



# COPYRIGHT PROTECTION IN THE CARIBBEAN IPCA 2019

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# QUESTIONS RAISED

- ▶ How does one protect copyright?
- ▶ What are the main conventions/treaties on copyright?
- ▶ What significant entities are involved in IP?
- ▶ Should there be a voluntary copyright registration/deposit system as exists in some jurisdictions?
- ▶ What is the state of copyright in the Caribbean region?
- ▶ Is there any notable progress on copyright in any Caribbean countries?

# HOW DOES ONE PROTECT COPYRIGHT?

- ▶ Ensure your work is properly marked. A notice can deter infringement, as it states that the work is protected under law.
- ▶ Optional Registering/Deposit of a work.
- ▶ Keep supporting evidence.
- ▶ Agreement between co-authors.

# WHAT ARE THE MAIN CONVENTIONS/TREATIES ON COPYRIGHT?

## ► **Berne Convention**

Date of Accession St. Lucia:- 21<sup>st</sup> May 1993

## ► **The Phonograms Convention**

Date of Accession St. Lucia:- 2<sup>nd</sup> January 2001

## ► **The Rome Convention**

Date of Accession St. Lucia:- 17<sup>th</sup> May 1996

## ► **WIPO Copyright Treaty**

Date of Accession St. Lucia:- 24<sup>th</sup> November 1999

## ► **WIPO Performances and Phonograms Treaty**

Date of Accession St. Lucia:- 24<sup>th</sup> November 1999

# WHAT SIGNIFICANT ENTITIES ARE INVOLVED IN IP?

- ▶ CARICOM
- ▶ The World Trade Organisation (WTO)
- ▶ TRIPS World Intellectual Property Organisation (WIPO)
- ▶ WORLD BANK
- ▶ United Nations Conference on Trade and Development (UNCTAD)
- ▶ Organisation for Economic Co-operation and Development (OECD)
- ▶ United Nations Educational, Scientific and Cultural Organisation (UNESCO)

# SHOULD THERE BE A VOLUNTARY COPYRIGHT REGISTRATION/DEPOSIT SYSTEM AS EXISTS IN SOME JURISDICTIONS ?

## Arguments FOR

- ▶ Establishment of a central depository.
- ▶ To trace ownership of works.
- ▶ To facilitate contact with owners.
- ▶ Can provide evidence of ownership.

# SHOULD THERE BE A VOLUNTARY COPYRIGHT REGISTRATION/DEPOSIT SYSTEM AS EXISTS IN SOME JURISDICTIONS ?

## Arguments AGAINST

- ▶ Creating false impressions.
- ▶ Cost burden.
- ▶ Lack of a comprehensive registry.
- ▶ Possibility of abuse of the system.
- ▶ Would not give any form of protection.
- ▶ Would not conclusively establish ownership.

# WHAT IS THE STATE OF COPYRIGHT IN THE CARIBBEAN REGION?

- ▶ Lack of modern Intellectual Property Laws.
- ▶ No Regional Policy on Intellectual Property.



# WHAT IS THE STATE OF COPYRIGHT IN THE CARIBBEAN REGION?

Quote from one of the authors of Intellectual Property Watch

**Abiola Inniss :**

*“ A panoramic view of the IP situation in the Caribbean would present to the observer a carnival of Olympic size replete with politicians, diplomats, rights advocates, consumer groups, law enforcement, and impotent jurists, all gyrating discordantly to the WIPO band while the Caribbean citizens look on, or are pulled or shoved in”*

# IS THERE ANY NOTABLE PROGRESS ON COPYRIGHT IN ANY CARIBBEAN COUNTRIES?

- ▶ BELIZE
- ▶ BARBADOS
- ▶ JAMAICA
- ▶ ST. LUCIA