



www.belipo.bz

“Protect Your Creation”
Trademarks - Patents - Designs - Copyright

FREQUENTLY ASKED QUESTIONS

September 13th, 2007

COPYRIGHT HOLDERS - REGISTERED

BELIPO’S MISSION STATEMENT

“Our mission is to create an efficient and modern intellectual property system leading to the emergence of a vibrant intellectual property culture in Belize.”

CONTENTS

<u>WHAT IS COPYRIGHT?</u>	4
<u>WHAT TYPES OF WORKS ARE PROTECTED BY COPYRIGHT?</u>	4
<u>WHAT ARE THE EXCLUSIONS FROM COPYRIGHT PROTECTION?</u>	4
<u>WHO IS THE OWNER OF A COPYRIGHT WORK?</u>	4
<u>WHAT ARE THE RIGHTS OF A COPYRIGHT OWNER?</u>	5
<u>WHAT ARE MORAL RIGHTS?</u>	5
<u>WHAT ARE RELATED RIGHTS?</u>	5
<u>WHAT ARE THE GENERAL EXCEPTIONS TO COPYRIGHT PROTECTION?</u>	5
<u>Research and Private Study</u>	5
<u>Criticism, Review and Reporting</u>	6
<u>What is “Fair Dealing”?</u>	6
<u>Incidental Inclusion of Protected Work</u>	6
<u>WHY PROTECT COPYRIGHT?</u>	7
<u>IS REGISTRATION OF A COPYRIGHT WORK REQUIRED?</u>	7
<u>WHAT IS THE DURATION OF PROTECTION?</u>	7
<u>WHAT IS COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS?</u>	7
<u>WHO ARE THE MEMBERS OF COLLECTIVE MANAGEMENT ORGANIZATIONS?</u>	8
<u>HOW DOES COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS WORK?</u>	8
<u>WHAT IS THE BERNE CONVENTION?</u>	8
<u>WHAT IS THE TRIPS AGREEMENT?</u>	9
<u>HOW CAN I CONTACT BELIPO?</u>	9
<u>DISCLAIMER</u>	10

WHAT IS COPYRIGHT?

Copyright is the legal protection given to the creator of an original work. It is the legal term used to describe the rights given to creators for their literary and artistic works. Copyright is the exclusive right granted by the law to the creator of an original work (or his or her assignee such as a publisher) to do, authorize, or prohibit certain acts in relation to such work.

[BACK TO CONTENTS](#)

WHAT TYPES OF WORKS ARE PROTECTED BY COPYRIGHT?

Works protected by copyright include novels, poems, plays, reference works, broadcasts, newspapers, and computer programs; databases; films, musical compositions, and choreography; artistic works such as paintings, drawings, photographs, and sculpture; architecture; and advertisement, maps, and technical drawings. Copyrighted works are usually identified by the sign ©, the name of the author, and the year of publication.



[BACK TO CONTENTS](#)

WHAT ARE THE EXCLUSIONS FROM COPYRIGHT PROTECTION?

Copyright does not apply to literary, dramatic, or musical works that are not written down, recorded, or otherwise fixed in a material form. A copyrighted work is not infringed by the use of the work for purposes of research, private study, criticism, review, reporting, education, and parliamentary or judicial proceedings.

[BACK TO CONTENTS](#)

WHO IS THE OWNER OF A COPYRIGHT WORK?

The general rule is that a person who creates an original work is the first owner of copyright in the work. This rule also applies to commissioned works, the creator of a commissioned work is also considered as the owner of copyright in the work, in the absence of any written agreement to the contrary. An exception to this rule is a work created by an employee in the normal course of employment, in such cases, the employer is considered as the copyright owner.

[BACK TO CONTENTS](#)

WHAT ARE THE RIGHTS OF A COPYRIGHT OWNER?

The creators of original works and their heirs have certain important economic rights. First, the right to reproduce the work in various forms, such as printed publication or sound recording. Second, the public performance right. Third, the right of broadcasting the work, by radio, cable, or satellite. Fourth, the right to translate the work into other languages. Fifth, the right of adaptation of the work, such as adapting a novel into a movie. Sixth, the right of distribution.

[BACK TO CONTENTS](#)

WHAT ARE MORAL RIGHTS?

Creators of original works also have moral rights in their works. Moral rights include the right of an author to claim ownership in his or her work (the paternity right), and the right of the author to oppose changes to the work that could have a negative effect on the author's reputation (the integrity right). With regard to the paternity right, the creator should be identified clearly and prominently in or on each copy of the work or in any other way that is sufficient to bring the identity of the creator to the attention of any person who acquires a copy of the work. In the case of the integrity right, the author's work must not be treated in any way that involves an addition, deletion, alteration or adaptation that amounts to distortion or mutilation of the work or that is otherwise prejudicial to the honour or reputation of the author or the director.

[BACK TO CONTENTS](#)

WHAT ARE RELATED RIGHTS?

While copyright protects the rights of authors, another set of similar rights, known as "related rights" or "neighbouring rights", protects the rights of other owners of rights, namely, performers, producers of phonograms and broadcasting organizations. Related rights belong to the intermediaries in the production, recording or diffusion of the works of copyright owners. These intermediaries (performers, producers of phonograms and broadcasting organizations) facilitate the intellectual creation process by assisting authors to communicate their works to the public.

[BACK TO CONTENTS](#)

WHAT ARE THE GENERAL EXCEPTIONS TO COPYRIGHT PROTECTION?

1. Research and Private Study

- (a) Fair dealing with a copyrighted work for research or private study does not infringe copyright.
- (b) The fair dealing principle does not cover a librarian who does anything that is not permitted to be done under the exceptions relating to the supply by a librarian of copies of a published work to library users or the supply of copies to other libraries.

- (c) Also, the fair dealing principle does not cover any person who copies a work knowing that it will result in copies of the same material being provided to more than one person at the same time and for the same purpose.

2. Criticism, Review and Reporting

- (a) Fair dealing with a copyright work for criticism or review, of the work or another work or a performance of a work, does not infringe any copyright in the work. However, such use must be accompanied by an acknowledgement of the title of the work and the name of the author of the work (except if the author is unknown or agrees to non-acknowledgement).
- (b) Fair dealing with a copyright work (other than a photograph) for news reporting does not infringe any copyright in the work.
- (c) However, such use must be accompanied by an acknowledgement of the title of the work and the name of the author of the work (except if the author is unknown or agrees to non-acknowledgement). The requirement of “sufficient acknowledgement” of a work does not apply to news reporting by means of a sound recording, film, broadcast or cable program.

3. What is “Fair Dealing”?

There is no exact definition of “fair dealing”. However, a court examining the issue of “fair dealing” shall take into account the nature of the work, the extent to which the work is affected by such use, the commercial effect of such use on the work, and the purpose and character of such use.

4. Incidental Inclusion of Protected Work

- (a) Copyright in a work is not infringed by minor inclusions of the work in an artistic work, sound recording, film, broadcast or cable program.
- (b) Copyright in a work is not infringed by the issuing to the public of copies of the above works, or the playing, showing or broadcasting of the above works.

[BACK TO CONTENTS](#)

WHY PROTECT COPYRIGHT?

It has been rightly stated that copyright and related rights are essential to human creativity, by giving creators incentives in the form of recognition and fair economic rewards. As a result of this recognition and fair economic reward, the enjoyment of culture, knowledge and entertainment is enhanced all over the world.

[BACK TO CONTENTS](#)

IS REGISTRATION OF A COPYRIGHT WORK REQUIRED?

The Belize Copyright Act does not require the registration of a work as a precondition for securing copyright protection. Copyright protection is automatic upon creation of a work. No formalities are required in order to obtain copyright protection in Belize. However, the Belize Intellectual Property Office provides depository facilities for copyright owners. The cost of a copyright deposit is BZ\$50.00.

[BACK TO CONTENTS](#)

WHAT IS THE DURATION OF PROTECTION?

The duration of protection of literary, dramatic, musical or artistic works is the life of the author plus fifty years. The duration of protection of sound recordings, films, broadcasts, and cable programmes is fifty years from the end of the calendar year in which such works were made.

[BACK TO CONTENTS](#)

WHAT IS COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS?

Collective management is the exercise of copyright and related rights by organizations and societies representing the interests of owners of such rights. These organizations or societies are usually referred to in national copyright laws as licensing bodies.

As was stated above, creators of copyright works have the exclusive legal right to do, authorize or prohibit certain acts in relation to such works. A classic case in point is the negotiating of a contract by a writer with a publisher for the publication of his or her book. However, the individual management of rights is virtually impossible with regard to certain kinds of works for practical reasons. A good example is the use of musical works in Belize. It would be practically impossible for a punta musician to contact every single entertainment spot, radio or television station to negotiate licences and remuneration for the use of his or her works. On the other hand it would be equally impractical for such users to seek individual permission for the use of every musician's work. This scenario underscores the need for collective management organizations, whose role is to serve as links between copyright owners and users.

[BACK TO CONTENTS](#)

WHO ARE THE MEMBERS OF COLLECTIVE MANAGEMENT ORGANIZATIONS?

Owners of copyright or related rights can become members of a collective management organization.

[BACK TO CONTENTS](#)

HOW DOES COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS WORK?

Collective management organizations administering performing rights usually base their work on three pillars-documentation, licensing and distribution. These organizations negotiate with users (such as radio stations, broadcasters, discotheques, cinemas and restaurants) or groups of users and authorize such users to use the works in its repertoire based on the payment of royalties and the observance of certain conditions.

[BACK TO CONTENTS](#)

WHAT IS THE BERNE CONVENTION?

The Berne Convention for the Protection of Literary and Artistic Works is the oldest international agreement in the field of copyright. The Berne Convention was signed in 1886 and has been revised several times. Belize joined the Berne Convention in 2000.

The Berne Convention is also the most important treaty that governs the area of copyright. The importance of the Berne Convention was increased when the United States of America, the most influential Member State of the rival Universal Copyright Convention (administered by the United Nations Educational Scientific and Cultural Organization), joined the Berne Convention.

Another boost for the Berne Convention came with the signing of the TRIPS Agreement. Members of the TRIPS Agreement are required to implement certain substantive provisions of the Berne Convention.

The Berne Convention protects the published or unpublished works of authors who are nationals of a Member State of the Berne Convention. The Berne Convention also protects the published works of non-nationals of a Member State of the Berne Convention, if such works are first published in a Member State of the Berne Convention, or simultaneously in a Member State of the Berne Convention and in a non-Member State.

The author of a work protected under the Berne Convention is entitled in Member States of the Berne Convention, other than the country of origin of his or her work, to the same rights granted to nationals of such countries and to the rights granted by the Berne Convention. This principle is known as the principle of national treatment, and is one of the three core principles enshrined in the Berne Convention.

The other two principles are the lack of formalities for copyright protection and the independence of copyright protection from the existence or term of protection in the country of origin of the protected work.

[BACK TO CONTENTS](#)

WHAT IS THE TRIPS AGREEMENT?

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) came into force on January 1, 1995. Developing countries, such as Belize, were given until January 1, 2000, to implement the TRIPS Agreement. The TRIPS Agreement is contained in Annex 1C of the Agreement Establishing the World Trade Organization.

The TRIPS Agreement is the most comprehensive multilateral agreement on the subject of intellectual property rights. This is because it covers the main categories of intellectual property rights and also outlines rules on enforcement.

The TRIPS Agreement can also be described as one of the most ambitious steps in the harmonization of international copyright law. The need for the harmonization of international copyright law was borne out of the realization that the existing copyright agreements, such as the Berne Convention, did not affect the enforcement of copyright in individual countries. These existing copyright agreements were viewed as insufficient in the fight against the scourge of piracy.

[BACK TO CONTENTS](#)

HOW CAN I CONTACT BELIPO?

You can contact BELIPO through the following -

Belize Intellectual Property Office (BELIPO)
Habet Building (2nd Floor)
P.O. Box 592
Constitution Drive
Belmopan, Belize
Phone: 501-822-1381/2073
Fax: 501-822-1382
E-mail: belipo@btl.net / belipobz@lycos.com / info@belipo.bz
Website: www.belipo.bz

[BACK TO CONTENTS](#)

DISCLAIMER

Whilst BELIPO takes all reasonable care in the provision of its services, it does not guarantee the accuracy of its publications, data records or advice, nor accept any responsibility for errors or omissions or their consequences.

The information available in this publication should not be regarded as being a complete and authoritative source of intellectual property information, and readers are advised to consult the relevant legislation before acting on anything contained in this publication.

[BACK TO CONTENTS](#)