



COPYRIGHT 100 AMENDMENT PROPOSAL

For Jamaica the future holds untold opportunities for its IP and amendments to the Copyright Act should consider the widest possible framework to embrace and extend copyright protection for as long as possible. The question is not if we should look to extend our copyright protection, it is rather, how far, can we go, to protect Jamaican intellectual property rights in a knowledge-based global economy.

Benefits of Increasing Jamaica's copyright term:

- o Harmonizes Jamaica's copyright law with similar legislation in the international community
- o Enhances Jamaica's trade position in the new knowledge based globalized economy
- o Offers new economic opportunities for Jamaican catalogue owners with the introduction of new media and formats as well as increased revenue potential of global film, television and the digital domain
- o Enables existing and new copyright owners to benefit economically for a longer period enabling security over generations
- o Encourages the creation of new original works and the overall growth of public domain works in the long term
- o Strengthens system for the preservation of national archives by encouraging registration and deposits of new copyrighted works

Additional amendments to include: recognition of digital copyright and enforcement provisions required to enable law enforcement to protect copyright owners in the digital domain and implementation of effective legal remedies against circumvention of effective technological measures.

Jamaica's obligations under the WIPO Copyright Treaty require timely introduction of amendments addressing the new technologies and concerns facing copyright owners in the digital age.

Technology is melting jurisdictions and national boundaries in the digital domain and raises questions of how to harmonize legislation and enforcement to protect copyright works in that arena and all other unforeseen technologies in the future.

PROPOSED COPYRIGHT TERM AMENDMENTS

- o **Protection term for all Core Copyright owners equally under the law:** Authors, Performers, Producers, Broadcasters and Publishers etc
- o **Copyright life plus 100 years after publication or 125 years after creation** of copyright works and sound recordings
- o Provide for **Voluntary Registration and Certification** of copyright in a national system (ie JIPO-National Library) to ensuring Preservation of national heritage, Proof of copyright ownership & Term Extension access
- o **Use It or Loose It** provision which would enable a performer to change camps if a record company was unwilling to re-release a performance during the extended term
- o Include provisions for **Preservation of Orphan Works** - pieces whose owners are unknown
- o Include a **Fair Use** exception permitting libraries, archives and non-profit educational institutions to tre
- o at a copyrighted work in its last (new) 20 years of protection as if it were in the public domain for noncommercial purposes, provided that: 1) a good faith investigation has determined that the work is "not subject to normal commercial exploitation," and 2) such use of the work stops if the copyright owner provides notice to the contrary even if the work previously unpublished

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