



ISSN 0302- 8844

A Scientific bi-annual Refereed Journal Issued by the Faculty of Arts.
University of Khartoum

Issue No.45. July. 2021

Editorial Board

Editor-in-Chief

Prof. Hamadalneel Mohammed
Alhassan

Managing Editor

Prof. Azhari Mustafa Sadig Ali

Editorial Members

Prof. Yahia Fadl Tahir
Prof. Fairuz Osman Salih
Dr. Salma Omer Alseed
Dr. Hala Salih Mohammed Nour

Advisory Board

Prof. Fadwa Abdel Rahman Ali Taha

Prof. Ali Osman M. Salih

Prof. Galal El-Din El-Tayeb

Prof. Rugaia Elsayed Etayeb

Prof. Tag Alser Harran

Prof. Mubarak Husayn Najmalddin

Dr. Younis Al-Amin

Dr. Mahasin Hag Al-Safi

Dr. Hassan Ali Eissa

Contributions:

Titled to the Editor: Faculty of Arts, University of Khartoum.

P.O. Box 321

or by e-mail: adabsudan@gmail.com

Contents

Foreign Languages Section

Radio as a Disseminator of Copyrighted Literary and Artistic Works a Descriptive Study of Radio Omdurman, Sudan. Amel Ibrahim	307
Ahmed Abuzaid.....	
The Healing Power of Personal Narrative. Amel Mohamed Saeed	325
Bayoumi.....	

Arabic Section

القسم العربي

التناص، قراءة تطبيقية في بنية النص. "ديوان الهمداني نموذجاً". د. محمد مسعد سعيد سلامي.....	١
الأثر النفسي والوجداني في منهج عبد القاهر الجرجاني. التّقديّ والبلاغيّ. د. صديّيق مصطفى الرّيح..	٣٨
قصيدة سعدى بنت الشمردل الجهنية في رثاء أخيها أسعد. (دراسة تحليلية). د. مسفر بن محمد	٦٥
الأسمرى.....	
البناء العارض للأسماء في الدّرس النّحويّ. أ. محمود سعيد خميس حسب الله، د. زكي عثمان عبد	٨٥
المطلب عمر.....	
البنية الإيقاعية وأثرها في إذكاء عاطفة الحُزن لدي الشّاعر والمتلقّي مَرثِيَاتُ الهادي آدم نموذجاً. د.	١٠٥
علي عبد الله إبراهيم أحمد.....	
انفتاح اللغة العربيّة المعاصرة على جمع المؤنّث السّالم. د. زكي عثمان عبد المطّلب عمر.....	١٤٢
مسألة تناوب حروف الجر. د. محيي الدين محمد جبريل محمد.....	١٦٠
المعتقدات السودانية في الشعر السوداني. أ.د. حمد النيل محمد الحسن إبراهيم.....	١٩٠
النيل والصحراء في ضوء نتائج أبحاث مشروع كدرمة الأثاري بإقليم الشلال الثالث. د. محمد البدري	٢٠٧
سليمان بشير.....	
دخول الإسلام بلاد السودان قبيل القرن السادس عشر الميلادي. د. عبدالرحمن ابراهيم سعيد علي.	٢٤١
جمعية ود مدني الأدبية ودورها السياسي والثقافي والاجتماعي في الحركة الوطنية السودانية. د. عمر	٢٧٦
عبد الله حميدة.....	

قواعد النشر وشروطه

آداب مجلة علمية محكمة تصدر في يناير ويوليو من كل عام عن كلية الآداب جامعة الخرطوم وتقبل البحوث في مجالات الآداب والفنون والعلوم الإنسانية مع مراعاة الآتي:

١. ألا يكون البحث المقدم للمجلة قد نشر أو قدم للنشر في مكان آخر.
٢. تخضع البحوث المنشورة في هذه المجلة للتحكيم العلمي الذي يتولاه أساتذة مختصون وفق ضوابط موضوعية.
٣. تسلم نسختان مطبوعتان من البحث على معالج نصوص (حاسوب) مع أسطوانة مدمجة تحتوي على البحث. أو ترسل على البريد الإلكتروني adabsudan@gmail.com.
٤. يراعى في البحث أن يتراوح حجمه بين ٣٠٠٠-٥٠٠٠ كلمة، ويرفق الباحث مستخلصاً باللغتين العربية والإنجليزية لبحثه بما لا يتجاوز صفحة واحدة (٢٠٠) كلمة، ويذيل هذا المستخلص بما لا يزيد على خمس كلمات مفتاحية تبرز أهم المواضيع التي يتطرق إليها البحث. ويراعى أن تحتوي الصفحة الأولى من البحث على عنوان البحث واسم الباحث، والجامعة أو المؤسسة الأكاديمية وعنوان البريد والبريد الإلكتروني باللغتين العربية والإنجليزية.
٥. تنشر المجلة مراجعات الكتب بحدود (٢٠٠) كلمة كحد أقصى، على ألا يكون قد مضى على صدور الكتاب أكثر من عامين، ويدون في أعلى الصفحة عنوان الكتاب واسم المؤلف ومكان النشر وتاريخه وعدد الصفحات. وتتألف المراجعة من عرض وتحليل ونقد، وأن تتضمن المراجعة خلاصة مركزة لمحتويات الكتاب. مع مراعاة الاهتمام بمناقشة مصداقية مصادر المؤلف وصحة استنتاجاته.
٦. أن يوثق البحث علمياً بذكر المصادر والمراجع التي اعتمدها الباحث في نهاية البحث. وترتب المراجع في نهاية البحث هجائياً على ألا تحتوي قائمة المراجع إلا على تلك التي تمت الإشارة إليها في متن البحث. يشار إلى جميع المصادر في متن البحث بالطريقة التالية (اسم العائلة. سنة النشر. الصفحة او الصفحات) مثال: (صديق. ٢٠٢١. ١٤). وتوثق في قائمة المراجع والمصادر كما يلي:
للكتب وبحوث المؤتمرات:
 - أحمد بدوي. أسس النقد الأدبي عند العرب. القاهرة، دار نهضة مصر، ١٩٦٤م.للمقالات والفصول في الكتب:
 - قاسم المومني. "علاقة النص بصاحبه دراسة في نقود عبد القاهر الجرجاني الشعرية". عالم الفكر. الكويت: العدد الثالث يناير/ مارس ١٩٩٧م. ١١٣-١٢٨.يراعى في المراجع الأجنبية نفس النمط
٧. تعبر البحوث التي تنشرها المجلة عن آراء كاتبها، ولا تعبر بالضرورة عن وجهة نظر المجلة أو أية جهة أخرى يرتبط بها صاحب البحث.
٨. لهيئة التحرير الحق في إدخال التحرير والتعديل اللازمين على الأبحاث. وتعد هيئة التحرير رأي محكم المقال نافذاً بالنسبة لنشر البحث أو عدمه أو إدخال التعديلات التي يوصي بها المحكم.
٩. لا تقبل البحوث والدراسات التي تعد لإكمال مطلوبات إجازة الرسائل الجامعية (الدكتوراه).
١٠. لهيئة التحرير الحق في رفض أي بحث مقدم لها دون إبداء الأسباب.

Radio as a Disseminator of Copyrighted Literary and Artistic Works

a Descriptive Study of Radio Omdurman, Sudan

Amel Ibrahim Ahmed Abuzaid

Communication Department, Faculty of Arts, University of Khartoum

Abstract:

Radio is one of the important mass media that helps in the dissemination of literary and artistic works. It played an important role in the history of music in Sudan by giving the singers and composers the chance to record and disseminate their works through the Radio which was the only available medium. Songwriters, composers, singers, performers, actors and all these copyright and related rights categories need the Radio to disseminate their works. If these works didn't reach the audience, it will negatively affect the dissemination of works. Beside that, Radio has no active mechanism in organising the usage of works the matter that involved the Radio in many problems with the right's holders, although the Radio has applied some measures to avoid that.

المستخلص:

تعتبر الإذاعة من أهم الوسائل الإعلامية التي تساعد في نشر المصنفات الأدبية والفنية. لعبت الإذاعة السودانية دوراً مهماً في تاريخ الموسيقى في السودان فقد كانت الوسيلة الوحيدة التي يجد فيها المغنون والملحنون مجالاً لتسجيل ونشر أعمالهم عبر الراديو. يحتاج كل أصحاب حق المؤلف والحقوق المجاورة من شعراء أغنية وملحنين ومغنيين ومؤدين وممثلين إلى الإذاعة لبث أعمالهم. فعدم بث تلك الأعمال إلى الجمهور يؤثر سلباً على انتشارها. إلى جانب ذلك لم تكن هناك آلية فاعلة في الإذاعة لتنظيم استخدام المصنفات مما أدى إلى حدوث العديد من المشكلات مع أصحاب الحقوق بالرغم من إتباع الإذاعة لبعض الإجراءات لتجنب ذلك.

Methods:

The researcher adopts triple methods of description, inferential and historical methodologies. In data collection the researcher depends on primary resources like observation as well as conducting different interviews with experts in the field of radio and copyright and related rights. Secondary sources like books, journals, laws and regulations were also made use of.

Queries:

1. Did Sudan National Radio have any role in disseminating literary and artistic works?
2. How did the Radio deal with the holders of rights when disseminating their literary and artistic works?
3. How can the Radio disseminate literary and artistic works and at the same time protect the rights of the owners?
4. Is the establishment of collective management important in the enforcement of rights; and will it encourage the dissemination of more literary and artistic works to be broadcast via Radio?

Background:

Radio is said to be the earliest mass communication medium that had sent messages to a big number of human beings in various and far sites. It is that kind of medium that has the ability to overcome the natural obstacles in addition to time and distance (Nour Eldaim, 2014, p.61). It broadcasts different types of programmes to various categories of listeners. Radio is the system of sending sound over a distance by transmitting electrical signals (BBC Dictionary, 1996, p.946).

Radio as a kind of mass media that depends on sound only need the professional use of this tool to disseminate its message to the public. It is a medium that use to draw pictures that are imprinted on the minds of the listeners as if they are present at the scene (Akpede, Kaior Samuel and others, 2010, p.36).

In the first quarter of the twentieth century, radio broadcast has emerged when people were depending only on newspapers as a mass medium. The development in the technology has its impact on radio helping in the dissemination of the medium and the kind of its programmes.

Radio has certain features that make it different from other types of media, where (Sambe, 2008, p.5) mentioned some:

1. "It is flexible in pre-erupting the schedule programmes and has freedom of time.
2. It is very effective in mobilising people; hence it bypasses illiteracy and appeals to the individual person."

The term "programme" in radio production refers to human beings sounds or sound effects used to fill the unseen airtime, that is why radio is called the "blind medium" (Akpede, Kaior Samuel and others, 2010, p.47). Since radio depends on audio, the message transmitted must be very clear from the context of the language in addition to the using of other technical capabilities like sound effects in drama. "There is no really magic formula that automatically will assure vast listenership, as some group operators have found through experience, but the types of programming already available, the listeners' provincial tastes, and the broadcaster's own convictions all shape the fare that a new station will dispense." (Coddington, 1969, p.159).

Programmes in radio are known to be as "a broadcast on time" as Professor Salah Aldeen Alfadel mentioned (Alfadel, 1995), where the time is divided into various units that differs in length according to the purpose of programming. Those which last from a few seconds to three minutes are customarily called "announcements" or "spots" while units of greater length are referred to as programmes, in actual practice such programmes will often last for 30 to 60 minutes (Hillard, 1969, p.36).

Generally, the radio as a mass medium has some goals to achieve. Radio provides information in different styles and ways with the purpose of informing, entertaining and educating its listeners. So every

programme must have a certain aim that it is longing to achieve. For Owuamalam (Owuamalam, 2007, p.14) there must be statement of the aim of a programme.

Radio has a variety of programmes like programme audience, news programmes, drama, entertainments and music. The various types of radio programmes are referred to as programme format that include documentaries, features, magazines, discussions and news programmes (Idebi, 2008, p.9).

The radio broadcast day generally joins all the aforementioned features of programmes, but for music it covers a good portion of the schedule in addition to other types of literary and artistic works. Music will likely be a staple item for most stations where most of it will be recorded. (Coddington, 1969, p.162).

Music as part of literary and artistic works is one of the most popular copyrighted materials that are used in different expressive messages in films, theatres and other media. Music joins a number of copyright and related rights owners in one work. There is the songwriter who firstly has initiated or wrote the piece of work, then the composer who deals with the melody in addition to the performers. Singers and musicians, as performers, have rights based on copyright and related rights legislation as well (WIPO Pub., No.922, p.7). They have rights on the works they wrote and performed. Musicians have waged a long battle in order to obtain the rights that would protect them against the unauthorised use of their performances, this aim was achieved with the signing of the Rome Convention and by the recognition of their right in the national laws (Uchtenhagen, WIPO Pub. No. 789, p.17). Rome Convention was the first international treaty that has recognised the related rights as owners that have some rights that resemble copyright. Radio should pay the literary and artistic works owners' revenues when it exploits their works.

So a radio station as a medium that deals with literary and artistic works needs to put into consideration the legal use of literary and artistic works owned by creators. On the other hand, radio as the third category

of related rights owner has rights to be protected from the infringement by others.

As Gervais views that "The radio station will need both rights in respect to three different objects:

(1) Musical work;

(2) Sound recording;

(3) Musical performance of the musical work incorporated in the sound recording. The broadcaster will need, at least occasionally but probably very frequently, to use works, sound recordings or performances, the rights in which are owned in whole or in part by foreign nationals and entities, the broadcaster probably uses thousands of songs from around the world each week." (Gervais, 2010, p.2).

Within the daily schedule of the radio programmes, music dominates not a small space of the transmission as songs; as well as melodies performances and drama, where it accounts for more than 70 % of airtime, it would be close to impossible for individual broadcasters to clear the rights with each and every copyright owner. (WIPO Pub, No.922, p.8).

What is needed, therefore, to make the copyright system work for the broadcaster, is a license to use all the right fragments "reproduction, communication, etc." for the copyright works "music and lyrics" and the objects of related rights "performance and sound recordings (Abuzaid, 2020, p.88). The license must be for all or as close to all existing works, performances and recordings that the radio station might use, which in practice means a worldwide license (Gervais,2010,p.2). Radio stations must preserve the right of the owners when broadcasting literary and artistic works owned by different copyright and related rights owners.

Introducing Radio to Sudan:

The colonial power had generally introduced the mass media to the Sudan. Historically, the radio is regarded as the first electronic medium known in the world and as well in Sudan, while print media found its way to Sudan as early as 1903. Sudan's experience with radio didn't start until the 20th century when it was well underway (Guta, 2011, p.12). Sudan like many other African countries; the British colonizer was the one that introduced Radio to the country.

The Sudanese Radio was entered to the country in the late period of the condominium rule "1898-1956", by the Sudanese Defense Committee during the World War II. It was mainly established for war's emergency "Propaganda & News of the War", under sponsorship of Sudan Post and Telegraph foundation (Nour Eldaim, 2014, p.194). This is clear in the telegraph that the Director of Public Security sent to all governors of Sudan dated on 23rd of April 1940, which the War Time Broadcast will start on Thursday 2nd of May 1940 (Shummo, 2006, p.252).

The Sudanese Radio Service is considered as one of the oldest five radios in the developing countries (Nour Eldaim, 2014, p.194). Sudan Broadcasting Service; Radio Omdurman; as popularly known; was established to specifically accomplish the following as Galander states:

- a. To propagate for the Allied Forces and to report the war activities;
- b. To serve the general information purposes of the (British) Sudan Government;
- c. To defend Sudan government against attacks and allegations of the local press (Galander, 2001, p.67).
- d. To negate the impact of the voice of Germany on the Sudanese people who listened to news in Arabic.

The Radio service was put under direct control of the "General Communication Office" which was an intelligence-related department in which the British employed several non-Sudanese (Galander, 2001, p.68).

The Radio was initially broadcasting for half an hour daily transmitted live programmes containing the Holy Quran, news and

music operating from a small room in Omdurman Post Office building. British authorities installed loud speakers on top of the main post office public square in Omdurman; the public gathered there at the time of the broadcast to listen to the news (Guta, 2011, p.12). Then, it was increased to an hour programme in 1942, it was in 1943, that Radio building was moved from Omdurman Post Office to a rented house (Shummo, 2006, p.252). Sudan National Radio then started broadcasting on medium wave 524m and shortwave 31m (Guta, 2011, p.p.12,13). When the War came to an end in 1945, Radio Omdurman was to be closed down because; being part of the war propaganda activities funded by the War Office in London; the service was no longer needed. Realising the effect the station had on the public, the Sudan Government however heeding to the pressures of Sudanese citizens, decided to continue the service. As of 1945, Radio Omdurman became the government's main medium of mass communication (Galandar, 2001, p.68).

The half an hour programme schedule took a long time until it was increased, as a response to the much care and eagerness of the people to the Radio (Daffalla, 2010, p.323). Nevertheless, all programming was done live from the studios; and this trend continued until 1951, when the first out-of-studio programming started by broadcasting football games from Omdurman stadium, and the first out-of-country broadcast was in November 1956 when the Radio started broadcasting the UN General Assembly session during which Sudan joined the international body as an independent state (Guta, 2011, p.13).

At that time, musicians and singers didn't have any union or association, the Radio was the place where all Sudanese songwriters, singers and performers used to meet regularly, so from the Radio emerged the Sudanese Singing (Daffalla, 2011, p.323). The Radio opened its door to all singers to record their songs and as well get transmitted by the station (Altom, 2016). Thereupon this maybe was the reason why Omdurman Radio has a huge library of music that documented the history of music in Sudan. The content of the library amounts to 200 thousand hours of recorded tapes of all sorts of materials.

The Radio was technically developing as well. The system was in progress until the computer was used in the different Radio departments in the beginning of 1996. The voice library, since its establishment in 1940 and until 1949 when the Radio broadcast on air, there was no recording system (Sheik Al Deen, 2016). Radio started the recording of materials with music, so the library has a record for the Sudanese music since 1949. Before that time, the music used to be recorded commercially in Egypt (Sheik Al Deen, 2016). In order to preserve the programmes and music recorded in analogue system those responsible of Radio thought of the digitalisation of materials. For 43 years, from 1957 to 2000 the library has 200 thousand hours of recordings when the Radio started digitisation of the magnetic tapes. About 50 thousand hours has already been digitalised (Sheik Al Deen, 2016). Omdurman Radio was the only radio station in the country. As of 2008, there were 11 FM radio stations in Khartoum; five government-owned, in addition to SNR, and six are private stations (Guta, 2011, pp. 15,16).

In 2015, more than 25 private radio stations are transmitting in Sudan. By the year 2019 more than 40 private stations is transmitting in Sudan. The regulatory framework for broadcasting is Telecommunications Authority Act 2003, which established the regulatory body for broadcasting. The Authority is the only body empowered to allocate broadcasting frequency in the Sudan in accordance with the modalities prescribed by the International Telecommunications Union (ITU). There have been no regulations made under the Act, but a working committee has been formed to make recommendations on regulations that would allow the granting of private broadcasting licenses (Nour Aldaim, 2014, p.20).

Radio Programme:

Like any other radio station, Sudan National Radio has a daily programme schedule that has a variety of programmes. The recent programme percentage in the Radio is divided as follows: (Abdalla, 2016)

Table (1) Recent Radio Programme Schedule

Programme	Percentage
News and political programmes	25%
Drama, special programmes, documentaries	25%
Feature programmes, (woman and child)	20%
Cultural, social, sports, services, development programmes	20%
Repeated programmes	5%
Advertisement	5%

There are many programmes that involve intellectual works, for example "Sahra Fikrya" "Hizmat Khawatir" it is owned by the Radio (Al Sharif, 2016). Any programme that has poems, storytelling and drama, all these kinds of works entailed intellectual talented works that should be copyrighted.

In the field of music, the Radio has applied certain procedures since the forties of the twentieth century when it started recording songs and music to performers. There was a form called "Al Hagez" that showed the details of the songwriter, the singer and the performers as well as the date of recording, where it offered each one of the team of work, money for their works and the Radio was regarded as the owner of the production (Al Toum, 2016). Most of the conflicts and legal cases raised against the Radio are in the field of music (Al Toum, 2016).

When the Radio started recording music; no money was paid to the owners of literary and artistic works. The admitted song is attributed to "Al Hagez" form as mentioned before to record the music in the Radio studios. Director of the Music Administration, Director of Programme and the Director of Radio sign in the form, to have the financial revenue, a copy of the form was sent to the financial department, where the money is paid weekly and the rights' holders use to sign in the financial sheet, where those sheets are not preserved. That's why the Radio didn't have any documents that it paid financial rewards to the exploitation of

the work. Radio started to sign contracts with right holders lately in the year 2000 (Abadi, 2016).

When the owners received money from the Treasury of the Radio, this gave the Radio the right to exploit their works. The Radio will have the right to broadcast the work at any time in the station as well as in any other radio station affiliated to the Radio (Al Toum, 2016). There were as well a form called "Form w" that included the name of the work, the songwriter, the composer, the serial number of the tape. The form was then signed by the Radio Observer and the committee that admitted the work. These contracts included rights of owners as well as the rights of the Radio. Recently these contracts included more details of the work; in the field of music, drama and other programmes (Al Toum, 2016).

Some of the programmes like the drama programmes such as "Dokan Wad Al Basseer" and "Helm Fi Helm"; those kinds of programmes used to have contracts with the performers. Other programmes are also transformed to the ownership of the Radio with contracts provided that the Radio; which is the first party of the contract; has the right to use the work the way the Radio desires; either exchange with other stations or participate in regional or international competitions, but it shouldn't be commercially used. (Al Toum, 2016) The Supreme Court in the case of the Heirs of Ali Mahmoud Al Tingari versus Sudan National Radio laid down that all the music recorded before 1996; that means before the endorsement of the Copyright and Related Rights Protection Act, 1996; will be owned by the Radio (Abadi, 2016).

The Radio started to sign contracts with the literary and artistic works right holders according to the financial regulations in the Radio (Abadi, 2016). The contract gives the Radio the right to broadcast and rebroadcast the work in addition to the international, regional and national exchange of works for 20 years (Abadi, 2016). As Radio is a disseminator of literary and artistic works; many singers long to broadcast their works via the Sudanese Radio more than any other radio station because the Radio is regarded as storage of the history of singing in Sudan (Abadi, 2016).

The Radio deals with the Eulogy as it deals with songs. In the drama, the voice of the actor is admitted through a voice committee and a contract is signed with the author of the work only, the actors and producers have signed the financial forms used before 1996, the Radio as well did not have a mechanism that used to register the exploited works (Abadi, 2016).

The Radio is taking precaution measures not to enter into conflicts with the literary and artistic works owners. An example is the song of "Baled Hi Le Ana" performed by Nancy Agag and the songwriter is Tarig Al Amin. Where the poet offered the song as a gift to the Radio, but the Radio obliged the songwriter to write a licensed document to the Radio allowing the use of the work for 5 years. Another case that shows the Radio's concern to use licensed works when a musician used licensed works of some old Sudanese musicians, where the Radio didn't broadcast the work until it checked that all the license of the owners of the work were done.

The Radio as well deals with the digital recordings with caution. Some kind of awareness prevailed to Radio when dealing with literary and artistic works. The Radio exploits 3 minutes of any work in accordance to Chapter (4) of the 2013 Act, where it mentions some of the limitations of copyright and related rights in Article (27) where it allows the usage of excerpts of the work. The Radio doesn't broadcast any work convened in a public ceremony until it makes a deal with the conveners to take the burden of the legal responsibly when the work is broadcast.

An added problem that the Radio had was with other related rights categories which are the producers of phonograms. Where the Radio argued that it owned these works because it has been recorded in the station. While the producers of phonograms by recording the song; they made a very new intellectual and financial effort; by choosing the songs for the singer, make contracts with the songwriters and composers, so it would be a new recording for the song (Abuzaid, 2016). The Radio had many conflicts when it broadcast the works of the producers of phonograms without the consent of the owners, which led many parties to file a lawsuit in the court for several times.

Another problem that the Radio faces is the using of literary and artistic works in what is called the Audience Parties. Radio uses to organise parties making contracts with the singer to public performance in return for an amount of money agreed upon between the two parties. The Radio has entered into many conflicts when one of the rights' holders of one of the works performed in the party file a suit against the Radio arguing that their works are used without their consent. The Radio was convicted of an infringement of the related rights where the rights' holders asked for compensation. To avoid such actions, the Radio added a condition in the provision of the contract that the singer will be responsible of any work that involves other right holders that he/she performed in the party (Al Toum, 2016).

The Radio makes other agreements with owners of rights like composers to use the work for a certain period of time in accordance to a contract signed between the Radio and the owner. The Radio recorded the works with the consent of owners, but the problem that according to laws the Radio must pay to the owners of rights sum of money at each time the Radio uses the work or broadcasts it.

The Radio administrators view that the owners don't have the right to ask for revenues because the work was recorded with remuneration given to the owners at that time. They as well argue that there was no contract with the owners; and there was no regulations governing the issue of copyright at that time, where laws can't be enforced with a retrospective effect. The rights of the owners of work according to Berne Convention; which Sudan ratified, protect literary and artistic works the moment they have been created and did not dictate any formal requirements. Add to that, owners must have revenues whenever their works are used. Like Tel-Aviv Radio sends a sum of money to the heirs of the singer Um Koulthom for any time they broadcast one of her songs, as well as the heirs of the poet Al Hadi Adam, the Sudanese poet who wrote the poem "Agadan Algak", get revenues when the song is broadcasted as songwriter (Al Shareif, 2016.)

What Al Shareif said contradicts the situation in the Radio for not giving revenues for right holders when the work is broadcast. The

owners of rights have the right to have remuneration whenever their works are broadcast in the Radio. Each song for example, broadcast in the Radio should be registered and the number of times used must be calculated, so that remuneration should be distributed among the owners of work; the songwriter, composer, singer and performers. One of the disputes that the right holders are not aware that they have got a right whenever their works are used by the broadcasting organisations; on the other hand, there are some right holders that exaggerate in the remuneration of their works in compensation for the illegal usage of their works. Right holders have on the contrary the right to ask for great compensation when their works are damaged or distorted (Abdeen, 2016).

The Radio has been intruded in many conflicts; one of causes of these conflicts is the absence of a collective management system in Sudan. In view of the fact that when an agreement is concluded between the broadcasting organisation and the collective management society; no conflicts will occur between right holders and broadcasting organisations since the collective management organisation will be authorised to manage the literary and artistic works of the rights' holders and the broadcasting organisation will have contracts with the collective management entity.

As a preparatory measure to the broadcasting organisation; as well as the preparation to establish a collective management system; Abdeen suggests to the broadcasting organisations to solve these conflicts, by establishing an office of owners in the station known as literary and artistic works management office to follow up the matter of rights of the literary and artistic works. It should be connected to the library to have the data about the works. This suggestion was elaborated from a committee that the Director of the Radio formed, aiming to avoid many disputes that the Radio has with the copyright and related rights' holders. Later, this documentation can be an arm to the broadcasting organisations to help in the work of the collective management system.

The strong enforcement of laws and regulations governing copyright and related rights, in addition to the creation of the collective

management; as a mechanism for enforcement; will be a solution for the bad situation of the creators (Hussien, 2016). As well as the dissemination of awareness among the owners of the importance of the collective management that will help in the documentation of the works and its attribution to their real right holders in addition to designing a model of collective management that suits Sudan (Abuzaid, 2016).

The problem that many right holders sued the Radio when the works that have been firstly recorded in the Radio and then disseminated by the internet and used by another broadcasting organisation; it's because initially the owners recorded the work for Radio (Abdalla, 2016). The Radio has a huge number of works recorded in different periods of times. The Radio on the other hand as a related rights category is suffering from other broadcasting organisations that use the work of the Radio and make some alternation to the work like the addition of some other instruments in the music or song and then broadcast it as a new work that the Radio initially owns. The internet as well is regarded as a challenge to the broadcasting organisation where all works will be available to different kinds of users that exploit the works commercially infringing the owners' rights. The internet makes things difficult for the Radio because most of the songs, drama and many other literary and artistic works owned by the Radio are illegally used (Al Shareif, 2016).

The Radio is regarded as a reference to the ownership of the literary and artistic works; because the Radio recorded a huge number of works with the details of the date of recording, the songwriter, the composer, the singer of the work. The Radio preceded the Council of the Protection of Copyright & Related Rights & Literary and Artistic Works; the body responsible of the documentation of literary and artistic works, so library of the Radio becomes a record even to the courts as evidence to the property of works (Al Shareif, 2016).

Conclusion

The Radio since it has started recording programmes in the year 1949, was once the only place where all singers, songwriters, musicians and performers used to regularly meet and were longing to record their

songs in it, because it was the only mass medium at that time that recorded music. Radio acts as an important disseminator of the literary and artistic works. In the field of music, the Radio has had certain procedures since the late forties when it started disc recording songs and music to performers. But this system wasn't effective enough that involved the Radio in many conflicts with the owners of rights. Most of the copyright and related rights infringement in the radio is related to music.

Findings and recommendations:

- Radio is an important mass medium that disseminates literary and artistic works.
- The rights' holders need Radio to disseminate their works.
- Radio needs the literary and artistic works produced by rights' holders to use them in the production of programmes.
- Radio has to have licenses for music that have various right holders in the same work.
- The Radio can make contracts with rights' holders; create an office in the Radio that handles the issue of legal exploitation of literary and artistic works.
- The most effective solution for Radio Omdurman to deal with one body in the matter of literary and artistic works; is the creation of the collective management organisation.

References

- Abadi Kamal Al Deen Ahmed Mohamed Hassan, 2016. Interview, Director of General Administration of Drama, Music, Documentation and Special Programme, Sudan Radio Corporation, 1996- 2012, the representative of the Radio in the Khartoum Intellectual Property Court,
- Abdalla Al Hassan Abdel Kareem. 2016. Interview, Reporter of the Programme Advisory Committee, his office, Sudan National Radio,
- Abdeen Moaya Mohamed. 2016. Interview, an advocate in the copyright and related rights issues, he is in charge of protecting many right holders literary and artistic works, his office, Omdurman.
- Abuzaid Ahmed Yusuf Hamad. 2016. The General Manager of Hassad for Artistic Production, his office, Khartoum.
- Abuzaid Amel Ibrahim Ahmed. 2020. *Radio and Collective Management as a Mechanism of Copyright and Related Rights*, first edition, printed in Sudan.
- Akpede, Kaio Samuel, Josef Bel-Molokwu, Christine I. Ofulue & Chidinma H. 2010. Onwubere, *Introduction to Radio and Television*, National Open University of Nigeria, Abuja
- Al Deen Hassan Sheik. 2016. Interview, Director of the Radio Library, Sudan National Radio, his office.
- Al Sharief Osama Hassan, 2016. Interview, Deputy Director of National Radio, Director of the General Programme, the Radio, his Office, Omdurman.
- Al Tom Salah Al Deen. 2016. Interview, Director of the National Radio, his office, Omdurman
- Alfadel Salah Aldeen, *The Art of Sight via an Ear*, a study in Radio Drama, 2nd ed. Sudanese Theatre Centre, 1995
- Shummo Ali Mohamed. 2006. *Communication Basics and Skills*, N.Pub, Khartoum, (Arabic version).
- BBC English Dictionary. 1992. *A Dictionary for the World*, Harper-Collins Publisher.
- Coddington Robert H. 1969. *Modern Radio Broadcasting: Management & Operation in Small -to- Medium Markets*, Tab Books.

- Daffalla Ranya Al Khair Ahmed. 2010. *Audio Broadcasting and the Cultural Diversity Issues in Sudan, a Descriptive Study on the Sudanese Radio General Programme (2007/2010)*, a thesis submitted for the degree of Ph.D, Communication Department, Faculty of Arts, University of Khartoum, (Original in Arabic Language).
- Daniel Gervais. 2010. *Collective Management of Copyright and Related Rights*, 2nd ed. Kluwer Law International, Great Britain.
- *From Artist to Audience*, WIPO Publication No.922, N.D, Geneva
- Guta Hala A., 2011. A thesis submitted in partial fulfillment of the requirements for the degree of PhD, the Faculty of the Scripps College of Communication, Ohio University.
- Hilliard Robert L., 1969. *Radio Broadcasting: An Introduction to the Sound Medium* ,2nd ed., Federal Communications Commission, Communication Arts Book, Hastings House Publishers, New York.
- Hussein Al Fateh, a Composer, 2016. Interview, an associate professor, Music Department, Faculty of Music and Drama, University of Sudan, his office, Sudan University of Science and Technology.
- Idebi, S.K. 2008. *Fundamentals of Radio Production: Impact Motion Pictures and Media Concept*, Ibadan, Nigeria.
- Galander Mahmoud. 2001. *Mass Media in Sudan Towards Media Politics Interplay*, N. Pub, Kuala Lumpur, Malaysia.
- Nour Eldaim Ammar Bashir. 2014. *Mass Media Control and Government: A Review and Analysis of Legal Constraints on Sudanese Mass Media (1903 /2006)* a thesis submitted for the degree of PhD in Communication, Department of Communication Sciences, College of Arts and Humanities, University of Bahri.
- Owuamalam E.O. 2007. *Radio-TV Production*, Top Class Agencies Ltd, Owerri, 2007
- Al Toum Salah Al Deen. 2016. Interview, Director of the National Radio, his office, Omdurman.
- Sambe, J.A. 2008. *Introduction to Mass Communication Practice in Nigeria*, Spectrum Books Limited, Abuja.
- Uchtenhagen Ulrich, (N.D) *Copyright Collective Management in Music*, WIPO Publication No.789.

- United Nations Children Fund UNICEF 2009. *Audience and Media Survey*. UNICEF: Northern Sudan Area Program.