and Charismatic churches in Ghana (Benyah, 2020), while laudable, often overshadow their commercial activities and complicate the perception of their economic engagements (Benyah, 2020).

Therefore, this study is critically needed to unravel these intricate dynamics. It seeks to bridge the gap between traditional spiritual values and modern intellectual property protection by advocating for legal reforms that acknowledge both the sacred essence and the commercial reality of church music in Ghana (Endong, 2016; Nrenzah, 2015; Agyeman & Awuah-Nyamekye, 2018). Ultimately, this research aims to foster a more sustainable and equitable environment for musicians within the nation's vibrant religious sector.

Building upon their significant societal presence, these institutions wield considerable soft power, making it challenging for individual musicians to assert their commercial rights without appearing to contravene spiritual tenets (Agyeman & Carsamer, 2018). This influence is amplified by their large congregational base and active role in national development, a position that often allows them to dictate terms favoring the institution over the individual creator (Gyampo & Asare, 2015).

This power dynamic is further complicated by underlying theological frameworks. The pervasive influence of doctrines such as the prosperity gospel, alongside a prevalent spiritual worldview that prioritizes diabolical explanatory models for various phenomena, can shape non-secular interpretations of intellectual property (Asamoah et al., 2014; Agyeman & Carsamer, 2018). Such a theological lens, which often attributes success to divine blessing rather than legal entitlement, can inadvertently de-emphasize the material aspects of artistic production. Consequently, financial remuneration for creative work is sometimes perceived as secondary to spiritual devotion, echoing broader religious perspectives on stewardship and material wealth (Golo & Yaro, 2013). This spiritual framing directly contributes to the undervaluing of musicians' intellectual property, creating a culture where asserting economic rights can be misconstrued as a lack of faith.

The convergence of institutional power and theological interpretation creates a unique and challenging environment for intellectual property rights. This intricate relationship necessitates a nuanced understanding of how power dynamics and belief systems within the church influence the negotiation and enforcement of intellectual property agreements. Therefore, promoting a balanced understanding of intellectual property within these religious contexts is essential for ensuring fair compensation and protecting the livelihoods of musicians (Golo & Yaro, 2013; Gedzi et al., 2016; White, 2017).

It is within this complex intersection of institutional power, theological doctrine, and creative labor that the present study positions itself. This research aims to contribute to the ongoing discourse on intellectual property reform in Ghana by offering practical recommendations for enhancing transparency and fairness. By examining how these forces interact to shape the economic realities of church musicians, the study underscores the urgent need for comprehensive legal and educational reforms to reconcile spiritual values with equitable economic practices in the Ghanaian music industry (Nukpezah & Blankson, 2020; Ofori, 2024).

While music has been an integral component of Christian worship for centuries (Okonkwo, 2019), its commodification and status as a form of intellectual property necessitating legal protection is a more modern development, particularly within the globalizing gospel music industry (Addo, 2021). The foundation for this

protection was established internationally by the Berne Convention for the Protection of Literary and Artistic Works (1886), which granted authors of musical compositions exclusive rights over the usage and commercial exploitation of their work (World Intellectual Property Organization [WIPO], 2004). This right is enshrined in copyright law, a critical legal mechanism for safeguarding the economic interests of creators and regulating the use of their work in both private and commercial spaces (Afori, 2017; Nwauche, 2017). However, the effective application of these international frameworks within specific cultural and religious contexts, such as Ghana's, remains a significant challenge (Boateng, 2011).

The enforcement of these rights within religious contexts was catalyzed by landmark legal cases, most notably the 1984 lawsuit against the Archdiocese of Chicago, which served as a global wake-up call for churches (The New York Times, 1984). This precedent spurred the creation of collective management organizations to facilitate compliance, such as the Christian Copyright Licensing International (CCLI), established in 1988 and now serving over 230,000 churches worldwide (Christian Copyright Licensing, 2025).

In Ghana, the mandated collective management organization for musical works is the Ghana Music Rights Organisation (GHAMRO). While CCLI operates in other parts of Africa, GHAMRO is the domestic entity that, as of 2017, has begun to assert the need for churches to pay royalties. However, the effective implementation of this framework within Ghana's unique socio-religious landscape remains deeply challenging.

This gap between formal copyright structures and their practical application in Ghana highlights the critical need for this study. The international historical context demonstrates that copyright compliance in worship is achievable, yet the powerful local dynamics of institutional influence and theological doctrine, as previously outlined, create a significant barrier. Therefore, this research is essential to bridge this gap, translating global copyright norms into actionable, context-sensitive strategies that protect the rights of creators within Ghana's vibrant and influential religious sector.

Music performances in the Ghanaian church context appears to have serious issues with royalty payments, despite the significant contribution of church music to the cultural and spiritual life of Ghana, many churches and musicians are unaware of intellectual property rights, leading to violations that affect musicians' earnings and livelihoods. The pervasive copyright infringement in church activities, is largely due to a lack of awareness among musicians and churches, and exacerbated by inadequate systems for royalty collection and distribution, perceived corruption, and the tension between gospel music's spiritual and commercial aspects. The research also highlights the dependence of gospel musicians on churches for performances and income, which creates a power imbalance that, can lead to exploitation. Furthermore, the study notes that collective management organisations, such as GHAMRO, have a crucial role to play in promoting a culture of respect for intellectual property rights and ensuring compliance with copyright laws. The intersection of church music and copyright law in Ghana has sparked intense debate and controversy. This paper aims to provide a comprehensive overview of the existing research on this topic, examining the complexities and challenges surrounding church music and copyright in Ghana. Music has been an integral part of Christian worship worldwide for centuries. The convergence of music and religion dates back thousands of years, with music serving as a medium for humans to express themselves in various ways (Okonkwo, 2019).

Music as Theological and Communal Expression in Worship

This profound connection highlights why intellectual property discussions surrounding church music are particularly intricate, as they touch upon deeply ingrained spiritual practices and communal expressions (Ademiluka, 2023). Therefore, balancing the spiritual mission of churches with the economic rights of musicians necessitates a nuanced understanding of both legal frameworks and cultural sensitivities within the Ghanaian context. This includes navigating the ethical considerations that arise when spiritual offerings become commercialized, particularly given Ghana's high religiosity and the pervasive influence of religious institutions (Carsamer & Abbam, 2020). Moreover, the historical development of indigenous hymnody in regions like West Africa demonstrates a spontaneous integration of local musical traditions into Christian worship, further complicating the application of universal copyright principles (King, 1962). This complexity is exacerbated by

the economic disparities prevalent in Ghana, where the reliance on churches for livelihoods often places musicians in a vulnerable position regarding intellectual property enforcement (Ronin, 2018). This vulnerability underscores the urgent need for robust legal frameworks and effective enforcement mechanisms to safeguard the rights of musical creators within the religious sector (Ronin, 2018). Consequently, this paper examines the existing copyright landscape in Ghana concerning church music, proposing strategies for equitable royalty distribution and enhanced awareness among all stakeholders. The study seeks to identify the specific challenges encountered by Ghanaian church musicians in securing fair compensation for their creative works and to propose actionable recommendations for policy makers and church leaders.

METHOD

This study employs a qualitative case study design to investigate the complex, real-world phenomenon of copyright enforcement in Ghana's church music sector (Yin, 2018). The case study approach is deemed most appropriate as it facilitates an in-depth, multi-faceted exploration of a contemporary issue within its authentic context, allowing for the integration of multiple data sources to build a comprehensive understanding (Stake, 1995).

Primary data was gathered through semi-structured interviews with a purposively selected sample of nine (9) key stakeholders (as seen in Table 1.). This cohort included gospel musicians, church leaders (pastors and music directors), a music producer, media personnel, and representatives from the collective management organization, GHAMRO. The semi-structured format allowed for guided exploration of core themes while providing the flexibility to probe emergent issues (Bryman, 2016). Reported interviews from these engagements provide critical insight into the lived experiences, perceptions, and power dynamics confronting creators and institutions (Kvale, 2007; Rubin & Rubin, 2012).

Table 1. Purposively Sampled Stakeholders

Stakeholder Category	Rationale for Inclusion	Sample Size
Music Creators (Rights Holders): Gospel artists, songwriters, and producers with copyrighted works.	To understand the awareness of their rights, their experiences with royalty collection, and their perceived conflicts.	4
Church Music Users: Head Pastors, Worship Leaders, and Church Administrators from various denominations and sizes.	To capture the theological, financial, and practical rationales for compliance or non-compliance with royalty laws.	4
Collection Management Organisation Official: Management and field staff from the Ghana Music Rights Organisation (GHAMRO).	To get the institutional perspective on the challenges of enforcement, collection, and distribution within the religious sector.	1
Total Interview Participants		9

A systematic review of documents was conducted to ground the study in the existing legal and scholarly landscape (Bowen, 2009). Analysis of landmark and relevant Ghanaian court rulings was undertaken to inform the understanding of legal precedents, the judicial interpretation of copyright infringement, and the delineation of stakeholder rights (Bently & Sherman, 2014). The study reviewed Ghana's Copyright Act, (Act 690), and related regulatory frameworks were examined to establish the formal legal context within which stakeholders

operate. Industry reports, news articles, and church bulletins provided supplementary context for prevailing practices and public discourse. Observations of church services, gospel music concerts, and other relevant events were conducted. This offered invaluable, context-specific data on the actual usage of copyrighted music in religious and commercial settings, revealing practices that may not be disclosed in interviews (Patton, 2002; Angrosino & Mays de Pérez, 2003).

The collected data was subjected to a thematic analysis following the six-phase framework outlined by Braun and Clarke (2006). This involved familiarization with the data, generating initial codes, searching for themes, reviewing themes, defining themes, and producing the analysis. This iterative process allowed for the identification of recurring patterns and central themes, such as 'theological resistance,' 'institutional power,' and 'systemic mistrust.' The strength of this methodological approach lies in its capacity for a comprehensive and critical examination. By integrating diverse data sources, the study captures not only the formal legal structures but also the informal power dynamics and subjective experiences that define the issue (Creswell & Poth, 2018). The methodology is particularly suited to critiquing the power imbalances inherent in the field, drawing on a Foucauldian understanding of how knowledge and power intersect within institutional settings like churches and collective management societies (Foucault, 1980; Lukes, 2005). Ultimately, this multi-method design provides a robust framework for understanding the intricate legal, cultural, and economic contexts that shape copyright compliance in Ghana's gospel music industry.

Lastly, the study employed methodological triangulation (Denzin, 1978), integrating data from purposively sampled stakeholder interviews, document reviews, and case law analysis to ensure robust and validated findings. The research design was fundamentally comparative, deliberately juxtaposing emergent themes from the qualitative data with the statutory and legal framework. A prime example is the recurrent interview theme that "churches claim a de facto religious exemption," which was critically contrasted with the explicit provisions of the Ghana Copyright Act, 2005 (Act 690), which contains no such exemption. This approach facilitated a powerful critical examination, moving beyond a mere description of the law-in-books to a rigorous analysis of the law-in-action, thereby exposing the significant implementation gap in the royalty collection ecosystem for Ghanaian church music.

RESULTS AND DISCUSSION

In the context of Christian worship, music provides a means for believers to praise their maker and motivates them to live according to their faith's values and principles. Interestingly, the early Christian church initially refrained from incorporating music into worship due to concerns about morality and holiness, rather than copyright laws. However, with the advent of modern printing in Europe in the 15th century, courtesy of Johannes Gutenberg's invention, mass production of literary works, including sheet music, became possible (Wassom, 2006). By the end of the 16th century, the widespread availability of sheet music and books enabled Christian churches and other religious groups to access written materials on worship and praise. The proliferation of literary printing, facilitated by Gutenberg's invention, was accompanied by emerging issues related to intellectual property, including piracy, usage rights, ownership, distribution, and copyright infringement. The study identifies key factors contributing to this problem, including inadequate systems for royalty collection and distribution, perceived corruption, and the tension between the spiritual and commercial aspects of gospel music.

Clashing Perspectives on Music Royalties

The findings reveal a complex and multifaceted issue surrounding music royalties in the Ghanaian church. Church leaders express strong reservations about paying royalties for worship music, citing theological, practical, and financial concerns. They view worship music as a divine gift, not a commercial commodity, and argue that royalties are an unsustainable additional expense. Moreover, they question the transparency of collection societies, doubting that funds will reach the intended artists.

"How can we put a price on a song that the Holy Spirit inspired?" "We are not a concert hall; we are a house of God. These songs are sung as offerings of worship, and to demand payment for their use feels like the commercialization of faith. Furthermore, we have lights, sound systems, and outreach programs to fund. Where

is the money for this 'royalty' supposed to come from? And even if we pay, can we trust that it will reach the brother or sister who wrote the song? The system is broken...I believe we are exempted by God. (church leader response)

In contrast, music producers and composers argue that the refusal to pay royalties devalues their creative labor and threatens the sustainability of gospel music as a profession. They emphasize that composers and producers have invested significant time, skill, and resources into creating and recording music, and that fair compensation is essential for their professional sustainability. Moreover, they point out that refusal to pay royalties is not only an ethical issue but also a violation of national and international copyright law.

"A carpenter builds a pew for the church and is paid fairly. A mason lays blocks for the church building and is compensated. Why is the musician, who builds the spiritual atmosphere with their God-given talent, expected to work for free?" questions Enoch Asare, a renowned gospel music producer. *"When a church with a congregation of thousands uses our copyrighted song every Sunday, recording it for their broadcasts and streaming it online, they are deriving immense value from our work. Our creativity is our livelihood. The church's refusal to pay is not just spiritual exploitation; it is illegal."* (some music producers' response)

Observational data reveals a divided stance within both the religious and creative communities. While some modern churches acknowledge the legal and ethical imperative to pay royalties and have begun budgeting for it, others refuse to charge churches for using their songs, viewing their ministry as a gift to the church. This creates a confusing precedent, undermining the efforts of producers who depend on this income. A clear division exists within both the religious and creative communities. A segment of modern, often larger, churches acknowledges the legal and ethical imperative to pay royalties and has begun budgeting for it. Simultaneously, a number of high-profile gospel artists have publicly stated they will not charge churches for using their songs, viewing their ministry as a gift to the church.

"My songs are my ministry. I will never send a bill to a church for worshipping God with the songs He gave me." "I have given my songs to the church to perform for free as my offering to God so nobody should bother to pay me royalties" (some musicians' response)

The legal principle that copyright confers economic rights, even for religious works used in worship, is well-established in international and national jurisprudence. Case law, such as Capitol Christian Music Group, Inc.

et al. v. Christ Chapel, Inc. (2020), and the Ghana Copyright Act, 2005 (Act 690), supports the notion that churches are not exempt from copyright law and that copyright holders have exclusive rights to authorize public performances, broadcasting, and communication to the public.

"We have a line item in our annual budget for copyright licenses. It is the right thing to do, and it protects us from legal liability." (a media personnel response)

The findings highlight the need for a nuanced discussion about music royalties in the Ghanaian church, taking into account the perspectives of both church leaders and music producers. Ultimately, finding a solution that balances the needs of both parties while respecting the law and promoting fairness and transparency is crucial. Both willing churches and demanding producers often agree on one point: a deep distrust of the collection and distribution mechanisms managed by bodies like the GHAMRO, citing a lack of transparency and accountability.

Church Music and Copyright

This historical context is crucial in understanding the complex relationship between the Christian church and copyright law. While the history of church music is not the primary concern, the intersection of church practices and copyright law is. This raises questions about how the Christian church has navigated copyright law, either by observing or infringing upon it. Examining historical precedents can provide valuable insights into how similar issues have been addressed internationally.

The origins of copyright and intellectual property law can be traced back to the United Kingdom. The Statute of Monopolies, enacted in 1623, granted inventors and artisans exclusive rights to their creations (Goodman, 2006). Modern copyright law has its roots in the Statute of Anne, passed in 1710. This landmark legislation granted publishers 14 years of legal protection, commencing from the statute's enactment, and 21 years of protection for books already in print (ALACC, 2023).

Prior to the enactment of the Statute of Anne, the Stationers' Company held a monopoly on printing literary works in the UK (Norman, 2022). However, with the advent of simpler copying methods, unauthorized reproduction of works became rampant. This led to intense lobbying by the Stationers' Company and publishers, who sought to curb the impact of unauthorized copying by promoting licensing agreements between authors and printers.

In response to these concerns, the Parliament of Great Britain passed the Statute of Anne, also known as the Copyright Act 1710, on April 5, 1710 (Pury, 2022). This landmark legislation established the concept of copyright, defining the "copy" as the exclusive right to print and reprint a book. The statute also stipulated that any unauthorized printing, reprinting, or importing of a book would constitute copyright infringement, punishable by a fine of one penny per sheet. The fine was divided equally between the author and the Crown (Norman, 2022).

Quoting Norman (2022)

"This led to lobbying by The Stationers' Company and publishers in the guild to curtail the impact of unauthorized copying of books by encouraging licensing of printing of books by authors. In response, on 5 April 1710, the Parliament of Great Britain passed the Statute of Anne, also known as the Copyright Act 1710. The statute determined that the 'copy' was the 'sole liberty of printing and reprinting' a book and this liberty could be infringed by any person who printed, reprinted, or imported the book without consent. Those infringing copyright had to pay a fine of one penny for every sheet of the book, one moiety of which went to the author, the other to the Crown." (Norman, 2022 pg 23).

The UK's copyright law laid the groundwork for global copyright legislation. To address copyright issues worldwide, the Berne Convention was established in Berne, Switzerland in 1886, with the aim of protecting literary and artistic works. This convention was later incorporated into the World Intellectual Property Organization (WIPO), which oversees all intellectual property rights and works. The Berne Convention has undergone several revisions, including in Paris in 1971, and amendments in 1979. Ghana joined the Berne Union and ratified the Berne Convention on October 11, 1991, obliging the country to adhere to the convention's articles (World Intellectual Property Organization, 1979). According to the Berne Convention, authors' literary and artistic works are protected, and all individuals, including those in Ghana, must respect these rights. The convention emphasizes the importance of recognizing authors' exclusive rights, including the right to translate, adapt, and perform their works publicly (World Intellectual Property Organization, 1886).

"Article 2(1) of the Berne Convention

(b) Subject to certain allowed reservations, limitations, or exceptions, the following are among the rights that must be recognized as exclusive rights of authorization: the right to translate, the right to make adaptations and arrangements of the work, the right to perform in public dramatic, dramatic musical, and musical works, the right to recite literary works in public, the right to communicate to the public the performance of such works, the right to broadcast (with the possibility that a Contracting State may provide for a mere right to equitable remuneration instead of a right of authorization), the right to make reproductions in any manner or form (with the possibility that a Contracting State may permit, in certain special cases, reproduction without authorization, provided that the reproduction does not conflict with the normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author; and the possibility that a Contracting State may provide, in the case of sound recordings of musical works, for a right to equitable remuneration), the right to use the work as a basis for an audiovisual work, and the right to reproduce, distribute, perform in public or communicate to the public that audiovisual work" (WIPO, 1886)

Ghana's copyright laws have been harmonized with the Berne Convention. Specifically, the Copyright Act 2005, Act 690, is the current legislation governing copyright in Ghana. Section 1(1) of this Act explicitly outlines the types of works eligible for copyright protection, which include:

(1) An author, co-author, or joint author of any of the following works is entitled to the copyright and protection afforded to that work under this Act

- (a) literary work,
- (b) artistic work,
- (c) musical work,
- (d) sound recording,
- (e) audio-visual work,
- (f) choreographic work,
- (g) derivative work, and
- (h) computer software or programmes. (Ghana Copyright Act 690, 2005)

The Copyright Act 2005, Act 690, further clarifies the circumstances that constitute copyright infringement in Section 41. Specifically, the Act states:

Section 41—Infringement of copyright and related rights (1) Subject to this Act the doing of an act contrary to (a) the rights of an author under sections 5 and 6, (b) the rights of a performer under sections 28, 30 and 31 (c) the rights of broadcasting organisations under sections 33 and 34 constitutes an infringement of copyright or related right, as the case may be, and the right owner may seek relief in a civil action under section 44. (Ghana Copyright Act 690, 2005)

The legal basis for the payment of royalties is outlined in Section 37 of the Copyright Act 2005, Act 690, which states:

Section 37-Public performance and use of copyright work (1) Where in any public place by means of broadcasting, cinematography, jukebox or other apparatus, a sound recording or audiovisual work is used the authorised performer and producer of the sound recording or audiovisual work shall be entitled to royalty in accordance with this Act. (2) An owner of copyright is entitled to collect royalties for the live performance of the copyright work or for the public performance of the recorded copyright work. (Ghana Copyright Act 690, 2005).

Despite the clear guidelines outlined in the Copyright Act 2005, Act 690, copyright infringement remains a pervasive issue in Ghana and other African countries. Churches have been found to be engaging in various forms of copyright infringement. One common practice is the unauthorized use of copyrighted sheet music, such as anthems, without obtaining the necessary permissions from the copyright holders. Additionally, churches have been known to reproduce and perform gospel music without securing the required licenses or permissions from the authors, thereby infringing on their intellectual property rights. Furthermore, some churches have been reported to be overdubbing songs onto preaching tapes, CDs, and pen-drives, and then selling these recordings to church members without obtaining the necessary authorization from the copyright owners (Acquah & AcquahNunoo, 2021)). This not only constitutes copyright infringement but also amounts to unauthorized commercial exploitation of copyrighted materials (Arhin Jnr & Acquah, 2025). Another form of copyright infringement practiced by some churches is the photocopying of sheet music in large quantities without permission from the copyright holders. This practice is not only illegal but also undermines the rights of composers and publishers who rely on the sale of their works to make a living. These practices not only violate the rights of copyright holders but also undermine the spirit of the Copyright Act 2005, Act 690. Despite the blatant nature of these copyright infringements, they persist in Ghanaian churches without any legitimate justification (Marfo, 2023). Some proponents of these practices attempt to rationalize their actions, arguing that using copyrighted music in church does not constitute infringement. Their reasoning is based on the notion that since the music is being used to worship God, they are actually promoting the artist whose work is being used, rather than infringing on their rights.

Case Law Analysis: Balancing Authors' Rights and Exploitation

To illustrate the complexities of copyright infringement in religious contexts, several international case laws provide valuable insights. These cases highlight the delicate balance between protecting authors' interests and preventing the unauthorized exploitation of their intellectual property (Kelderman, 2001). One landmark case is the "Church is Guilty in Copyright Case" (The New York Times, 1984), reported by The New York Times on April 20, 1984. This landmark case establishes a crucial precedent in combating church-related copyright infringement, offering valuable insights into the complexities of intellectual property rights in religious settings. As highlighted in the following excerpts:

"A composer and publisher of religious music were awarded more than \$3.1 million today by a Federal District Court jury that found the Archdiocese of Chicago guilty of illegally photocopying his works. Dennis Fitzpatrick, president of FEL Publications Ltd. of Los Angeles, said the jury's award sent a clear message to the archdiocese: "Don't take advantage of authors and composers of sacred music." Mr. Fitzpatrick, who filed suit against the archdiocese in 1976, said: "I thanked God when I heard the verdict. I feel totally vindicated by the jury's decision... In his closing arguments Wednesday, Mr. Reuben conceded that some photocopying took place in the archdiocese. He said the church accepted responsibility for copying done by school principals or choir directors who had no idea they were infringing on a copyright. He charged that Mr. Fitzpatrick's suit was motivated by greed. He said the publisher had been aware of the copying practice since 1966 and lodged no complaint before filing suit 10 years later.... The jury also awarded Mr. Fitzpatrick \$1 million in punitive damages. Mr. Kiesler said the "substantial punitive award will set an example for all the churches in the United States: Don't copy."" (The New York Times, 1984).

The legal principle that copyright confers economic rights, even for religious works used in worship, is well-established in international and national jurisprudence.

Relevant Case Laws

Capitol Christian Music Group, Inc. et al. v. Christ Chapel, Inc. (2020) - United States: In this case, a church was sued for streaming copyrighted worship songs online without a license. The case was settled with the church agreeing to pay for a license, reinforcing that the use of copyrighted music in online worship services is not exempt from copyright law.

Copinger and Skone James on Copyright (19th Ed.) - This authoritative legal text affirms that the right to perform a work in public is a core economic right of a copyright holder. A church service, being a public gathering, constitutes a "public performance" under copyright law.

The "Church is Guilty in Copyright Case" sparked widespread public debate and ultimately led to the establishment of church and copyright collective management organizations (The New York Times, 1984).

Ghana Copyright Act, 2005 (Act 690): Section 5 of the Act clearly stipulates that the copyright in a work shall include the exclusive right to authorize the public performance, broadcasting, and communication to the public of the work. There are no specific exemptions for religious services in the Ghanaian statute, making the use of copyrighted music in church a potential infringement of the owner's economic rights (Arhin Jnr & Acquah, 2025).

These landmark cases and several others to be discussed later marked a turning point, prompting publishers, artists, performers, and authors of church music materials to seek legal recourse to protect their rights against piracy, melody, and lyrics infringement (Collins, 2006). As a result, copyright holders began to assert their rights more vigorously, seeking to enforce their intellectual property protections. The landmark court case in the United States on church copyright infringement led to the establishment of an independent organization dedicated to managing copyright licenses for churches. This pioneering effort aimed to ensure compliance with copyright laws and facilitate royalty payments to rights owners, thereby avoiding costly litigation.

In response to the 1984 court case, Pastor Howard Rachinski founded Star Praise Ministries, which later evolved into Christian Copyright Licensing International (CCLI) in 1988 (The New York Times, 1984). Since its inception, CCLI has experienced remarkable growth, expanding its services to over 250,000 churches worldwide. Today, CCLI operates in numerous countries, including Australia, Canada, Germany, Ireland, New Zealand, South Africa, the United Kingdom, and many others, providing a vital link between churches and copyright holders (CCLI, 1984). This

In the landmark case of *Meadowgreen Music Company v. Voice in the Wilderness Broadcasting, Inc.* (789 F. Supp. 823, E.D. Tex. 1992), a Christian radio station, Voice in the Wilderness Broadcasting (the defendant), was sued for broadcasting copyrighted music without permission. The court found the defendant guilty of willful infringement of 15 copyrighted works. As a result, the defendant was ordered to pay \$52,500 in statutory damages to the plaintiff, Meadowgreen Music Company (*Meadowgreen Music v. Voice in Wilderness*, 1992).

Two notable cases highlight the importance of respecting intellectual property rights in religious and performance contexts. In *Edwards v. Church of God in Christ* (2002 WL 393577, Mich. App. 2002), a professional soloist's performance during a religious ceremony was recorded, copied onto CDs, and sold without permission. Furthermore, the soloist's work was incorrectly attributed to another musician. The court awarded the plaintiff \$1,600,000 in compensation.

In another case, *Malaco Incorporated v. Cooper* (2002 WL 1461927, N.D. Tex. 2002), the defendant was found liable for video recording four copyrighted songs during a concert without authorization and selling the recording without permission. The court imposed a fine of \$100,000 plus attorneys' fees on the defendant. A significant case of church and copyright infringement was filed at the Accra Circuit Court in Ghana. The case involved Rev. Kwaku Agyei Antwi, also known as Rev. Obofour, and gospel musician Celestine Donkor (Dadzie, 2020). Rev. Obofour accepted liability for using Celestine Donkor's song "Agbebolo" in his church program advertisement without permission (Dadzie, 2020; Kyekyeku, 2020). He also acknowledged ownership of various television stations that aired the advert, including Kiss TV, Lion TV, Sweet TV, and Cash TV, all without the plaintiff's authorization (Dadzie, 2020). This case highlights the importance of respecting copyright laws, even in religious contexts. Notable copyright infringement cases have been reported in Ghana, beyond those specifically related to church copyright infringement. While distinct, these cases provide valuable context and insights that support my argument (Arhin Jnr & Acquah, 2025). Furthermore, they can educate readers and stakeholders about the importance of copyright protection and the consequences of infringement in Ghana. The primary mission of churches is to provide spiritual guidance, support, and community to their congregations. As Patricia aptly notes, "Churches exist to help, encourage and develop people in their Christian walk." (Patricia, 2022) It may seem counterintuitive, therefore, to consider that churches, as institutions dedicated to serving a higher purpose, would need to comply with secular laws such as Music Copyright Law. However, the reality is that churches, like any other organization, use copyrighted materials, including music, in their worship services, programs, and activities. Failure to obtain the necessary permissions or licenses can result in copyright infringement, leading to legal consequences. As Patricia (2022) emphasizes, "Who would ever think that churches need to comply with Music Copyright Law!" (Patricia, 2022) This sentiment highlights the common misconception that churches are exempt from copyright laws. In reality, churches must take proactive steps to ensure compliance with Music Copyright Law, just like any other entity that uses copyrighted materials. By acknowledging and addressing this issue, churches can avoid potential legal pitfalls, maintain their integrity, and continue to focus on their core mission of serving their congregations.

Collective Management Organizations in Addressing Church Copyright Infringement in Ghana

The issue of church copyright infringement in Ghana is indeed a complex one. On one hand, gospel musicians and artists seem to be unaware of their rights, and instead of fighting for them, they support churches in infringing on those rights (Ghansah, 2025). The reason behind this is the perceived mismanagement of royalties by the GHAMRO, which is responsible for collecting and distributing royalties to rights owners (Hansen, 2021). Rex Omar, the board chairman of GHAMRO, acknowledges the challenges faced by the organization, including the lack of transparency and inefficiencies in the royalty collection system (Hansen, 2021). In fact, Rex Omar

emphasizes the need for legislative reform to establish clear guidelines for royalty rates and ensure fair compensation for creators (Hansen, 2021). Despite these challenges, it's essential to recognize that copyright infringement is illegal and can have severe consequences (Acquah & Acquah-Nunoo, 2021). Gospel musicians and artists must understand that they have the right to enforce their rights in court and seek remedies for infringement. To address the issue of church copyright infringement, GHAMRO has taken steps to go after churches that use copyrighted music without permission (Acquah & Acquah-Nunoo, 2021). In fact, the organization has won a significant court case against telecommunication companies, setting a precedent for copyright enforcement in Ghana (Hansen, 2021). Ultimately, it's crucial for gospel musicians, artists, and churches to work together to resolve these issues and ensure that creators are fairly compensated for their work (Acquah & Acquah-Nunoo, 2021). By promoting transparency, accountability, and legislative reform, we can create a more equitable and sustainable music industry in Ghana (Acquah & Acquah-Nunoo, 2021). The debate surrounding church copyright infringement in Ghana raises important questions about the rights of gospel musicians and the obligations of churches. On one hand, Aba Asamoah argues that if churches were to demand royalties from gospel musicians, the financial burden would be too great for the musicians to bear. As she notes, *"If the churches ask gospel artistes to stop recording or singing their songs or even ask every artiste that has commercially recorded songs belonging to them (church) to pay royalties to them, that money will be so huge that gospel musicians cannot pay"* (Gospelgh, 2017).

The debate surrounding royalty collection from churches in Ghana reveals a fundamental tension between intellectual property law and deeply held theological and cultural beliefs. A central point of contention is the distinction some stakeholders make between regular worship services and special events. As one commentator argues, royalties should only apply to the latter, stating, *"If a church invites an artiste to its premises and pays the artiste to perform, at that moment, the church is not holding a church service. It's holding an event"* (as cited in Gospelgh, 2017). However, this distinction is analytically fragile and raises critical questions about where to draw the line, as the use of copyrighted music in any context outside of private worship potentially constitutes a public performance requiring a license (Addo, 2021).

This legal ambiguity fuels strong opposition from within the gospel music community itself. Prominent musicians have framed GHAMRO's efforts in starkly negative terms, describing them as a "lazy way of extorting money" and an "insult to...faith" (Trigmatic, as cited in Gospelgh, 2017), or even as an "abomination" (Piesie Esther, as cited in ZionFelix, 2017). This resistance is often rooted in a perceived symbiotic relationship, where musicians like Anita Afriyie and Bernard Amankwah feel that challenging churches financially would undermine the performance opportunities and support they rely on (as cited in Gospelgh, 2017). This perspective is powerfully reinforced by a theological worldview that privileges the spiritual purpose of music. Statements that emphasize how "our praise is irresistible to God" (Atkins, 2016, p. 45) underscore the sacred value of worship music but can also implicitly devalue its commercial dimensions, creating a cultural logic where financial claims against the church are seen as illegitimate (Nukpezah & Blankson, 2020). This sentiment is echoed by church leadership, with figures like Prophet Kumchacha threatening physical resistance to royalty collection (as cited in Gospelgh, 2017).

Despite this significant opposition, institutional efforts to enforce copyright persist, as evidenced by GHAMRO's agreement with the Accra Diocese of the Anglican Church (Gospelgh, 2017). This single case of compliance highlights the potential for workable solutions but also throws the broader conflict into sharper relief. The debate, therefore, is not merely a legal or financial dispute; it is a complex socio-cultural struggle over the very meaning of creative work, spiritual service, and institutional power within the Ghanaian religious sphere (Boateng, 2011; Ofori, 2024). The literature thus concludes by revealing a critical impasse: while the legal framework for copyright exists, its application is severely constrained by a powerful counter-narrative that pits faith against formal intellectual property rights. It is this precise impasse that the present study seeks to investigate, aiming to identify pathways toward a context-sensitive model of copyright enforcement that can reconcile these seemingly opposed values.

CONCLUSION

This study has illuminated that the challenge of copyright enforcement within Ghana's gospel music sector is not merely a legal issue but a profound socio-cultural and economic dilemma situated at the crossroads of faith, creativity, and institutional power. The literature and findings reveal a persistent gap: a fundamental disconnect between the formal, secular framework of intellectual property law and the deeply embedded theological and relational ecosystems of Ghana's religious communities. This disconnection manifests as a cycle of resistance, where a lack of awareness, mistrust in collective management organizations like GHAMRO, and a theological narrative that often prioritizes spiritual value over economic rights perpetuate the infringement of creators' intellectual property.

The core tension lies in reconciling the sacred purpose of worship music with the secular reality of musicians' economic livelihoods. As evidenced, arguments against royalty collection are not simply about cost but are deeply rooted in a worldview that can perceive such transactions as a violation of faith and a disruption of symbiotic patron-artist relationships (Nukpezah & Blankson, 2020). Conversely, the failure to enforce copyright devalues artistic labor and undermines the long-term sustainability of the very creative industries that enrich Ghanaian culture (Ofori, 2024). Therefore, the central problem is the absence of a context-sensitive model that can bridge this divide, ensuring equitable compensation without disregarding the unique spiritual and social dynamics of the religious sector.

RECOMMENDATIONS

To break the current impasse between Collective Management Organizations (GHAMRO) and religious institutions, a multi-faceted and collaborative approach is essential. The following recommendations are proposed for key stakeholders. GHAMRO should prioritize building trust through transparency and contextual engagement. This can be achieved by implementing radical transparency, where real-time, publicly accessible portals detail royalty collection and distribution figures. This necessitates a move beyond periodic audits toward the implementation of radical transparency, such as a real-time, publicly accessible portal detailing royalty collection and distribution figures, a measure that would directly confront pervasive perceptions of mismanagement (Acquah & Acquah-Nunoo, 2021). Furthermore, GHAMRO should replace its one-size-fits-all model with simplified, tiered licensing agreements based on congregation size and music usage frequency, thereby demonstrating a pragmatic understanding of the diverse economic realities within the religious community.

Concurrently, religious institutions and church leadership are called to foster a culture of ethical stewardship over creativity. This begins with the adoption of formal internal copyright policies that clearly delineate the use of original works, music covered under blanket licenses, and special performances requiring direct negotiation. More profoundly, church leaders have a pivotal role in reframing the narrative from one of mere financial payment to one of sacred partnership. Church leaders can also champion a theology of ethical stewardship that frames fair compensation as a righteous affirmation of the gifts and labour of creatives within their congregation.

Policymakers and educational bodies can bridge the knowledge and regulatory gap by integrating IP education into theological seminary and pastoral training, and music curricula and clarifying the legal framework surrounding copyright law in religious settings. Regulatory guidelines can provide a definitive legal stance on issues like the distinction between a "service" and an "event," reducing ambiguity and promoting compliance.

Finally, to cement these efforts, policymakers and educational bodies must act to bridge the fundamental knowledge and regulatory gap. A strategic partnership between institutions like the National Commission for Civic Education, theological seminaries, and creative training institutes should be forged to integrate intellectual property education directly into the curricula of both future church leaders and musicians. Complementing this educational initiative, policymakers must provide clearer regulatory guidelines that define the application of copyright law in religious settings, offering a definitive legal stance on ambiguous issues such as the distinction between a worship service and a public event. By adopting this coordinated framework, stakeholders can

collectively transform the present adversarial dynamic into a collaborative partnership, ensuring that the spiritual power of gospel music is upheld by an economic foundation that justly supports its creators, guaranteeing the continued vitality of this essential component of Ghana's cultural and religious life.

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