**Name:** Kurrisha Aberdeen

**Occupation:** Law Student

**Institution:** Hugh Wooding Law School

**Jurisdiction:** Trinidad and Tobago

**Title:** An Evaluation and Analysis of the Trinidad and Tobago legislative and policy-oriented framework in protecting and promoting its Cultural Industry

**Essay Question:** Critically review, assess and discuss legislation and policy relating to Cultural Industries, Genetic Resources and/or Traditional Knowledge within the Caribbean (or your jurisdiction specifically) and offer your well-reasoned suggestions for the further development of this area.

**Word Count:** 4963words

**INTRODUCTION**

Recently, there was mass outrage regarding the trademark of “J’ouvert” by famous American actor Michael B Jordan to brand his new rum. This sparked a hot debate surrounding the effectiveness of the existing safeguards in protecting Trinidad’s cultural industry and its potential to become a viable stream of revenue.

Globally, the cultural and creative industries are becoming an economic powerhouse. In 2015, these industries earned an estimated 509 billion dollars, accounting for over 3% of the world's GDP. The industry has grown more than twice its value in 2002.[[1]](#footnote-2) Owing to the surge in globalization, technology and digitalisation, this industry has enjoyed unprecedented resilience and dynamism throughout the years.

As a result of this, in recent years, the Trinidadian government has recognised their rich cultural heritage and therefore their competitiveness in the global cultural industry. As such, the government along with key stakeholders devised an intricate network of laws and national policies, namely intellectual property legislation and National Cultural policies, to protect, preserve and promote their cultural heritage and industry in pursuing economic sustainability.[[2]](#footnote-3)

Yet, despite these efforts and the potential Trinidad and Tobago has to propel this industry forward, several challenges continue to dampen its success. For instance, piracy which accounts for as much as 80% of the local market for recorded music[[3]](#footnote-4) and the underappreciation and underpromotion of the local cultural film and music industry. These significantly infringe on the success of the industry since the creators are not able to increase their profitability and therefore productivity. Given declining oil prices and the need to diversify the economy, the cultural industry is arguably the most promising asset to achieve economic sustainability. Thus, an effective legislative and policy-oriented framework is needed to further bolster the preservation, promotion and protection within the cultural sector in Trinidad and Tobago.

As such, this essay will review, analyse, and evaluate the effectiveness of the legislative and policy-based framework in promoting and protecting the cultural industry of Trinidad and Tobago. Then, well-reasoned recommendations will be offered to address the present deficiencies to increase its efficiency.

This will be contextualised by using five sections which are organised as follows:

* Part I provides a brief description of the cultural industry and evaluates its socio-economic contributions to Trinidad and Tobago.
* Part II provides a concise review and evaluation of the legislative framework and its role in protecting and promoting the cultural industry.
* Part III provides a concise review and evaluation of the policy-based framework and its role in protecting and promoting the cultural industry.
* Part IV provides recommendations to increase the effectiveness of the existing framework to adequately protect and promote the cultural industry.
* Part V concludes the essay.

**PART I: THE CULTURAL INDUSTRY OF TRINIDAD AND TOBAGO**

Based on Trinidad’s unique cultural output as an intangible capital resource, the cultural industry proves beneficial to its economic reality, not by itself alone but by feeding into other sectors such as tourism, trade and retail industries. In 2011, the cultural and creative industry significantly contributed to the success of the copyright-based industries, which earned around 4.8% of the country’s Gross Domestic Product.[[4]](#footnote-5) It is estimated that this industry accounts for over 1 billion dollars in revenue each year.[[5]](#footnote-6)

The cultural industry in Trinidad and Tobago is premised on Trinidad’s culture. Stemming from its intricate historical layers, distinct waves of migration and religious persuasions, a rich cultural mosaic was formed. According to UNESCO, culture is defined as the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, that encompasses, not only art and literature but lifestyles, ways of living together, value systems, traditions and beliefs.[[6]](#footnote-7) Trinidad’s cultural diversity provides a rich natural resource to propel its cultural industry, which is characterised by its experience with slavery, indentureship and colonisation and the interactions of distinct ethnic groups such as Africans, East Indians, Chinese and Indigenous People.

Trinidadian cultural heritage is highly acclaimed and has been the recipient of numerous international awards. From the literary Nobel laureates, V.S Naipaul and Derek Walcott, to the musical legends such as Billie Ocean and Machel Montano, the creation of new instruments such as the steel pan[[7]](#footnote-8) and genres like soca, chutney and calypso and colourful and vibrant festival of carnival which showcases the moko jumbie and the art of limbo. Therefore, Trinidad harnesses the raw material of talent and creativity needed to propel the cultural industry forward.

Cultural industries refer to those activities geared towards the production, reproduction, promotion, distribution or commercialisation of goods, services and activities of a cultural, artistic or heritage-related nature.[[8]](#footnote-9) Therefore, Trinidad and Tobago’s cultural industry comprises economic enterprises related to cultural expressions such as music, theatre, dance, recreation and leisure, entertainment, film and television, food, fashion, advertising, media and communications.[[9]](#footnote-10)

The cultural industry is on the rise, creating economic growth and development and employment opportunities. Between 1970-2019, Trinidad and Tobago’s film industry produced 77 local feature films, 13 international feature films and countless short films, animations, music and commercial videos and between 2005 to 2019, it is estimated that for international productions shot in Trinidad, 17.3 million dollars was spent[[10]](#footnote-11). Further, the music industry is making waves internationally and is estimated to generate TT$169,000,000.00 annually.[[11]](#footnote-12) The Bocas Literary Festival now generates approximately TT$3m in economic activity annually.[[12]](#footnote-13) Moreover, the intellectual property industry including the cultural sector constitutes more than 5% of jobs in Trinidad and Tobago.[[13]](#footnote-14) The economic potential for this industry is massive. Thus, an effective legislative and policy-oriented framework is needed to further bolster investments and promotions within the cultural sector in Trinidad and Tobago.

**PART II: THE LEGISLATIVE FRAMEWORK**

Trinidad and Tobago possess an intricate web of legislation and policies which impacts the longevity and success of its cultural industry. Trinidad utilises Intellectual Property mechanisms, trade and tax incentives and educational directives to protect and propel the cultural industry by conferring rights to creatives and creating incentives. The success of this system is discussed below.

1. **Copyright Act 1997**

This is a primary component of the Intellectual property framework, which directly protects the cultural industry. Copyright protects the expression of an idea, generally for 50 years[[14]](#footnote-15) by conferring the exclusive right to dictate how original intellectual creations expressed in literary, musical, artistic and dramatic works are used to its owner.[[15]](#footnote-16) The Act protects the proprietary or economic rights[[16]](#footnote-17), moral rights[[17]](#footnote-18) and neighbouring rights.[[18]](#footnote-19)

This Act complies with international standards such as the Berne Convention for the Protection of Literary and Artistic Works, WTO Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the ‘WIPO Internet Treaties[[19]](#footnote-20)’ which protects against the unauthorised storage of work in an electronic form.[[20]](#footnote-21) As a result of traditional common law and civil law influences[[21]](#footnote-22), the Act creates a hybrid system, providing for both civil[[22]](#footnote-23) and criminal remedies.[[23]](#footnote-24)

This Act contributes to the success of the cultural industry by providing rights to the copyright owners of the cultural goods and services by creating a robust framework to prevent copyright infringement. Firstly, the Act protects all cultural expressions by using an open non-exhaustive list. Interestingly, protection is expressly extended to works of mas, which is an important product of Trinidad’s cultural industry.[[24]](#footnote-25) Further, the Act makes redress more accessible and just by creating both civil[[25]](#footnote-26) and criminal remedies.

The Act also makes piracy an offence[[26]](#footnote-27) which is important since it inhibits the success of the cultural industry. By expressly protecting neighbouring rights, the local art form benefits since it is well-endowed with oral tradition and folklore culture, which may be unable to qualify for copyright protection directly.[[27]](#footnote-28) Lastly, and very importantly, there is no tangibility[[28]](#footnote-29) nor formality requirement [[29]](#footnote-30) which means that the work is protected by its creation and not by its registration or format. Therefore, unregistered work not in a fixed form is protected. This is effective since had those been requirements, intangible Indigenous knowledge and oral traditions would have remained unprotected.

However, several key deficiencies limit its effectiveness in promoting and protecting the cultural industry. Firstly, even where numerous forms of redress are accessible, there remains a hesitance in seeking relief as evinced by the severe lack of local jurisprudence. This indicates that there are several underlying factors, which the Act failed to contemplate such as the high cost of litigation, ignorance of the law and lack of expertise. Additionally, enforcement mechanisms exist through criminal sanctions, civil redress and police’s search and seizure powers, copyright infringement detection rates remain low. As a result, this Act is ineffective against protecting against infringement.

Lastly, copyright law protects the expression of the idea and not the idea itself.[[30]](#footnote-31) This means that persons, especially internationally can utilise ideas derived from Trinidad’s culture without contravening the Act. This harms the cultural industry as Trinidad receives no credit, recognition nor profits for the ideas created there.

Therefore, the Act is a robust instrument to protect cultural goods and can be highly effective due to its adherence to international standards while adapting these standards to the Trinidadian reality. However, its success remains minimal due to its severe underenforcement. Therefore, its effectiveness in protecting the cultural industry is low.

1. **Patents Act**

Another branch of the intellectual property framework, a patent protects an idea by conferring an exclusive right for an invention to its owner by preventing others from using the protected idea, products, and processes[[31]](#footnote-32) for 20 years.[[32]](#footnote-33) The patent owner must register and disclose the details of the invention.[[33]](#footnote-34)

The Patents Act benefits the cultural industry since firstly it protects the ideas and allows inventors to commercially exploit their inventions. Patent law is effective since exclusivity incentivizes inventors to create cultural products which increase competition, productivity and variety in the industry.

However, many deficiencies reduce the effectiveness of Patent Law in protecting and promoting the cultural industry. Since patents are territorial, protection only exists within the country granted. For instance, though a type of pan is patented in Trinidad, this cannot prevent its use in other countries like Japan[[34]](#footnote-35) and Australia, where it is also patented.[[35]](#footnote-36) Further, a list of products and services which are ineligible for protection such as a literary, dramatic, musical or artistic work or any other aesthetic creation is[[36]](#footnote-37). This is concerning to the cultural industry since these products are major players in the cultural industry and yet the idea for them remains unprotected.

Registration may be difficult since essential requirements such the novelty[[37]](#footnote-38) and inventive step[[38]](#footnote-39) may be difficult to prove. The Act is premised on protecting the rights of identified innovators over their creations, which is not easily adapted to protecting collectively-owned culture and tradition.[[39]](#footnote-40) This problem is seen in the battle of ownership of the steelpan which were created by backyard inventors of the 1920s and 1930s.[[40]](#footnote-41) Lastly, some consider it difficult to register their patent because of cost and a complex registration process.

Therefore, while this Act can be effective in protecting new inventions in Trinidad, due to the nature of the cultural industry which is premised on tradition, registration and therefore access to protection may be too difficult.

1. **Trade Mark Act**

The last of the IP framework, a trademark is a sign capable of distinguishing the goods or services of one trader from those of others.[[41]](#footnote-42) By registering a Trademark, an exclusive right to its use is conferred to the owner.

This Act is important to the cultural industry since brands can build trust and encourages customers to support the brand while promoting other products in the industry. This was the major premise behind the outrage against the use of ‘J’ouvert’ since it would then seemingly represent the Trinidad culture. The Trade Marks Act, No. 8 of 2015 fixed many lacunas left by its parent Act by introducing and expanding registrable matter to include non-conventional marks, a graphic representation requirement, clarified what constituted ‘use’ and expanded the scope of protection to include dilution.

Further, Trademark applications can be filed electronically and are published in an online Trade Marks Journal.[[42]](#footnote-43) This reduces costs and improves effectiveness by making trademark protection more accessible. Further, the limitation previously that trademarks were jurisdictional no longer applies since Trinidad and Tobago acceded to the Madrid Protocol[[43]](#footnote-44) following Section 57 of the New Act.[[44]](#footnote-45) Moreover, while initially, a trademark is only valid for 10 years, it can be renewed indefinitely.[[45]](#footnote-46)

Therefore, trademarks are well-suited to the protection and are very effective in the promotion of the cultural industry since it is modern and is influenced by major international standards.

1. **Customs Act**

This Act directly promotes the cultural industry by providing trade and tax incentives. Products such as archaeological and historical supplies and equipment, films, filmstrips and sound recordings, and television broadcasting and amateur radio operators’ goods do not incur a customs duty tax.[[46]](#footnote-47) This is effective since it incentivises the promotion of cultural products by reducing the cost of production. However, this may not be adequate since the items which would impact the cultural industry is very limited.

1. **Economic Partnership Agreement Act No.9 of 2013**

This Act gives effect to the CARIFORUM-EU Economic Partnership Agreement. It provides for duty-free, quota-free access for all CARIFORUM's exports to the EU. This contemplates the creative and entertainment industries and specifies that customs duties are not to be applied. This is significant for the promotion of the cultural industry since it establishes a ready market for cultural products. However, while this agreement has great potential, its effectiveness remains limited since there has only been a small penetration of the EU market.[[47]](#footnote-48)

1. **Theatre and Dancehall Act[[48]](#footnote-49)**

This outdated law inhibits the promotion and advancement of the local culture by making indecent language and behaviour an arrestable offence. This inhibits the cultural industry by using colonial laws to limit the advancement of culture, especially carnival.

**PART III: THE POLICY-ORIENTED FRAMEWORK**

1. **National Culture Policy of Trinidad and Tobago[[49]](#footnote-50)**

The pertinent objectives of this policy are to support artists, entrepreneurs and industry associations and to establish and sustain an integrated institutional framework to support the cultural sector. This policy promotes and protects the cultural industry by identifying and creating solutions to the problems it currently faces. The cultural industry still suffers deficiencies along the value chain. It identifies that the Production stage suffers from a lack of domestic competition, inhibiting product development. At the Reproduction stage, weak incentive packages is a major issue and at the Distribution and Marketing stages, piracy, copyright infringement and a lack of data and country statistics.

While this policy suggests some feasible ways of alleviating the issues experienced in the cultural sectors, in many instances, the goals or recommendations are unimplementable for instance, its success being immeasurable. On the other hand, some lack the specificities for enforcement, falling into the same problem as many legislations and would potentially suffer the same fate as the last Draft National Policy which experienced limited success. Moreover, while the policy values indigenous cultural industries and provides recommendations to promote and protect indigenous music and arts and craft, the policy offers nothing to protect their traditional knowledge which influences the cultural industry.

Further, the Policy considers technology and globalisation by offering recommendations to use digitalisation to distribute and market the local cultural industry. However, there is no recommendation to combat the problems which emerge from digitalisation such as increased piracy and copyright infringement.

Lastly and startingly, the policy does not consider using one art form to promote another. For instance, carnival can be used as a springboard to propel the industry by partnering with the diasporic carnivals to increase participation and raise awareness of Trinidad’s culture.

1. **Trade Policy[[50]](#footnote-51)**

This policy facilitates the cultural industry by promoting the exchange of cultural goods and services. The overarching objective is to develop a holistic strategy to ensure private sector development, trade to become tools of development and stimulate economic growth. However, while it is disappointing that the trade policy does not mention the cultural industry and its importance in achieving its object, it makes provision for the intellectual property industry. Yet, there is no policy to specifically improve intellectual trade but rather it is used merely as a solution to other trade problems. This is disappointing and affects the effectiveness of the trade policy to the cultural industries since trade is a major factor in its success, competitiveness and longevity. Therefore, its effectiveness is limited.

1. **Tourism Policy[[51]](#footnote-52)**

A major objective is to emphasize the creation and maintenance of inter-industry linkages, particularly entertainment and culture. This policy outlines that culture and the cultural industry can propel the tourism industry by attracting tourists to visit. However, there is no concession as to how tourism can develop the cultural industry. Inevitably though, this policy can prove beneficial to the cultural industry since visitors would want to experience the cultural heritage and attractions, thereby stimulating the cultural industry. Therefore, it is indirectly effective in the promotion of the cultural industry.

1. **The National Policy on Broadcast and the Broadcasting Industry[[52]](#footnote-53)**

The objective of this Policy is to create the environment for the development of a fully modernized and dynamic broadcasting sector that contributes to the economic, social and cultural development of our nation. If this objective is pursued, this would propel the cultural industry forward by cultivating awareness and appreciation of it, by increasing production, marketing and distribution. However, the policy specifically rejects the notion of a mandatory percentage for local content. As a result, the local population is more interested in American broadcasts. The policy is also old and fails to offer much to the current reality of digitalisation.

1. **Education Policy**[[53]](#footnote-54)

It is believed that education can grow an appreciation of cultural diversity and sustainable development. To do this, the Curricula was reformed and greater emphasis on the visual and performing arts (VAPA). This promotes cultural industry since it shows that the cultural industry can be a viable career choice. This would encourage increased participation in the cultural industry and boost production. However, more attention is still given to other subjects such as sciences and business instead of VAPA. Therefore, it remains ineffective in propelling the cultural industry forward.

**PART IV: RECOMMENDATIONS**

The main problem facing the promotion and protection of Trinidad and Tobago’s cultural industry is the apparent lack of enforcement and implementation of the robust legislative framework and relevant policies.[[54]](#footnote-55) Thus, these recommendations address these inadequacies to improve the effectiveness of the legislative and policy-based frameworks.

The first thing is to conduct an extensive survey to understand the trends and participation in the cultural industry to better understand and formulate solutions to the unique challenges and strengths. At the production stage, there should be greater emphasis on the encouragement to join the cultural industry through national campaigns created to sensitize and grew an appreciation of the culture by demonstrating that it is indeed on par with leading countries and that locally there are opportunities to grow the industry. This can be done by offering more programmes with a greater intake organised through the relevant ministries to offer such as ethnic designs, wood-burning, basket weaving and mas’ creations.

Further, more emphasis should be placed on careers in the cultural industries as much as on the cliché “doctor, lawyer engineer” careers.[[55]](#footnote-56) Therefore, in career fairs and university tours, the cultural departments should be highlighted for instance the UWI Department of Literary, Cultural and Communication Studies and Department of Creative and Festival Arts. On this point, scholarships and bursaries through the universities and the government for culture studies should also be offered to ensure access to the information is made easier by removing the financial constraints. Moreover, there are several skills training centres which were used to teach crafts in many communities. However, often the buildings remain unused. Therefore, the management of the programmes and buildings require a revamp by placing key stakeholders who genuinely care about the longevity and progress of the culture.

Further, financial resources remain an integral problem in the production stage as many find it difficult to access grants to increase their manufacture and sales. Thus, while the government provides funding through NEDCO for instance, the public is ignorant of these avenues to utilise them. Further, the legislature should offer more tax incentives to encourage persons to start a career in the cultural industry such as offering deductibles for some operating costs, tax breaks[[56]](#footnote-57) for the starting entrepreneurs so that maximum resources can be reinvested into their products.[[57]](#footnote-58)

To reduce illegal reproduction and piracy, more local music and films should be placed on international streaming platforms such as Netflix and Spotify, keeping up with the digital era. There they become more accessible and removes the incentive of piracy since the user-friendly interfaces coupled with the great work would be available for a reasonable cost.[[58]](#footnote-59) This is evidenced by the increased account holders every month on Netflix. This can also improve the promotion of the cultural industry through marketing and distribution. Moreover, CARICOM can be used as a vehicle to promote the cultural industry regionally. Further, Trinidad can follow in the footsteps of Jamaica and create a national brand that may make Trinidad's culture more easily identified and respected. Further, law enforcement agencies should be encouraged to utilise their power of search and seizure where they reasonably suspect that piracy is taking place.

To ensure the protection of the cultural goods and services, creators must become cognizant of the processes for registering copyright, patents and trademarks. Therefore, the steps should be well-written to ensure the correct steps are followed and the online application process is made easier. Further, payment options for the registration of licenses and consumers should be made easier[[59]](#footnote-60) such as by using internationally accepted payment options such as PayPal. Therefore, local banks should partner with PayPal to make linking bank accounts with PayPal accounts easier, making the functionality better. Further, a national brand should be formed so that cultural products on the international market may be recognised and redirected to their home nations.[[60]](#footnote-61) Further, since there is an apparent hesitance to access the justice system for redress when there is an infringement, the accessibility of the court should be made easier. For instance, persons should be made more aware of their rights and there should be more attorneys equipped with knowledge surrounding intellectual property. In the alternative, an intellectual property tribunal can be created where specialised judges can adjudicate disputes which may seem more attractive since it is less daunting than attending court and may reduce costs associated with litigation as this tribunal can take an alternative dispute resolution approach. Lastly, colonial laws such as the Dancehall and Theatre Act and outdated policies should be updated to reflect the influence of digitalisation and globalisation and the changing reality and novel problems that they bring.

**PART V: CONCLUSION**

At present, Trinidad has a robust legislative framework geared towards the protection of the cultural industry using primarily intellectual property mechanisms. However, with severe deficiencies in the implementation and enforcement of these laws, the effectiveness of this framework is inadequate. Further, more emphasis must be placed on policies to propel the cultural industry. Yet, Trinidad is on the right track to achieving economic sustainability through the cultural industries once certain fundamental inadequacies are addressed. Its future lies in the cultural industry.

1. Creative Economy Bucks the Trend, Grows Despite Slowdown in Global Trade, UNCTAD/PRESS/PR/2019/001

   Geneva, Switzerland, (14 January 2019) [↑](#footnote-ref-2)
2. The Ministry of Community Development, Culture and the Arts, Draft National Cultural Policy of Trinidad and Tobago 2008. << <http://www.culture.gov.tt/wp-content/uploads/2015/07/2008-National-Cultural-Policy-Draft-3.pdf>>> [↑](#footnote-ref-3)
3. Keith Nurse, ‘The Creative Sector in CARICOM: The Economic and Trade Policy Dimensions’ (CARICOM Secretariat, July 2009). [↑](#footnote-ref-4)
4. Vanus James, ‘The Economic Contribution of Copyright-Based Industries in Trinidad and Tobago’ (2012) 7 WIPO Creative Industries Series [↑](#footnote-ref-5)
5. The Ministry of Community Development, Gender and the Arts, Draft National Cultural Policy of Trinidad and Tobago 2008. << <http://www.culture.gov.tt/wp-content/uploads/2015/07/2008-National-Cultural-Policy-Draft-3.pdf>>> [↑](#footnote-ref-6)
6. The 2009 UNESCO Framework for Cultural Statistics (FCS) (UN, 26th February 2010) <<https://unstats.un.org/unsd/statcom/doc10/BG-FCS-E.pdf>> [↑](#footnote-ref-7)
7. For example, the steel pan. [↑](#footnote-ref-8)
8. Cultural times. The first global map of cultural and creative industries. December 2015. Pg. 11 [↑](#footnote-ref-9)
9. The Ministry of Community Development, Gender and the Arts, Draft National Cultural Policy of Trinidad and Tobago 2008. << <http://www.culture.gov.tt/wp-content/uploads/2015/07/2008-National-Cultural-Policy-Draft-3.pdf>>> [↑](#footnote-ref-10)
10. Trinidad and Tobago Film Company (FilmTT) < https://filmtt.co.tt/>. [↑](#footnote-ref-11)
11. Ministry of Trade and Industry. Trinidad and Tobago Music Industry Strategy <<https://tradeind.gov.tt/creative-industries/>>. [↑](#footnote-ref-12)
12. Salandy-Brown, Marina. Response to The Draft National Policy on Culture and the Arts for Trinidad and Tobago - Green Paper. (2020) [↑](#footnote-ref-13)
13. Vanus James, ‘The Economic Contribution of Copyright-Based Industries in Trinidad and Tobago’ (2012) 7 WIPO Creative Industries Series. [↑](#footnote-ref-14)
14. The Trinidad and Tobago Copyright Act 1997, Chapter 82:80, s 19 [↑](#footnote-ref-15)
15. Nicholas C Butland and Justin J Sullivan, 'Pirate Tales from the Deep [Web]: An Exploration of Online Copyright Infringement in the Digital Age' (2018) 13 U Mass L Rev 50. [↑](#footnote-ref-16)
16. the right to control copying and dissemination [↑](#footnote-ref-17)
17. The right which the creators retain [↑](#footnote-ref-18)
18. rights which subsist in performances, sound recordings and broadcasts  [↑](#footnote-ref-19)
19. Vanus James, ‘The Economic Contribution of Copyright-Based Industries in Trinidad and Tobago’ (2012) 7 WIPO Creative Industries Series. [↑](#footnote-ref-20)
20. The Trinidad and Tobago Copyright (Amendment) Act 2008. [↑](#footnote-ref-21)
21. Justin Koo, ‘Facts about T&T Copyright Law’ (Trinidad and Tobago Guardian Newspapers, 7 February 2012) < http://www.guardian.co.tt/article-6.2.415769.e96b980986 > accessed 19 June 2020. [↑](#footnote-ref-22)
22. The Trinidad and Tobago Copyright Act 1997, Chapter 82:80, s 38. [↑](#footnote-ref-23)
23. The Trinidad and Tobago Copyright Act 1997, Chapter 82:80, s 41. [↑](#footnote-ref-24)
24. The Trinidad and Tobago Copyright Act 1997, Chapter 82:80, s 6(1)(c). [↑](#footnote-ref-25)
25. The Trinidad and Tobago Copyright Act 1997, Chapter 82:80, s 38 [↑](#footnote-ref-26)
26. The Trinidad and Tobago Copyright Act 1997, Chapter 82:80, s 41 [↑](#footnote-ref-27)
27. Keith Nurse, ‘The Creative Sector in CARICOM: The Economic and Trade Policy Dimensions’ (CARICOM Secretariat, July 2009). [↑](#footnote-ref-28)
28. The Trinidad and Tobago Copyright Act 1997, Chapter 82:80, s 5(2). [↑](#footnote-ref-29)
29. The Trinidad and Tobago Copyright Act 1997, Chapter 82:80, s 5(2). [↑](#footnote-ref-30)
30. Baigent & Leigh v Random House [2007]- The claimants were two of the three authors of the book ‘Holy Blood Holy Grail’. They claimed the defendant’s publication ‘The Da Vinci Code’ was an infringement of their book. The court held that facts, themes and ideas could not be protected, but the putting together of these could be. [↑](#footnote-ref-31)
31. ‘Patents’ (World Intellectual Property) <<https://www.wipo.int/patents/en/>>. [↑](#footnote-ref-32)
32. The Trinidad and Tobago Patents Act 1997, Chapter 82:76, s 40. [↑](#footnote-ref-33)
33. ‘Patents’ (World Intellectual Property) <<https://www.wipo.int/patents/en/>>. [↑](#footnote-ref-34)
34. Sean Nero, ‘First ever national steelband in Japan’ <<https://uwispace.sta.uwi.edu/dspace/bitstream/handle/2139/40404/OL29.pdf?sequence=1&isAllowed=y>> [↑](#footnote-ref-35)
35. Dr Kris Rampersad, ‘Intellectual property issues strike at the heart of the steelpan’ (Guardian Newspapers, 29 July 2011) <<https://www.guardian.co.tt/article-6.2.447523.a608c18300>>. [↑](#footnote-ref-36)
36. The Trinidad and Tobago Patents Act 1997, Chapter 82:76, s 12 [↑](#footnote-ref-37)
37. The Trinidad and Tobago Patents Act 1997, Chapter 82:76, s 9 [↑](#footnote-ref-38)
38. The Trinidad and Tobago Patents Act 1997, Chapter 82:76, s 10 [↑](#footnote-ref-39)
39. ‘Introduction to Intellectual Property Rights and the Protection of Indigenous Knowledge and Cultural Expressions in Canada’ (20 July, 2020) << https://www.ic.gc.ca/eic/site/108.nsf/eng/00007.html>> [↑](#footnote-ref-40)
40. Dr Kris Rampersad, ‘Intellectual property issues strike at the heart of the steelpan’ ( Guardian Newspapers, 29 July 2011) <<https://www.guardian.co.tt/article-6.2.447523.a608c18300>>. [↑](#footnote-ref-41)
41. The Trinidad and Tobago Trade Marks Act 1955, Chapter 82:81, s 2 [↑](#footnote-ref-42)
42. The Trinidad and Tobago Trade Marks Act 2016, Chapter 82:76

    <<https://www.mondaq.com/caymanislands/trademark/962108/new-trinidad-tobago-trade-marks-law-implemented-25-june-2020>>. [↑](#footnote-ref-43)
43. The Madrid Protocol is an international filing system that allows a trademark holder to obtain and maintain protection of a trademark in multiple countries by filing a single application with the national office. [↑](#footnote-ref-44)
44. Sophie Peat, ‘Cayman Islands: New Trinidad & Tobago Trade Marks Law Implemented' (25 June 2020) <<https//www.mondaq.com/caymanislands/trademark/962108/new-trinidad-tobago-trade-marks-law-implemented-25-june-2020>>. [↑](#footnote-ref-45)
45. The Trinidad and Tobago Trade Marks Act 2016, Chapter 82:76 s 19 [↑](#footnote-ref-46)
46. The Trinidad and Tobago Customs Act, Chapter 78:01, Second Schedule [↑](#footnote-ref-47)
47. Ecorys & Appleton Luff, ‘Ex-post evaluation of the EPA between the EU and its Member States and the CARIFORUM Member States’ (2021) <<<https://trade.ec.europa.eu/doclib/docs/2021/january/tradoc_159351.pdf>>> - Case studies showcase the different degrees of impact of the EPA at the sectoral level. In the case of creative and cultural services, there is a potential, in particular for the music, film and audio-visual industry from the larger CARIFORUM countries. With the Protocol on Cultural Cooperation (PCC) the EPA laid out an ambitious framework, a lack of operationalisation and concrete applications have limited its impact. Furthermore, creative industries face a range of other, more fundamental domestic challenges. -> according to its report in 2019 [↑](#footnote-ref-48)
48. The Trinidad and Tobago Theatres and Dance halls Act 1934, Chapter 21:03. [↑](#footnote-ref-49)
49. The Ministry of Community Development, Gender and the Arts, Draft National Cultural Policy of Trinidad and Tobago 2020-2025. << http://parlcloud.ttparliament.org:8081/PapersLaidViewer/TempFiles/White%20Paper%20-%20National%20Culture%20Policy.pdf>> [↑](#footnote-ref-50)
50. The Ministry of Trade and Industry of Trinidad and Tobago 2019-2023: Trade Policy. << https://tradeind.gov.tt/trade-policy-2019-2023/>> [↑](#footnote-ref-51)
51. The Ministry of Tourism of Trinidad and Tobago 2019-2023: Tourism Policy. <<<http://www.tourism.gov.tt/Portals/0/Documents/Press%20Releases/>Revised%20Draft%20National%20Tourism%20Policy%20(2020-2030).pdf?ver=q3x37qPEOiT9ReRaCEsgBg%3D%3D>>. [↑](#footnote-ref-52)
52. The Ministry of Public Administration and Information Trinidad and Tobago 2004 <<http://files.ttcs.tt/comments/National_Broadcast_Policy.pdf>> [↑](#footnote-ref-53)
53. The Ministry of Education of Trinidad and Tobago 2017-2022: Education Policy Paper <<https://www.moe.gov.tt/education-policy-paper-2017-2022/>>. [↑](#footnote-ref-54)
54. Cabinet Appointed Committee. Final Report of the Cabinet Appointed Committee to make recommendations for the Regulation of the Home Entertainment Industry (HEAT). (2009) [↑](#footnote-ref-55)
55. Moonilal Lalchan, ‘Getting Serious About the Creative Industry’ Trinidad and Tobago Chamber of Industry and Commerce (Trinidad, 2013) Vol.13 No.3. [↑](#footnote-ref-56)
56. Walter Rochester, ‘Are further Tax Incentives the missing ingredient to grow the Creative Sector and Creative Industries in Trinidad and Tobago? Trinidad and Tobago Chamber of Industry and Commerce (Trinidad, 2013) Vol.13 No.3. [↑](#footnote-ref-57)
57. Vashti Guyadeen, ‘Propelling the Creative Sector forward’ Trinidad and Tobago Chamber of Industry and Commerce (Trinidad, 2013) Vol.13 No.3. [↑](#footnote-ref-58)
58. Steve Maximay, ‘Intellectual Property and the Creative Industries’ Trinidad and Tobago Chamber of Industry and Commerce (Trinidad, 2013) Vol.13 No.3. [↑](#footnote-ref-59)
59. Atiba Phillips, ‘Creative Industries go Digital - Do we understand the implications?’ Trinidad and Tobago Chamber of Industry and Commerce (Trinidad, 2013) Vol.13 No.3. [↑](#footnote-ref-60)
60. Ferdinand, G. (2017). Brand in the Caribbean: A cultural analysis of the regional creative economy. [↑](#footnote-ref-61)