

## What is Copyright?

Copyright is the legal right granted to creators of creative works to reproduce, distribute, perform, adapt, communicate or make available to the public those works.

Copyright arises automatically when a work is created. The work must be original in that it must have been created by the author and not simply copied from another creative work already in existence.

Copyright gives creators economic rights and moral rights.



### ***Economic Rights***

Economic Rights empower creators of works to earn money from the use of their works by other persons.

### ***Moral Rights***

The moral rights of copyright authors include:

- the right to be identified as the author (paternity right);
- the right to object to your name being attributed to works you did not create
- the right to object to derogatory treatment of your work – e.g. alteration, distortion or mutilation of the work that the author considers prejudicial to his or her reputation.

Moral rights are distinct from economic rights and are retained even if an author has assigned the copyright to a third party.

## What works are protected by Copyright?

Copyright protects “original works of authorship” that are fixed or recorded in a tangible way. The work may be represented or recorded using any physical medium that permits access to the work.

Protectable works include original:

literary, musical, dramatic, artistic works (including graphics, photographs, sculptures), films, sound recordings, broadcasts, cable programmes and typographical arrangements of published editions.

These categories of works should be viewed broadly, for example, computer programs and most “compilations” may be registered as “literary works”; maps and architectural plans may be registered as “pictorial, graphic, and sculptural works.”

### **What is not protected?**

The following are generally not eligible for copyright protection:

ideas, procedures, methods, systems, processes, concepts, principles, discoveries and devices;

works consisting entirely of common information that contains no original authorship, for example: standard calendars, height and weight charts, tape measures and rulers, and lists or tables taken from public documents or other common sources;

titles, names, short phrases, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering, or colouring; mere listings of ingredients or contents;

works not fixed in a tangible form of expression, for example, choreographic works that have not been notated or recorded.

### **Who owns Copyright?**

The author or person who creates the work is the initial owner of copyright in the work except where there is an agreement to the contrary.

There are no restrictions as to who may own copyright. Copyright is recognised and protected in most countries in the world by virtue of the Berne Convention for the Protection of Literary and Artistic Works.

### **How long does Copyright Last?**

Copyright in literary, dramatic, musical and artistic works lasts for the lifetime of the author plus a period of ninety-five (95) years after the death of the author.

In sound recordings and films, copyright lasts for ninety-five (95) years from the end of the year in which they were made or made available to the public.

In cable programmes and broadcasts, copyright lasts for ninety-five (95) years from the end of the year in which the programme was included in a cable programme service, or the broadcast was made.

Copyright in a typographical arrangement of a published edition lasts for (fifty) 50 years from the year in which the edition was first published.

### **Fair Dealing Exceptions**

Fair dealing is a principle that provides an exception to copyright law so that if a person wishes to use protected work for non-commercial research or study, criticism or review, or for the reporting of current events, they need not obtain permission from the copyright owner or pay royalties.

Such use must be fair to the copyright owner so for example, only a small portion of the work should be used and the use should not reduce the commercial value of the original work.

### **Does the work need to be registered for Copyright Protection?**

There is no requirement to register copyright. When an idea is committed to paper (or fixed in some other form) it immediately attracts copyright protection. It is advisable to affix the copyright notice to the work – for example “© Copyright 2018 and (the name of the creator) All Rights Reserved” - to give the public notice of the author’s or copyright owner’s claim of copyright in the work. It is the expression of the idea that is protected and not the idea itself.

In addition, there are voluntary registration options available to enable the provision of evidence of copyright ownership:

**Poor man’s copyright** - a copy of the work may be placed in a self-addressed envelope, sealed and sent by registered mail. Upon receipt of the envelope it is to be kept unopened in a safe place and only opened in a court of law should copyright authorship/ownership ever be contested.

### **Voluntary Copyright Registration Service**

JIPO offers a voluntary copyright registration service where, upon provision of an application form and a declaration of copyright ownership signed by the applicant before a JP, a digital copy of the work and the payment of a reasonable fee, the author/copyright owner is provided with a certificate of registration for evidential purposes to attest that a claim of authorship was deposited at JIPO on the date of submission.

### **Legal Deposits**

It is a requirement under the Legal Deposits Act that a copy of all papers, documents, record and tapes 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.

Visit our web site at  
[www.jipo.gov.jm](http://www.jipo.gov.jm)



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# Copyright

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