

THE COPYRIGHT ACT

ORDER

(under section 2)

The Copyright (Educational Establishments) Order, 1993 L.N. 104/93

REGULATIONS

(under section 50 (6))

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The Copyright (Recording for Archives) (Designated Bodies) Order, 1993 L.N. 103/93

ORDER

(under section 104 (1) (c))

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ORDERS

(under section 144)

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THE COPYRIGHT ACT

ORDER
(under section 2)

THE COPYRIGHT (EDUCATIONAL ESTABLISHMENTS) ORDER, 1993

*(Made by the Prime Minister on the 12th day of August, 1993 and
having effect on the 1st day of September, 1993, the date of
operation of the Act)*

L.N. 104/93

1. This Order may be cited as the Copyright (Educational Establishments) Order, 1993.
2. Any educational institution providing tertiary education, as defined in the Education Act, is hereby designated an educational establishment for the purposes of the Act.

THE COPYRIGHT ACT

REGULATIONS
(under section 50 (6))

THE COPYRIGHT (CUSTOMS) REGULATIONS, 1995

(Made by the Commissioner of Customs on the 6th day of L.N. 39c/95
March, 1995)

1. These Regulations may be cited as the Copyright (Customs) Regulations, 1995.

2. In these Regulations—

“Commissioner” means Commissioner of Customs;

“notice” means a notice referred to in paragraph (1) or (2) of regulation 3.

3.—(1) In relation to a literary, dramatic or musical work, a notice given to the Commissioner pursuant to section 50 (1) of the Act shall be in the form set out as Form 1 in the Schedule hereto; and a separate notice shall be given in respect of each work.

Schedule.
Form 1.

(2) In relation to a sound recording or film, a notice given to the Commissioner pursuant to section 50 (3) of the Act shall be in the form set out as Form 2 in the Schedule hereto; and a separate notice shall be given in respect of each work and in respect of each expected importation into Jamaica.

Form 2.

4. A fee of five hundred dollars shall be paid to the Commissioner in connection with the giving of a notice.

5. A notice—

(a) shall contain full particulars of the matters specified therein; and

(b) shall be accompanied by a copy of the work to which the notice relates and the fee specified in regulation 4.

6. The person giving the notice shall furnish to the Commissioner at the time the notice is given or at the time the goods to which the notice relates are imported, such evidence as the Commissioner may reasonably require to establish any or all of the following—

- (a) his ownership of the copyright in the work concerned;
- (b) that goods detained are infringing copies;
- (c) that a person who has signed the notice as agent is duly authorized.

7. The person giving the notice shall give security or further security in respect of any liability or expense which the Commissioner may incur in consequence of the notice by reason of the detention of any article or anything done to an article detained; and such security or further security shall be given within such time and in such manner, whether by bond or by deposit of a sum of money, as the Commissioner may require.

8. Whether any security or further security is given to the Commissioner or not, the person giving the notice shall keep the Commissioner indemnified against all liability and expense referred to in regulation 7.

9. Within fourteen days of the occurrence of a change in the ownership of copyright in the work specified in the notice or of any other change affecting the notice, the person giving the notice shall, in writing, notify the Commissioner of such change.

10. The notice shall be deemed to have been withdrawn—

- (a) as from the expiry of fourteen days from any change in ownership of the copyright specified in the notice, whether notified to the Commissioner as required under regulation 9 or not; or
- (b) if the person giving the notice has failed to comply with any requirement of these Regulations.

SCHEDULE

(Regulation 3)

FORM 1

Notice under the Copyright Act Requesting Infringing Copies of a Literary Dramatic or Musical Work to be treated as Prohibited Goods

(PLEASE READ THE NOTES APPEARING AT THE END OF THE NOTICE BEFORE COMPLETING IT.)

SECTION A.

I, give notice that (Full name of signatory in BLOCK LETTERS)

..... (Name and address of Owner of Copyright)

is the owner of the copyright in the work specified below which subsists under the Copyright Act, and I request that any infringing copies of the said work be treated as prohibited goods for a period starting on and ending on

SECTION B. Particulars of Work

Title:

Full name of author/authors:

.....

.....

Date copyright expires:

SECTION C. Details of Expected Importation

(a) Date of importation

(b) Place of customs declaration

(c) Place of unloading

(d) Country of origin

(e) Country from which goods consigned

(f) Bill of lading/airway bill/consignment reference number

(g) Name of ship/aircraft flight number

[The inclusion of this page is authorized by L.N. 33/1998]

THE COPYRIGHT (CUSTOMS) REGULATIONS, 1995

SCHEDULE, contd.

(h) Name and address of importer/ consignee

(i) Tariff classification

SECTION D. Declaration

I declare that the information given by me in this Notice is true.

Signature.....
(*Owner of Copyright/Authorized Agent)

Date.....

* Delete as necessary.

NOTES

1. This notice may be given only by the owner of the copyright in a published literary, dramatic or musical work or a person acting on his behalf. A separate notice must be given in respect of each work.

2. The period specified in Section A shall not exceed five years and shall not extend beyond the period for which copyright is to subsist.

3. A fee of \$500 is payable to the Commissioner of Customs and such fee together with a copy of the work specified in Section B shall be submitted with the notice.

4. The person who has given the notice shall keep the Commissioner of Customs indemnified against any liability or expense which he may incur as a result of detaining any article or anything done to an article detained because of this notice. You may need to provide the Commissioner with security to cover this indemnity. You will be informed when this is required.

5. You are not obliged to provide the information in Section C but you should give as many details as possible.

FORM 2

Notice under the Copyright Act Requesting Infringing Copies of a Sound Recording or Film to be Treated as Prohibited Goods

(PLEASE READ THE NOTES APPEARING AT THE END OF THE NOTICE BEFORE COMPLETING IT.)

SECTION A.

I, give notice that
(Full name of signatory in BLOCK LETTERS)

.....
.....
(Name and address of Owner of Copyright)

SCHEDULE, *contd.*

.....
is the owner of the copyright in the work specified below which subsists under the Copyright Act, and that infringing copies of the work are expected to be imported into Jamaica and I request that these copies be treated as prohibited goods.

SECTION B. Particulars of Work

Title:

Label, marking or statement borne by work:

Date copyright expires:

SECTION C. Expected Arrival in Jamaica

Date

Place

SECTION D. Details of Expected Importation

(a) **Place of customs declaration**

(b) **Place of unloading**

(c) **Country of origin**

(d) **Country from which goods consigned**

(e) **Bill of lading/airway bill/consignment reference number**

(f) **Name of ship/aircraft flight number**

(g) **Name and address of importer/consignee**

(h) **Tariff classification**

THE COPYRIGHT (CUSTOMS) REGULATIONS, 1995

SCHEDULE, *contd.*SECTION E. *Declaration*

I declare that the information given by me in this Notice is true.

Signature.....
 (*Owner of Copyright/Authorized Agent)

Date.....

• Delete as necessary.

NOTES

1. This notice may be given only by the owner of the copyright in a sound recording or film or a person acting on his behalf. A separate notice must be given in respect of each work and each expected importation of infringing copies of the work.

2. A fee of \$500 is payable to the Commissioner of Customs and such fee together with a copy of the work specified in Section B shall be submitted with the notice.

3. The person who has given the notice shall keep the Commissioner of Customs indemnified against any liability or expense which he may incur as a result of detaining any article or anything done to an article detained because of this notice. You may need to provide the Commissioner with security to cover this indemnity. You will be informed when this is required.

4. You are not obliged to provide the information in Section C but you should give as many details as possible.

THE COPYRIGHT ACT

REGULATIONS

*(under sections 61 (2) and 150)*THE COPYRIGHT (LIBRARIANS AND ARCHIVISTS) (COPYING OF
COPYRIGHT MATERIAL) REGULATIONS, 1993

*(Made by the Prime Minister on the 12th day of August, 1993 and
having effect on the 1st day of September, 1993, the date of
operation of the Act)*

L.N. 105/93

1. These Regulations may be cited as the Copyright (Librarians and Archivists) (Copying of Copyright Material) Regulations, 1993. Short title.

2.—(1) In these Regulations—

“prescribed archive” means any archive of a description specified in regulation 3 (4) and (5); and

Interpretation.

“prescribed library” means any library of a description specified in regulation 3 (1), (2) and (3).

3.—(1) The libraries described in Part A of the First Schedule are prescribed for the purposes of section 62 of the Act, so, however, that any library so described that is conducted for profit shall not be a prescribed library for the purposes of that section. Prescribed
libraries and
archives.
First
Schedule.

(2) All libraries in Jamaica are prescribed for the purposes of sections 63, 64 and 65 of the Act as libraries, the librarians of which may make and supply copies of any material to which those sections relate.

(3) Any library that—

(a) satisfies the description specified in Part A or B of the First Schedule; and

(b) is not conducted for profit,

is prescribed for the purposes of sections 63 and 64 of the Act as a library for which copies of any material to which those sections relate may be made and supplied by the librarian of a prescribed library.

(4) All archives in Jamaica are prescribed for the purposes of sections 64 and 65 of the Act as archives which may make and supply copies of any material to which those sections relate.

(5) Any archive in Jamaica which is not conducted for profit is prescribed for the purposes of section 64 of the Act as an archive

**THE COPYRIGHT (LIBRARIANS AND ARCHIVISTS) (COPYING
OF COPYRIGHT MATERIAL) REGULATIONS, 1993**

for which copies of any material to which that section relates may be made and supplied by the archivist of a prescribed archive.

(6) In this regulation "conducted for profit", in relation to a library or archive, means a library or archive which is established or conducted for profit or which forms part of, or is administered by, a body established or conducted for profit.

Copying by
librarian of
article or
part of
published
work.

4.—(1) For the purposes of section 62 of the Act the conditions specified in paragraph (2) of this regulation are prescribed as the conditions which shall be complied with when the librarian of a prescribed library makes and supplies a copy of any article in a periodical or, as the case may be, of a part of a literary, dramatic or musical work from a published edition to a person requiring the copy.

(2) The prescribed conditions are—

(a) that no copy of any article or any part of a work shall be supplied to the person requiring it unless—

(i) he satisfies the librarian that he requires the copy for purposes of research or private study and will not use it for any other purpose; and

(ii) he has delivered to the librarian a declaration in writing, in relation to that article or part of a work, substantially in accordance with the form set out as Form A in the Second Schedule and signed in the manner therein indicated;

Second
Schedule.
Form A.

(b) that the librarian is satisfied that the requirements of such person and that of any other person—

(i) are not similar, that is to say, the requirements are not for copies of substantially the same article or part of a work at substantially the same time and for substantially the same purpose; and

(ii) are not related, that is to say, he and that person do not receive instruction to which the article or part of the work is relevant at the same time and place;

(c) that such person is not furnished—

(i) in the case of an article, with more than one copy of the

article or more than one article contained in the same issue of a periodical; or

- (ii) in the case of a part of a published work, with more than one copy of the same material or with a copy of more than a reasonable proportion of any work; and
- (d) that such person is required to pay for the copy a sum not less than the cost (including a contribution to the general expenses of the library) attributable to its production.

(3) Unless the librarian is aware that the signed declaration delivered to him pursuant to paragraph (2) (a) (ii) is false in a material particular, he is entitled to rely on it as to the matter in respect of which he is required to be satisfied under paragraph (2) (a) (i) before making or supplying the copy.

5.—(1) For the purposes of section 63 of the Act the conditions specified in paragraph (2) of this regulation are prescribed as the conditions which must be complied with when the librarian of a prescribed library makes and supplies to another prescribed library a copy of any article in a periodical or, as the case may be, of the whole or part of a published edition of a literary, dramatic or musical work required by that other prescribed library.

Copying by
librarian to
supply other
libraries.

(2) The prescribed conditions are—

- (a) that the other prescribed library is not furnished with more than one copy of the article or of the whole or part of the published edition; or
- (b) that, where the requirement is for a copy of more than one article in the same issue of a periodical, or for a copy of the whole or part of a published edition, the other prescribed library furnishes a written statement to the effect that it is a prescribed library and that it does not know, and could not by reasonable inquiry ascertain, the name and address of a person entitled to authorize the making of the copy; and
- (c) that the other prescribed library shall be required to pay for the copy a sum not less than the cost (including a contribution to the general expenses of the library) attributable to its production.

Copying by
librarian, etc.
to replace
items in a
permanent
collection.

6.—(1) For the purposes of section 64 of the Act the conditions specified in paragraph (2) of this regulation are prescribed as the conditions which shall be complied with before the librarian or, as the case may be, the archivist makes a copy from any item in the permanent collection of that library or archive or in the permanent collection of another prescribed library or archive.

(2) The prescribed conditions are—

- (a) that the item in question is an item in the part of the permanent collection maintained by the library or archive wholly or mainly for the purposes of reference on the premises of the library or archive, or is an item in the permanent collection of the library or archive which is available on loan only to other libraries or archives;
- (b) that it is not reasonably practicable for the librarian or archivist to purchase a copy of that item to fulfil the purpose under section 64 (1) (a) or (b) of the Act;
- (c) that the other prescribed library or archive furnishes a written statement to the effect that the item has been lost, destroyed or damaged and that it is not reasonably practicable for it to purchase a copy of that item, and that if a copy is supplied it will only be used to fulfil the purpose under section 64 (1) (b) of the Act; and
- (d) that the other prescribed library or archive shall be required to pay for the copy a sum not less than the cost (including a contribution to the general expenses of the library or archive) attributable to its production.

Copying by
librarian or
archivist of
certain
unpublished
works.

7.—(1) For the purposes of section 65 of the Act the conditions specified in paragraph (2) of this regulation are prescribed as the conditions which shall be complied with in the circumstances in which that section applies when the librarian or, as the case may be, the archivist makes and supplies a copy of the whole or part of a literary, dramatic or musical work from a document in the library or archive to a person requiring the copy.

(2) The prescribed conditions are—

- (a) that no copy of the whole or part of the work shall be supplied to the person requiring the same unless—

- (i) he satisfies the librarian or archivist that he requires the copy for purposes of research or private study and will not use it for any other purposes; and
 - (ii) he has delivered to the librarian or, as the case may be, the archivist a declaration in writing, in relation to that work, substantially in accordance with the form set out as Form B in the Second Schedule and signed in the manner therein indicated;
- (b) that such person is not furnished with more than one copy of the same material; and
- (c) that such person is required to pay for the copy a sum not less than the cost (including a contribution to the general expenses of the library or archive) attributable to its production.

Second
Schedule.
Form B.

(3) Unless the librarian or archivist is aware that the signed declaration delivered to him pursuant to paragraph (2) (a) (ii) is false in a material particular, he is entitled to rely on it as to the matter in respect of which he is required to be satisfied under paragraph (2) (a) (i) before making or supplying the copy.

FIRST SCHEDULE

(Regulation 3)

PART A

1. Any library administered by the Jamaica Library Service.
2. The National Library of Jamaica and the Library of the University of the West Indies.
3. Any library of a school within the meaning of section 2 of the Education Act and any library of a description of educational establishment specified in the Copyright (Educational Establishments) Order, 1993.
4. Any parliamentary library or library administered as part of a government department or any library conducted for or administered by an agency of Government.
5. Any other library conducted for the purpose of facilitating or encouraging the study of bibliography, education, fine arts, history, languages, law, literature, medicine, music, philosophy, religion, science (including natural and social science) or technology, or administered by any establishment or organization which is conducted wholly or mainly for such a purpose.

PART B

Any library outside Jamaica which is conducted wholly or mainly for the purpose of facilitating or encouraging the study of bibliography, education, fine arts, history, languages, law, literature, medicine, music, philosophy, religion, science (including natural and social science) or technology.

THE COPYRIGHT (LIBRARIANS AND ARCHIVISTS) (COPYING OF COPYRIGHT MATERIAL) REGULATIONS, 1993

SECOND SCHEDULE (Regulations 4 and 7)

FORM A

Declaration:... Copy of Article or Part of Published Work

To:

The Librarian of.....Library [Address of Library]

1. Please supply me with a copy of: *the article in the periodical, the particulars of which are []

*the part of the published work, the particulars of which are []

required by me for the purposes of research or private study.

2. I declare that—

- (a) I have not previously been supplied with a copy of the same material by you or any other librarian; (b) I will not use the copy except for research or private study and will not supply a copy of it to any other person; and (c) to the best of my knowledge no other person with whom I work or study has made or intends to make, at or about the same time as this request, a request for substantially the same material for substantially the same purpose.

3. I understand that if the declaration is false in a material particular the copy supplied to me by you will be an infringing copy and that I shall be liable for infringement of copyright as if I had made the copy myself.

**Signature.....

Date.....

Name

Address

.....
.....

*Delete whichever is inappropriate.

**This must be the personal signature of the person making the request. A stamped or typewritten signature, or the signature of an agent, is NOT acceptable.

**THE COPYRIGHT (LIBRARIANS AND ARCHIVISTS) (COPYING
OF COPYRIGHT MATERIAL) REGULATIONS, 1993**

FORM B

Declaration: Copy of Whole or Part of Unpublished Work

To:

The *Librarian/Archivist of

.....Library/Archive
[Address of Library/Archive]

1. Please supply me with a copy of:
the *whole/following part [particulars of part] of the [particulars of
the unpublished work] required by me for the purposes of research
or private study.
2. I declare that—
 - (a) I have not previously been supplied with a copy of the same
material by you or any other librarian or archivist;
 - (b) I will not use the copy except for research or private study and
will not supply a copy of it to any other person; and
 - (c) to the best of my knowledge the work had not been published
before the document was deposited in your *library/archive and
the copyright owner has not prohibited copying of the work.
3. I understand that if the declaration is false in a material particular the
copy supplied to me by you will be an infringing copy and that I shall
be liable for infringement of copyright as if I had made the copy
myself.

**Signature.....

Date.....

Name

Address

.....

.....

*Delete whichever is inappropriate.

**This must be the personal signature of the person making the request. A
stamped or typewritten signature, or the signature of an agent, is NOT
acceptable.

THE COPYRIGHT ACT

ORDER
(under section 82)THE COPYRIGHT (RECORDING FOR ARCHIVES) (DESIGNATED
BODIES) ORDER, 1993

*(Made by the Prime Minister on the 12th day of August, 1993 and
having effect on the 1st day of September, 1993, the date of
operation of the Act)* L.N. 103/93

1. This Order may be cited as the Copyright (Recording for Archives)
(Designated Bodies) Order, 1993.

2. Any body specified in the Schedule is hereby designated as a body Schedule.
for which a recording of a broadcast or cable programme of the class
designated under paragraph 3, or a copy thereof, may be made for
the purpose of placing such recording or copy in any archive maintained
by that body.

3. All broadcasts other than encrypted transmissions and all cable
programmes are designated as a class for the purposes of section 82
of the Act.

SCHEDULE

(Paragraph 2)

Designated Bodies

The National Library of Jamaica
The Institute of Jamaica

THE COPYRIGHT ACT

ORDER
(under section 104 (1) (c))THE COPYRIGHT (DESIGNATION OF NATIONAL CULTURAL EVENTS)
ORDER, 2003

(Made by the Minister on the 23rd day of December, 2003)

L.N. 145/2003

1. This Order may be cited as the Copyright (Designation of National Cultural Events) Order, 2003.

2.—(1) Events organized by a public body and specified in paragraph 3 for the purposes of section 104 (1) (c) of the Act are hereby designated as national cultural events.

(2) For the purposes of this Order “public body” means—

- (a) any Ministry or department of Government;
- (b) a statutory body or authority; or
- (c) any company registered under the Companies Act, being a company which the Government or an agent of the Government, by the holding of shares, is in a position to direct the policy of that company.

3.—(1) The events referred to in paragraph 1 are—

- (a) commemorative events in recognition of the birthday of a National Hero;
- (b) commemorative events in celebration of the anniversary of Jamaica’s Independence;
- (c) commemorative events in recognition of Emancipation;
- (d) commemorative events in recognition of Labour Day;
- (e) commemorative events in recognition of the birthday and the anniversary of the death of the Honourable Robert Nesta Marley, O.M.; and
- (f) events which the Minister with responsibility for culture recognizes as being of national cultural importance.

(2) In this paragraph “National Hero” means a person who is declared a National Hero under the National Honours and Awards Act or upon whom the honour of National Hero is conferred under that Act.

THE COPYRIGHT ACT

ORDERS
(under section 144)

THE COPYRIGHT (SPECIFIED COUNTRIES) ORDER, 1994
(Made by the Minister on the 31st day of December, 1993)

L.N. 1/94

[1st January, 1994]

1. This Order may be cited as the Copyright (Specified Countries) Order, 1994.

2. In relation to literary, dramatic, musical and artistic works, films and the typographical arrangement of published editions, sections 5, 7 and 8 of the Act shall apply in relation to—

- (a) persons who are citizens or habitual residents of a country specified in the Schedule as they apply in relation to persons who are citizens or habitual residents of Jamaica; Schedule.
- (b) bodies incorporated or established under the laws of a country so specified as they apply in relation to bodies incorporated or established under the laws of Jamaica; and
- (c) works first published in such a country as they apply in relation to works first published in Jamaica.

SCHEDULE

(Paragraph 2)

Countries enjoying protection in respect of literary, dramatic, musical and artistic works, films and the typographical arrangements of published editions

(The countries specified in this Schedule are either parties to the Berne Copyright Convention or otherwise give adequate protection under their law.)

Argentina
Australia
Austria
Bahamas
Barbados
Belgium
Benin
Bolivia
Brazil
Bulgaria
Burkina Faso
Cameroon
Canada
Central African Republic
Chad
Chile
China
Columbia
Congo, People's Republic of
Costa Rica
Cote d'Ivoire
Croatia
Cyprus
Czech Republic
Denmark
Ecuador
Egypt
Fiji
Finland
France
Gabon
Gambia
Germany
Ghana
Greece
Guinea, Republic of
Guinea-Bissau
Holy See
Honduras
Hungary
Iceland
India
Ireland
Israel
Italy
Japan
Kenya
Lebanon
Lesotho
Liberia
Libya
Liechtenstein
Luxembourg
Madagascar

SCHEDULE, *contd.*

Malawi
Malaysia
Mali
Malta
Mauritania
Mauritius
Mexico
Monaco
Morocco
Netherlands
New Zealand
Niger
Nigeria
Norway
Pakistan
Paraguay
Peru
Philippines
Poland
Portugal
Republic of Macedonia (the former Yugoslav Republic)
Romania
Rwanda
St. Lucia
Senegal
Slovakia
Slovenia
South Africa
Spain
Sri Lanka
Surinam
Sweden
Switzerland
Thailand
Togo
Trinidad and Tobago
Tunisia
Turkey
United Kingdom
United States of America
Uruguay
Venezuela
Yugoslavia
Zaire
Zambia
Zimbabwe

THE COPYRIGHT ACT

ORDERS

(under section 144)

THE COPYRIGHT (SPECIFIED COUNTRIES) (NO. 2) ORDER, 1994

(Made by the Minister on the 26th day of January, 1994)

L.N. 11/94

[27th January, 1994]

1. This Order may be cited as the Copyright (Specified Countries) (No. 2) Order, 1994.

2. In relation to sound recordings and broadcasts, sections 5, 7 and 8 of the Act shall apply in relation to—

- (a) persons who are citizens or habitual residents of a country specified in the Schedule as they apply in relation to persons who are citizens or habitual residents of Jamaica;
- (b) bodies incorporated or established under the laws of a country so specified as they apply in relation to bodies incorporated or established under the laws of Jamaica; and
- (c) sound recordings made in and broadcasts made from such a country as they apply in relation to sound recordings made in and broadcasts made from Jamaica.

Schedule.

Schedule.

3. The countries mentioned in the Schedule are specified countries for the purpose of the definition of "qualifying performance" appearing in section 2 of the Act.

SCHEDULE (Paragraphs 2 and 3)

Countries enjoying protection for sound recordings and broadcasts

(The countries specified in this Schedule either are parties to the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations or otherwise give adequate protection under their law).

Argentina
 Australia
 Austria
 Barbados
 Brazil
 Burkina Faso
 Chile
 Colombia
 Congo, People's Republic of
 Costa Rica
 Denmark
 Dominican Republic
 Ecuador
 El Salvador
 Fiji
 Finland
 France
 Germany
 Greece
 Guatemala
 Honduras
 Ireland
 Italy
 Japan
 Lesotho
 Luxembourg
 Mexico
 Monaco
 Netherlands
 Niger
 Nigeria
 Norway
 Panama
 Paraguay
 Peru
 Philippines
 Slovakia
 Spain
 Sweden
 Switzerland
 United Kingdom
 Uruguay