

## Rights under Copyright

Copyright gives two types of rights: *Economic rights* which give exclusive rights to the copyright owner to copy, distribute, publicly perform, broadcast and adapt their work.

*Moral rights* give the author the right to be identified as the creator of the work (right of paternity), and the right to object to any derogatory treatment of a work (right of integrity). An author also has the right to object to being falsely attributed as the author of a work which he did not create.

If the author makes an agreement in writing to give his copyright to someone else, the author retains his moral rights and the new copyright owner owns the economic rights obtained.



## Licensing Copyright Works

The Copyright Owners may grant an assignment or license to another person to perform any of the restricted acts in respect of the protected work which are copying the work; issuing copies of the work to the public; performing the work in public, making an adaptation of the work, or in the case of a sound recording, film, broadcast or cable programme playing or showing the work in public; broadcasting the work or including it in a cable programme service.

It is recommended that **Copyright** owners become members of recognized collective management societies, to facilitate the licensing of their rights. These societies will act on behalf of their members to negotiate licenses with persons wishing

The Jamaican collecting societies are:

**The Jamaica Association of Authors, Composers & Publishers (JACAP),**

21 Connolly Ave., Kingston 4  
Telephone: 876 948 5937, 876 948 6439,  
[www.jacapijamaica.com](http://www.jacapijamaica.com)

**Jamaica Copyright Licensing Agency, (JAMCOPY),**  
17 Ruthven Road. Kingston. 10  
Telephone: 876 754 8910, [www.jamcopy.com](http://www.jamcopy.com)

**Jamaica Music Society (JAMMS),**  
7 Stanton Terrace. Building #2 Kingston 6  
Telephone : 876 978 3275 [www.jammsonline.com](http://www.jammsonline.com)

## How to Enforce Copyright

If your Copyright has been infringed, you may refer the matter to mediation or arbitration at The Dispute Resolution Foundation at the Peace Centre, 5 Camp Road, Kingston 4 Telephone 876 906 2456, or you may seek legal recourse by filing a law suit in the civil court.

If your work has been pirated i.e. where copies are reproduced without permission on a commercial scale, the matter should be reported to the Organized Crime Investigation Division of the Jamaica Constabulary Force who are located at the UDC Building, Shop # 68, Kingston. Telephone: 876 923 5626 or 876 922 3771.

## Copyright Tribunal

The Copyright Act makes provision for the establishment of a **Copyright Tribunal**, which is a quasi-judicial body with the power to hear matters relating to the licensing of works under copyright protection.

The Tribunal is made up of a Chairman, two Deputy Chairmen, who must be Attorneys-at-Law, and no more than eight other members.

The Tribunal has jurisdiction to do the following:

- hear and determine matters relating to the licensing schemes run by, or licences granted by copyright societies for the use of copyright works. Users of copyright works are entitled to bring a matter to the Tribunal;

## Copyright Tribunal functions cont'd

- determine the rate of royalties to rights-holders for the rental of films, computer programs, sound recordings to the public and re-transmission of cable programmes or broadcasts;
- review the prescribed rate of royalties payable to a performer for adaptations of original recordings;
- give consent for a user to make subsequent recordings of a performance where the performer unreasonably withholds consent, or the identity or whereabouts of the performer cannot be ascertained; and
- make recommendations to Government on the rates of royalty for works used in national cultural events.

## International Copyright Treaties to which Jamaica is Signatory

- Berne Convention for Protection of Literary & Artistic Works
- Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations
- Brussels Convention on distribution of programme carrying signals
- Geneva Convention for the Protection of Phonograms against Unauthorized Duplication of their Phonograms
- WIPO Copyright Treaty (WCT) and WIPO Performances and Phonograms Treaty (WPPT)
- World Trade Organisation (WTO) Agreement on Trade related aspects of Intellectual Property Rights (TRIPS Agreement)

# © COPYRIGHT

# PROTECTION



**PAVING THE WAY TO GROWTH AND DEVELOPMENT  
THROUGH THE PROTECTION OF INTELLECTUAL  
PROPERTY RIGHTS**

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Kingston 10

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[www.jipo.gov.jm](http://www.jipo.gov.jm)

## What is Copyright?

**Copyright** is an intellectual property right. It consists of a bundle of different rights that a creator has in his/her intellectual creation. **The Copyright** owner has an exclusive right to exploit his/her creative work and has the authority to prevent others from using the work without permission.

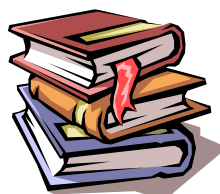
## Works protected by Copyright

Under Jamaica's Copyright Act 1993, copyright applies to original literary, dramatic, artistic works, sound recordings, films, broadcasts or cable programme, typographical arrangements of published editions.

Literary works include works (other than a dramatic or musical work) which are written, spoken or sung, such as a computer program, lyrics or poetry.

Musical works refer to music compositions.

Artistic works include graphic works such as paintings, drawings, maps, charts, plans, engravings, etchings, lithographs, woodcut or similar works, as well as photographs, sculptors, collages, buildings and models of buildings. Dramatic works include dance choreography and mimes.



Literary Works

**Related Rights** give protection to **performers** over the recording of their performances, **owners of master sound recordings** over their records and **broadcast organisation** and operators of **cable programme** services over their transmissions.



## Works Not Protected by Copyright

**Copyright** does not protect ideas, concepts, processes, principles or procedures.

## How does copyright arise?

Copyright protection arises once the original work is in a written or recorded form. The copyright notice -, that is, the word '**Copyright**' and the copyright symbol ©, should be visible on the recorded medium along with the date of creation and the name of the author of the work. The symbol **(P)** should be placed on sound recordings to indicate the owner of the master recording. These symbols will give the public notice of the author's or copyright owner's claim of **Copyright** in the work.



## Is registration required for copyright protection?

Registration is not a compulsory requirement to obtain **Copyright** protection under the Copyright Act or any of the copyright laws of the countries that are members of the Berne Convention for the protection of Literary and Artistic Works.

There is also no requirement for a work to be deposited at JIPO in order to obtain protection.

You can keep a record of your Copyright work by also mailing a copy of your work to yourself by registered mail at your local post office. When it returns to your address, keep the sealed envelope in a safe place.



If necessary, this sealed envelope may be used to prove ownership of © in a court of law where the envelope will be opened by the Court.

This is an internationally accepted procedure used in countries, that are members of the Berne Convention for the Protection of Literary and Artistic Works.

Other forms of Voluntary registration are possible in other countries such as in the USA: Registrar of Copyrights, The Library of Congress, Dept. 17 Washington D.C. 20540. USA. Tel: (202) 287 8700/ (202) 287 9100

Or in Canada : The Canadian Intellectual Property Office, Place du Portage 1, 50 Victoria Street Hull

## Legal Deposits

It is a requirement under the Legal Deposits Act, that a copy of all library matter published in Jamaica, including books, CDs, DVDs, must be deposited with the National Library of Jamaica for archival and historical purposes. This also provides a public record supporting an author's claim of copyright.

## Who can own Copyright?

The author of a created work is the initial owner of the **Copyright** in that work.

**All** Jamaican nationals, citizens and habitual residents and corporate bodies established under Jamaican Law can qualify as owners under the Copyright Act.

Nationals, citizens and habitual residents and corporate bodies established under the laws of other specified countries (listed in an Order under the Act) including United States, Canada, countries of the European Union, Asia and Africa, are also protected under Jamaican Law.

## Are Jamaican Copyright Owners Protected Abroad?

Jamaicans qualify for international **Copyright** protection in over 160 countries who are all members of the international Treaties for **Copyright** protection.

## How long does Copyright Last?

Copyright in literary, dramatic, musical and artistic works lasts for the lifetime of the author plus a period of fifty (50) years after the death of the author.

In cable programmes and broadcasts **Copyright** lasts for fifty (50) years from the end of the year in which the programme was included in a cable programme service, or the year in which the broadcast was made.

**Copyright** in a typographical arrangement of a published edition lasts for 25 years from the year in which the edition is first published.



Work of Art

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[www.jipo.gov.jm](http://www.jipo.gov.jm)

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