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**INTRODUCTION**

The role of copyright within the Caribbean region has been an ongoing issue in the creative industries, of which are copyright based in nature, has led to court rulings being made to safeguard the rights of copyright owners whose copyright repertoire has been infringed. By contrast, copyright’s role in underwriting such creative development presents a far more contentious question on which commentators have been divided.

Standard economic theory has long viewed intellectual property rights as an essential tool to incentivize creative investments.[[1]](#footnote-1) These intellectual property rights further encourage the efficient allocation of investments; by harnessing private information revealed through market mechanisms, they direct creative resources toward socially valuable ends.[[2]](#footnote-2)  Vision 2030 Jamaica[[3]](#footnote-3) has prioritised the creative industries as a key contributor to Gross Domestic Product (GDP), given the vast amount of talent in the country, and the fact that Jamaica is a global brand in music, performances, and other intellectual property (IP) works.[[4]](#footnote-4)

Notably, as these creative industries develop, the benefits of copyright become more noticeable and the logic of copyright formalization continues to popularize in the Caribbean. The creative industry, particularly within Jamaica, as developed so far has utilizing third party companies such as the Jamaica Association of Composers Authors and Publishers Limited (**JACAP**). JACAP is a nonprofit copyright collecting society that collectively manages performing and recording rights in musical works on behalf of member copyright owners as a copyright licencee. JACAP administers rights granted under the **Copyright Act** **1993** and by extension the **Jamaica Copyright Right (Amendment) Act 1999**.

In this respect, this essay explores the role of IP within the creative sector, placing focus on Jamaica and other Caribbean countries. In particular, to critically examine measures that is currently in place for the legal protection and monetization of copyright repertoire within the creative sector.

The remainder of this essay is organized as follows:

* Part I of the essay outlines some socio-economic value of copyright based industries within the creative sector in Jamaica;
* Part II of the essay provides a concise overview of the existing legal and institutional frameworks that have been implemented by the Jamaican Government and throughout the Caribbean; the role of Collective Management Organization in protecting IP rights holders within the creative sector and National branding;
* Part III gives a comparative analysis of the framework, and identifies any legal issues that may arise or has arisen in relation to copyright licencees in instituting proceeding on behalf of copyright owners for infringement of copyright repertoire; the regional creative economy and cultural production further explored and analysed;
* In concluding the essay, Part IV, offers where appropriate, recommendations for improvement having regard to the assessment conducted in the foregoing.

1. **THE SOCIO-ECONOMIC VALUE OF COPYRIGHT BASED INDUSTRIES WITHIN THE CREATIVE SECTOR IN JAMAICA**

The creative industries have emerged as an important part of Jamaica’s economy and society, influencing and transforming it as well as traditional sociology and policy. Copyright output, which has both a marketable and non-marketable form, has become increasingly important both as an intangible capital resource[[5]](#footnote-5) which continues to develop overtime. In 2005, copyright-based industries contributed an estimated 4.8 per cent to Jamaica’s gross domestic product – that is, around J$29 billion in producers’ values ($464.7 million) and 3.03 per cent to employment, or 32,032 persons.[[6]](#footnote-6)

Jamaica has become a place where people operate creative businesses, of which has further bolstered the ‘National Development Plan – Vision 2030’[[7]](#footnote-7) goal by impacting the socio-economic development of the country. It does not follow, however, that the absence of copyright facilitates their survival any more than a camels flourishes because itis denied water. Weak copyright norms may encourage the pioneering of new markets, but such conditions arguably hinder the development of creative industries later on.[[8]](#footnote-8) According to the United Nations Conference on Trade and Development, creative industries such as, music, film, television, and publishing offer well-paying jobs, above-average economic growth, and sustainable development.[[9]](#footnote-9)

Jamaica and other Caribbean countries alike have noticed these accrued benefits and have enacted domestic laws to support same. Intellectual property is now being promoted as an area of real competitive advantage for Jamaica, with its world renowned reggae music and other musical, film and literary works. Given Jamaica’s vibrant music, entertainment and other creative sectors that are dependent on copyright protection, the copyright-based industries arguably represent the country’s most promising commercial asset base.[[10]](#footnote-10) Corporations and individuals alike, even the smallest creator of copyright can benefit, not only for themselves, but for their family with this copyright protection, thus impacting the GDP of the country. A sound legislative framework is needed to further bolster investments within the copyright-based, creative industry in Jamaica and the Caribbean by extension.

1. **THE LEGAL AND ADMINISTRATIVE FRAMEWORKS FOR SAFEGUARDING COPYRIGHT REPETOIRE**
2. **LEGAL FRAMEWORK**
3. **Copyright Act 1993**

Under Jamaica’s **Copyright Act (CA)**[[11]](#footnote-11), copyright applies to original literary, dramatic, musical or artistic works, sound recordings, films, broadcasts or cable programme, typographical arrangements of published editions.[[12]](#footnote-12) Pursuant to section 9, the legislation recognizes the economic and moral rights attributed to copyright. It provides for exclusive right of copyright owners to do or give authorization for works falling within the owner’s copyright repertoire to be copied[[13]](#footnote-13), issue copies of the said work to the public,[[14]](#footnote-14) and also to perform the work in public or by way of film, broadcast or cable programme.[[15]](#footnote-15)

Under section 31(1), the copyright in a work is infringed when a person, without the license of the copyright holder, does in relation to the work any of the acts which the copyright owner has the exclusive right to do. As such, where dramatic, music or artistic works in which copyright repertoire has been breached, the copyright would be infringed and the owner of the copyright would be entitled to institute legal proceedings in respect of the infringement.

The CA also provides for the copyright owner may grant an assignment or licence to another person, authorizing that person to perform any of the restricted acts in respect of the protected work/s. Restricted acts are: reproducing the work; issuing copies of the work to the public; making an adaptation of the work, broadcasting the work or including it in a cable programme service and; performing the work in public, or in the case of a sound recording, film, broadcast or cable programme, playing or showing the work in public.

1. **The Copyright (Amendment) Act[[16]](#footnote-16)**

Amendments were made to Jamaica’s Copyright Act through the Copyright (Amendment) Act **(CAA)** in force July 30, 2015 to include new and expanded rights for copyright owners and performers and with that, new liabilities, offences and exceptions to infringement and a revival of Crown Copyright.[[17]](#footnote-17)

1. **International Treaties**

Jamaica is currently signatory to 11 (out of a total of 26 existing) treaties administered by the World Intellectual Property Organisation **(WIPO)**.[[18]](#footnote-18) The treaties signed include in particular copyright-related treaties – such as the Berne Convention for the Protection of Literary and Artistic Works (entry into force in Jamaica in 1994), the WIPO Copyright Treaty and, most recently, the Beijing Treaty on Audiovisual. Jamaica, as a member of the World Trade Organisation (**WTO**), is obliged to give effect to the minimum standards articulated in the Agreement on Trade- Related Aspects of Intellectual Property (**TRIPS Agreement**) in its laws, policies and administrative mechanisms.[[19]](#footnote-19)

The CARIFORUM-EU Economic Partnership Agreement **(EPA),** signed in October, 2008 is the first regional group within the ACP to secure a comprehensive agreement with the European Union **(EU)** that covers not just goods but services, investment, and trade related issues such as innovation and intellectual property.

1. **INSTITUTIONAL FRAMEWORK**

**The Jamaica Intellectual Property Office (JIPO)**

JIPO is a statuary body, under the Jamaica Intellectual Property Office Act.[[20]](#footnote-20) It is an agency of The Ministry of Industry, Investment and Commerce (**MIIC**). JIPO is the central focal point for IP in Jamaica and covers the whole range of IP protection instruments: copyright and related rights; trademarks; geographical indications; industrial designs; patents; plant varieties. JIPO also deals with issues related to traditional knowledge and cultural expressions. Operationally, JIPO conducts Public Education programmes for educational institutions, other Government agencies, community and business groups, and members of the creative community, as well as the enforcement arms of IP - the Police, Customs and the Judiciary on an on-going basis.[[21]](#footnote-21)

JIPO is responsible for administering intellectual property rights in Jamaica, establishing protection for creative works and managing intellectual property of Jamaican inventors, and protecting the country’s national brand, Brand Jamaica. Brand Jamaica as an asset adds value on a daily basis. This asset is constituted by icons such as Usain Bolt; Reggae and Dancehall music and artists; the black, green and gold colours of the national flag; and ‘things Jamaican’ on a whole. Jamaica, without a shadow of doubt, already has a very strong brand – probably one of the strongest in the world for the size of the country, its population and its economy.”[[22]](#footnote-22) National brand management is integral for the development of industry sectors and is also dependent on good country image. Brand Jamaica’s creative industries are mostly comprised of the branded tourism accommodations, atmosphere, heritage and culture as well as the indigenous music and recordings of local artistes and singers. For the development of this sector which currently contributes to Jamaica GDP it is interpreted that enforced intellectual property will play a key role especially in the promoting of the brand online.

**Jamaica’s Copyright Tribunal**

The CA made provision for the establishment of a Copyright Tribunal.Jamaica’s Copyright Tribunal is designed to interface with user groups and collecting societies in the licensing of various rights. It provides a mechanism for the settlement of disputes relating to licensing schemes or licenses, which the parties have not been able to resolve otherwise.

The Copyright Tribunal may hear references concerning licensing schemes operated, or licenses granted by a licensing body in relation to the copyright in literary, dramatic, musical or artistic works or films which cover works of more than one author. Such licenses or schemes must concern the reproduction, public performance, broadcasting or cable casting of the protected work.

**Collective Management Organizations (CMO)**

In Jamaica, within the area of copyright based creative industries, there are three CMO’s to be mentioned:

1. Jamaica Association of Composers Authors and Publishers (**JACAP**) represents the primary right holders of music creators (composers and authors) and publishers.[[23]](#footnote-23) JACAP acquires performing and recording rights from its composer, author and music publisher members and from its overseas affiliates, licences (or gives permission for the use of) those rights, collects licence fees in return for grant of licences and distributes royalties to its members and affiliates. JACAP calculates its fees based on the percentage of royalties of member copyright owners.[[24]](#footnote-24) JACAP administers rights granted under the **Copyright Act** **1993** and by extension the **Jamaica Copyright Right (Amendment) Act 1999**.
2. Jamaica Music Society (**JAMMS**) was established with the collaboration of the International Federation of Phonographic Industry (**IFPI**), the Recording Industry Association of Jamaica (**RIAJam**), among other local interests, and has been constituted to represent both local record producers/labels as well as international recording companies/labels. JAMMS represents international and national record producers.

The role of JAMMS is to manage the broadcasting and public performance rights of its members, through its role as a 'licensing agency/collecting society. This involves the granting of licences to music users, including, radio broadcasters, television broadcasters, webcasters, cable operators, clubs operators, restaurants, gyms, party organizers, show promoters etc. This means, all persons or entities that broadcasts or publicly performs sound recordings as part of their activities, requires a JAMMS licence. JAMMS' role, similar to JACAP extends, to the collection and distribution of royalties, to its members, on account of royalties paid over from the various music users.[[25]](#footnote-25)

JAMMS, along with the collaboration of the Jamaica Constabulary Force (JCF) had launched a massive copyright compliance and enforcement initiative in 2013. The initiative focused especially on event promoters/event organizers, given that almost by necessity music is played at their events.  
All party promoters, club operators, and in general all persons or businesses having music played at their events or in their businesses are required by law to obtain the relevant copyright licence.[[26]](#footnote-26)

1. Jamaican Copyright Licensing Agency **(JAMCOPY)** is the national rights management organisation in the text and image sphere. JAMCOPY is recognized as the sole national licensing body for the reproduction of copyright protected materials published in the print media and signed the first licensing agreement.

**Role of Collective Management Organisations (CMO’s)**

CMO’s throughout the Caribbean, advocates for favourable IP rights law for member copyright owners, while instituting proceedings on behalf of members. JACAP is one of those CMO’s that is assessing the current copyright legislations within Jamaica, so as to make it more favourable for the protection of its copyright repertoire.[[27]](#footnote-27) CMO’s offer copyright owners greater bargaining power and better negotiating position for securing copyright protection, royalties paid through blanket licences offered to entities wishing to use copyright repertoire. Given the fact that the creative copyright based industry contribute significantly to the economic wealth and social well-being of a nation, CMO’s have positioned themselves, particularly within Jamaica to secure local IP rights and internationally through its affiliates by encouraging the advancement of of creator’s interest and lawful dissemination of copyright repertoire. Other CMO’s, such as the Eastern Caribbean Collective Organisation (**ECCO**), based in St. Lucia have recently been initiated proceedings on behalf of its member copyright owners, in the case of **Mega-Plex Entertainment Corporation v Eastern Caribbean Collective Organisation For Music Rights (ECCO) Inc.**[[28]](#footnote-28) concluded that CMO’s are limited in bringing proceedings against copyright infringers for exclusive rights.

These CMO’s operates on behalf of member copyright owners, some of which have gone to the Court within their respective jurisdictions to determine the issue of whether these entities have locus standi, exclusive/ non-exclusive right to bring claim on behalf of its copyright members.[[29]](#footnote-29) Due to the increased awareness of IP rights within the creative sector, the Association of Caribbean Copyright Societies (**ACCS**) was born out of the collaboration between JACAP and ECCO. Importantly, the ACCS works to develop regional standards on the governance of CMOs and operational matters such establishing licensing practices.  It also acts as a centralised negotiation and licensing system for its members and undertakes lobbying and advocacy activities. Above all, the principal aim of ACCS is to place regional authors, composers and publishers in a better position to collect royalties from international markets.[[30]](#footnote-30) The principal aim of Association of Caribbean Copyright Societies is to place regional authors, composers and publishers in a better position to collect royalties from international markets.

1. **COMPARATIVE ANALYSIS THROUGHOUT THE CARIBBEAN REGION**

A recent court battle for breach of copyright and exclusivity between two corporate entities was **Television Jamaica Limited (TVJ) v CVM[[31]](#footnote-31)** over the showing of excerpts of the 2015 IAAF World Athletic Championships in breach of TVJ’s exclusive licence brought the issue of fair dealing to the fore.

The issue of copyright law also demonstrates itself between corporate entities and individuals alike, in the case of **Paymaster Jamaica Ltd. v Grace Kennedy Remittances Services Limited (GKRS) and Paul Lowe[[32]](#footnote-32)**, rejected Paymaster’s appeal on breach of copyright against Lowe affirming that Paymaster was a non-exclusive licensee and not the owner of the copyright. Paymaster and GKRS appealed to the United Kingdom Privy Council, which ruled in favour of GKRS with respect to the Court of Appeal’s ruling for breach of confidence. As of recent, the 20-year legal battle between Paymaster Jamaica Limited and Paul Lowe over breach of copyright ended on Thursday with the Supreme Court ordering the company to pay Paul Lowe, the computer programmer and software developer $282 million in damages.[[33]](#footnote-33) Even though the aforementioned case is landmark for copyright law with respect to computer software, the principles can be transposed in the creative sector nonetheless.

Given the fact that policy makers, individuals and corporations within the Caribbean have recognized copyright as a promoter for economic activity, rights granted to creators and intermediaries are understood to provide rewards - and therefore incentives - to creation and monitoring. The case, **Mega-Plex Entertainment Corporation v Eastern Caribbean Collective Organisation For Music Rights (ECCO) Inc** notes that a licensee which holds a non-exclusive licence will naturally have even more limited rights within the context which the licence is bestowed. Since a licensee has no proprietary interest he cannot sue in his own name to restrain infringement for no rights of his have been infringed nor has he any rights to transmit unless the licence itself so provides either expressly or by implication.[[34]](#footnote-34) Accordingly, this decision has affect Jamaica’s CMO, particularly JACAP, in the **Jamaica Association of Composers Authors and Publishers Limited v CVM.**[[35]](#footnote-35) However, it is evident that CMO’s have modernised the protection of copyright repertoire it has custody over, with the help of local government and international treaties.

In relation to nation branding,the Caribbean’s creative industries have contributed significantly to the global creative economy having crafted numerous musical genres, promotion of sprinters, and tourism as a brand, inclusive of the many festivals, carnivals, sightseeing and hotels. Still, despite its successes, the region on a whole has yet to realise its full potential, with much further amendment to be enacted for developing countries. As mentioned earilier, Jamaica seems to be ahead in nation branding with it ‘Jamaica Brand’. It has successfully tapped into the copyright based creative sector and its GDP reflects profit yielding results manned by Jamaica Tourist Board (**JTB**). As mentioned earlier, Jamaica was the first to conduct a full-scale investigation to track the contribution of the copyright industries, showing that the sector earns 4.8 percent of the GDP and accounts for a 3% share of total employment across the island. In 2012, a similar WIPO study on Trinidad and Tobago showed that the copyright sector also represented 4.8% of the islands GDP, more than agriculture and hotels.[[36]](#footnote-36)

The need for protection has been addressed by UNESCO in relation to what it terms ‘safeguarding’, which refers to implementing measures which can further the “identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization of the various aspects of such heritage”.[[37]](#footnote-37) The Caribbean region through legislative intervention has adopted a defensive position whereby brand has become a way to mark and label cultural outputs, so as to ensure that they cannot be pilfered by foreign entities cannot unjustly enrich themselves.

The basic premise is that brand has the power to ensure that something is marked as belonging to the Caribbean, and that that brand can be the platform whereby some of benefits accrued by Caribbean cultural products on the international market may be redirected to their home nations,[[38]](#footnote-38) into their national and regional revenue streams. Time and time again, IP, especially copyright is seen to be the catalyst for protection of these brands, musical works and others within the creative sector.

1. **RECOMMENDATION**

There is a sense in which Jamaica is still maturing in terms of intellectual property. Most citizens within the country and the Caribbean, to some extent, are still relatively unaware of the relevance of intellectual property that it plays within the creative sector. It is therefore recommended that, further understanding of the complexity of the creative sector, as it exists within Jamaica and the Caribbean. It requires a contextual but yet a modern approach that will allow for taking critical factors about the localised country into consideration in the copyright legislation.

In this respect, Jamaica’s national development strategy must be furthered as to the determination of how much institutional support is given to the creative industries, which can place the appropriate value and protection to these copyrighted works. This strategy must also extend to the regional front, in which there is a body supported by statute and incorporated within the domestic laws on the CARICOM countries. If the lucrativeness of copyright protection is consistently undermined by the informal industry structures this would inevitably prevent copyright owners from accessing the money that their creativity generates.

The creative sector’s economy would grow in strength with further legislative reform to copyright laws that will aid the CMO’s, in protecting the rights of individual and corporate copyright owners their repertoire. Additionally, in the same way that a creative economy can be built on the backs of a nation’s culture by way of brand development, so too can weaker areas of the copyright-based creative sector profit off of the successes of the stronger sectors with the necessary reforms on copyright laws of a country. In this way the strengths of national and regional sectors can be used to propel the country and the region forward in furthering the role of IP.

Regionally, with independent thought and decisions that can stand up to the scrutiny of the each country’s appellate court and by extension to the Privy Council there may be an innovative path that would foster the further development of IP’s role within the creative sector in the Caribbean. With respect to Jamaica, its economic fortunes rest heavily on its ability to harness its copyright law for further improvement within the sector, so as to enable increased profit from the creation of copyright works. In order to make the benefits of intellectual property available, it is important for individuals and corporate entities to understand and appreciate the role that IP protection plays in this regard.

1. Pager, Sean. (2017). The Role of Copyright in Creative Industry Development. Law and Development Review. 10. 10.1515/ldr-2017-0024. [↑](#footnote-ref-1)
2. Harold Demsetz, Information and Efficiency: Another Viewpoint, 12(1) Journal of Law and Economics (1969), 11–14. Such informational efficiency arguably makes intellectual property preferable to alternative models such as government procurement, despite the deadweight loss associated with private rights. In the context of creative expression, the drawbacks of government funding are even more pronounced, given the propensity for state patrons to wield state subsidies as an instrument for censorship. Indeed, the track record of patronage regimes in many developing countries does little to inspire confidence in this regard. See, e. g. Pager (2012), supra note 5, at p. 271; “The Art is Red: Propaganda Art is Enjoying a New Lease of Life, ”The Economist, 20 December 2014, 65–66. [↑](#footnote-ref-2)
3. The Government of Jamaica, Vision 2030 Jamaica. Available at: <<http://www.vision2030.gov.jm/portals/0/ndp/vision%202030%20jamaica%20ndp%20full%20no%20cover%20(web).pdf>> accessed June 23, 2020 [↑](#footnote-ref-3)
4. Jamaica Gleaner, ‘Golding says Copyright Law will bolster creative industries’ (Kingston, June 30, 2015) < <http://www.jamaicaobserver.com/news/Golding-says-Copyright-Law-will-bolster-creative-industries_19153851> > accessed June 23, 2020 [↑](#footnote-ref-4)
5. “The Contribution of Copyright-Based Industries to the Economy of Jamaica”, a study conducted by Dr Vanus James for the World Intellectual Property Organisation and commissioned by the Government of Jamaica. (Final Report). Mona School of Business, University of the West Indies, Jamaica. Published August 28, 2007. Available at: <<https://www.wipo.int/export/sites/www/copyright/en/performance/pdf/econ_contribution_cr_ja.pdf>> accessed June 23, 2020 [↑](#footnote-ref-5)
6. Ibid. [↑](#footnote-ref-6)
7. The Government of Jamaica, Vision 2030 Jamaica. Available at: <<http://www.vision2030.gov.jm/portals/0/ndp/vision%202030%20jamaica%20ndp%20full%20no%20cover%20(web).pdf>> accessed June 23, 2020 [↑](#footnote-ref-7)
8. Pager, Sean. (2017). The Role of Copyright in Creative Industry Development. Law and Development Review. 10. 10.1515/ldr-2017-0024. [↑](#footnote-ref-8)
9. UNCTAD, Creative Economy Report 2010, Creative Economy: A Feasible Development Option (14 December 2010). Other indirect benefits include boosts to tourism, potential marketing tie-ins, and a reversal of brain drain. [↑](#footnote-ref-9)
10. FogaDaley, Attorneys- at- Law. Jamaica, Tapping Into the Value of Intellectual Property. < <http://www.fogadaley.com/blog-articles/item/7-jamaica-tapping-into-the-value-of-intellectual-property>> Accessed June 23, 2020 [↑](#footnote-ref-10)
11. Copyright Act of Jamaica 1993 [↑](#footnote-ref-11)
12. JIPO website, ‘About Copyright and Related Rights’ accessed June 23, 2020. [↑](#footnote-ref-12)
13. Copyright Act 1993, section 9(1)(a). [↑](#footnote-ref-13)
14. Ibid, section 9(1)(b). [↑](#footnote-ref-14)
15. Ibid, section 9(1)(c). [↑](#footnote-ref-15)
16. The Copyright (Amendment) Act of 2015 [↑](#footnote-ref-16)
17. FogaDaley, Attorneys- at- Law. Jamaica, Tapping Into the Value of Intellectual Property. < <http://www.fogadaley.com/blog-articles/item/7-jamaica-tapping-into-the-value-of-intellectual-property>> Accessed June 23, 2020 [↑](#footnote-ref-17)
18. See WIPO-Lex Jamaica,< <http://www.wipo.int/wipolex/en/profile.jsp?code=JM>> accessed June 23, 2020. [↑](#footnote-ref-18)
19. The TRIPS Agreement effect on January 1, 1995 and is regarded as the most comprehensive multilateral agreement on intellectual property, and applies to all members of the WTO. See WTO, ‘Overview: The TRIPS Agreement’: accessed June 23, 2020. [↑](#footnote-ref-19)
20. JIPO website, ‘About Copyright and Related Rights’ accessed June 23, 2020. [↑](#footnote-ref-20)
21. World Intellectual Property Organisation website <<https://www.wipo.int/edocs/pubdocs/en/wipo_report_inn_jm.pdf>> accessed June 23, 2020. [↑](#footnote-ref-21)
22. Ingram, Keisha. (2014). Intellectual Property Protection for Brand Jamaica's Creative Industries. Social Technologies. 4. 151-167. 10.13165/ST-14-4-1-10. [↑](#footnote-ref-22)
23. JACAP website ‘About’ <<https://www.jacapjamaica.com/about>> accessed on June 23, 2020 [↑](#footnote-ref-23)
24. Interview with Jamaica Association of Composers Authors and Publishers (JACAP) - Miss Lydia Rose, General Manager. [↑](#footnote-ref-24)
25. JAMMS website ‘About Us’ <<http://www.jammsonline.com/>> accessed on June 23, 2020 [↑](#footnote-ref-25)
26. JIPO website ‘JAMMS Launches Massive Enforcement Initiative’ < <https://www.jipo.gov.jm/node/1251>> accessed on June 27, 2020 [↑](#footnote-ref-26)
27. Interview with Jamaica Association of Composers Authors and Publishers (JACAP) - Miss Lydia Rose, General Manager. [↑](#footnote-ref-27)
28. SLUHCVAP2017/0032 [↑](#footnote-ref-28)
29. Jamaica Gleaner, ‘JACAP vs CVM - Copyright Breach Case Continues In Supreme Court Today (Kingston, February 20, 2020) <<http://jamaica-gleaner.com/article/entertainment/20200220/jacap-vs-cvm-copyright-breach-case-continues-supreme-court-today>> accessed June 23, 2020 [↑](#footnote-ref-29)
30. ACCS website ‘About Us’ < <https://accscaribbean.com/content/association-caribbean-copyright-societies-accs>> accessed June 23, 2020 [↑](#footnote-ref-30)
31. Television Jamaica Limited vs. CVM Television Limited CD 00112 of 2015 [↑](#footnote-ref-31)
32. [2015] JMCA Civ 20 [↑](#footnote-ref-32)
33. ‘Big Award for Computer Programmer Against Paymaster’ (Kingston, Jamaica. June 14, 2020) Available at <<http://jamaica-gleaner.com/article/business/20200614/big-award-computer-programmer-against-paymaster>> accessed on June 26, 2020 [↑](#footnote-ref-33)
34. Laddie, Prescott and Vittoria on Copyright: The Modern Law of Copyright and Designs, 4thEdn/ Part II: Copyright and Related Rights, chap. 25 at para 25.2. [↑](#footnote-ref-34)
35. Jamaica Gleaner, ‘JACAP vs CVM - Copyright Breach Case Continues In Supreme Court Today (Kingston, February 20, 2020) <<http://jamaica-gleaner.com/article/entertainment/20200220/jacap-vs-cvm-copyright-breach-case-continues-supreme-court-today>> accessed June 23, 2020 [↑](#footnote-ref-35)
36. Ferdinand, G. (2017). Brand in the Caribbean : a cultural analysis of the regional creative economy. [↑](#footnote-ref-36)
37. UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, 2003, p.3 [↑](#footnote-ref-37)
38. Ferdinand, G. (2017). Brand in the Caribbean: A cultural analysis of the regional creative economy. [↑](#footnote-ref-38)