



some basic FACTS about COPYRIGHT



INTELLECTUAL PROPERTY OFFICE
OFFICE OF THE ATTORNEY GENERAL AND MINISTRY OF LEGAL AFFAIRS

WHAT IS COPYRIGHT?

Copyright is a property right which protects original literary or artistic works.

WHAT ARE RELATED RIGHTS?

Copyright subsists in performances, sound recordings and broadcasts.

WHY PROTECT COPYRIGHT?

Copyright is essential to human creativity. It gives creators incentives in the form of recognition and fair economic rewards. Creators can be assured that their works can be disseminated without fear of unauthorized copying. This will help increase access to and enhance the enjoyment of our culture, knowledge, and entertainment all over the world.

WHAT RIGHTS DOES COPYRIGHT PROVIDE?

Copyright gives the original authors or creators of works and their heirs certain basic rights to use or authorize others to use the works on agreed terms.

The creator or author of the work can prohibit or authorize its:

1. Reproduction in various forms, such as printed publication or sound recording.
2. Public performance, as in a play or musical work.
3. Recordings, for example, in the form of compact discs, cassettes, or videotapes.
4. Broadcasting, by radio, cable, or satellite.
5. Translation into other languages, or its adaptation, such as a novel into a screenplay.

Furthermore, protection is provided for performers against the unauthorised use of their performances in various audiovisual media and the mobile environment. Their legal standing is also strengthened in the audiovisual industry as incentives and compensation are provided with regard to the international use of their performances.

WHAT IS A MORAL RIGHT?

Moral rights are the rights of the author to decide whether or not to have his name indicated prominently on the copies and in connection with any public use of his work. The author of the work has the right to decide whether or not to have his name indicated prominently on the copies and in connection with any public use of his work. The author can also object to any distortion, mutilation or modification of his work or any derogatory action in relation to his work, which he thinks will prejudice his honour or reputation. In Trinidad and Tobago there is protection for moral rights.

DO YOU ALWAYS HAVE MORAL RIGHTS IN YOUR WORK?

Yes, unless you have waived them by written agreement.

FOR HOW LONG DO YOU HAVE COPYRIGHT AND MORAL RIGHTS IN YOUR WORK?

- (a) GENERALLY, DURING THE LIFE OF THE AUTHOR AND FOR FIFTY (50) YEARS AFTER HIS/HER DEATH.
- (b) RIGHTS OF PERFORMERS:
 - Fifty (50) years from the date in which the performance was fixed or, in the absence of such a fixation, from the end of the year in which the performance took place.
- (c) FOR COLLECTIVE WORKS AND AUDIO-VISUAL WORKS:
 - Seventy-five (75) years from the date on which the work was first published.
 - One hundred (100) years from the making of the work, if the work had neither been made available to the public or published before twenty-five (25) years after its making.
- (d) FOR WORKS OF APPLIED ART
 - Twenty-five (25) years from the making of the work.

CAN YOU GIVE AWAY YOUR COPYRIGHT?

- You can do so by transferring or assigning the rights. You transfer all or part of your rights by agreement.
- You can pass on your rights in your will.

ALWAYS CONSULT A SUITABLY QUALIFIED ATTORNEY AT LAW BEFORE TRANSFERRING YOUR COPYRIGHT TO A THIRD PARTY.



EXAMPLES OF PROTECTED WORKS

The kinds of works covered by copyright include literary works such as novels, poems, plays, reference works, newspapers, computer programs, databases, films, musical compositions. Artistic works include paintings, drawings, photographs, sculptures, architecture, advertisements, maps and technical drawings, works of mas.

WORKS NOT PROTECTED

An idea, procedure, discovery, mere data, text of a legislative nature, an official translation, political speeches and speeches delivered in the course of legal proceedings.

CAN YOU COPYRIGHT YOUR NAME OR TITLE?

No, not by itself. Names may be protected as a trade mark, if certain conditions are met. (Please see the Trade Marks Brochure).

IS REGISTRATION OF YOUR WORK REQUIRED?

In Trinidad and Tobago registration is not required under the Copyright Act to obtain Copyright protection. Copyright protection is automatic. No formalities are required as a precondition for obtaining copyright protection.

MUST YOU USE THE COPYRIGHT NOTICE ©?

It is not necessary to use the Copyright notice. The use of the word “Copyright” is enough.

WIPO PROOF is also available at <https://wipoproof.wipo.int/wdts/>. It is an online service that rapidly produces tamper-proof evidence which you can use to prove that your digital file existed at a specific point in time.

Whether you have a creative work, a product design, an invention or research data and insights from the innovation process, WIPO PROOF is an additional way to safeguard valuable intellectual assets.

In seconds, WIPO PROOF uses industry-leading secure technology to generate a globally recognized digital fingerprint of your intellectual asset. This is your WIPO PROOF token – a unique fingerprint of your digital file, dated and time stamped the second it is created. You receive your token and another copy is stored securely on WIPO servers in Switzerland.

WHAT IS COPYING?

It is the act of reproducing or imitating another’s work.

IS COPYING ILLEGAL?

Everything that is not protected by an Intellectual Property Right is free to copy.



WHAT IS REPROGRAPHY?

It is the reproduction of written material such as drawings, pictures, pages of books, by a process using light rays, photocopying or microfilming.

WHEN IS REPROGRAPHY PERMITTED UNDER THE COPYRIGHT ACT IN TRINIDAD AND TOBAGO?

Section 8 of the Copyright Act 1997, grants the copyright owner the exclusive right to 'do, authorise or prohibit' the reproduction of his work. In this regard, the permission of the copyright owner is required for the photocopying of a work except in the following circumstances:

- I. Private reproduction of a single copy by a person for personal purposes;
- II. The quotation of a short part of a published work provided that the source and the name of the author is indicated if appearing on the work;
- III. Reproduction of a short part of a published work for teaching purposes by way of illustration, in writing or sound or visual recordings;
- IV. Reproduction for face to face teaching in educational institutions that do not serve direct or indirect commercial gain provided that there is no collective licence available and the act of reproduction occurs in isolated, separate, unrelated occasions;
- V. Reproduction of a single copy for use in libraries or archives provided that there is no collective licence available and the act of reproduction occurs in isolated, separate, unrelated occasions;
- VI. Reproduction for broadcasting, newspaper reporting and other communications to the public for inforamatory purposes.

**IN ALL OTHER CIRCUMSTANCES, IT IS AN OFFENCE TO
PHOTOCOPY A WORK WITHOUT PERMISSION.**

The Trinidad and Tobago Reprographic Rights Organization was established for the collective management of licensing activities including collection of fees on behalf of Publishers and Creators of copyright.

LEGISLATION

COPYRIGHT LEGISLATION IS IN FORCE IN TRINIDAD AND TOBAGO: VIZ- THE COPYRIGHT ACT NO.8 OF 1997 as amended by ACT No. 5 of 2008 and ACT NO. 14 OF 2020.

The Copyright (Amendment) Act No. 14 of 2020 gave effect to the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled (“Marrakesh Treaty”) and to the Beijing Treaty on Audiovisual Performances (“Beijing Treaty”).

THE MARRAKESH TREATY

The Copyright (Amendment) Act No. 14 of 2020 seeks to improve the availability of printed materials in accessible formats so that these persons can enjoy equal access to education and to facilitate greater inclusiveness and participation in the cultural and social life of their communities. They will also be provided with opportunities for professional growth through access to printed materials, thus allowing them to contribute to the local economies and become economically self-sufficient.

The National Library and Information Systems Authority (“NALIS”) is the authorised entity permitted to create and/or disseminate accessible format copies for use by persons who are blind, visually impaired persons, or otherwise print disabled. This constitutes an exception to copyright for these persons.

THE BEIJING TREATY

Performers’ rights have also been strengthened as they can authorize the use of their performance against the promise of a fair compensation. Moral rights would enable them to have control over the use of their images and likeness and distortion of their performances.

The maximum penalty for copyright infringement is Two Hundred and Fifty Thousand Dollars (\$250,000.00) or ten years imprisonment.

COPYRIGHT RELATED INTERNATIONAL TREATIES TO WHICH TRINIDAD AND TOBAGO IS A PARTY

1. The Berne Convention for literary and artistic works. Trinidad and Tobago joined on 16th August, 1988. Administered by the World Intellectual Property Organization (WIPO).
2. The Universal Copyright Convention. Trinidad and Tobago joined on August 19 1988.
3. Convention for the protection of producers of phonograms against unauthorized duplication of their phonograms. Trinidad and Tobago joined on 1st October, 1988.
4. The Brussels Convention related to the Distribution of Programme carrying signals transmitted by Satellite (1974). Trinidad and Tobago joined on 1st November 1996. Administered by the United Nations.
5. World Intellectual Property Organization Copyright Treaty. Trinidad and Tobago acceded on August 28, 2008.
6. World Intellectual Property Organization Performances and Phonograms Treaty. Trinidad and Tobago acceded on August 28, 2008.
7. Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled. Trinidad and Tobago acceded on October 4, 2019.
8. Beijing Treaty on Audiovisual Performances. Trinidad and Tobago acceded on October 4, 2019.
9. Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations. Trinidad and Tobago acceded on December 9, 2019.



ISSUED BY
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