



LEGAL FRAMEWORK FOR EDUCATIONAL LICENSING IN THE CARIBBEAN REGION

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HISTORY OF JIPO

The Jamaica Intellectual Property Office (JIPO) is an agency of the Ministry of Industry, Investment and Commerce.

JIPO was established in January 2001 by the Jamaica Intellectual Property Office Act, 2001.

WHAT DO WE DO?

JIPO is responsible for:

- i. Administering Intellectual Property laws in Jamaica;**
- ii. Public education;**
- iii. Registration –Trade Marks, Designs, Patents, Geographical Indications**
- iv. Voluntary deposits of Copyright and RELATED RIGHTS**

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What is a license ?

Section 87(1) of the Copyright Act of Jamaica, 1993 defines licence as any licence that is issued or offered by a licensing body authorizing, in relation to works in which copyright subsists, the doing of any of the acts restricted by copyright.



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HOW IS A LICENSING BODY DEFINED?

Section 87(1) of the Copyright Act of Jamaica, 1993 defines licensing body as a society or other organization which has as its main object or one of its main objects, the negotiation or granting, either as owner or prospective of copyright or an agent for him, of licences, and whose objects include the granting of the licences covering works of more than one author.

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- **The educational licensing ecosystem is different in each country.**
- **Licensing for teaching and research is available from Collective Management Organizations(CMO's) or from the copyright owners.**

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- 1. Does the work fall within one of the categories for copyright protection?**
- 2. Are there any exceptions and limitations to using the copyrighted work?**
- 3. Do I need a license to use the copyrighted work and if yes how do I access same?**

EXCEPTION- CATEGORIES FOR PROTECTION

- **Fair dealing with a literary, dramatic, musical, or artistic work for the purposes of research or private study does not infringe copyright in the work or, in the case of a published edition, in typographical arrangements. (Section 52 of the Copyright Act of Jamaica)**

EXCEPTIONS

- **Fair dealing with a protected work for the purposes of criticism or review of that or another work or of a performance of a work; and**
- **Fair dealing with a protected work (other than a photograph) for the purpose of reporting current events does not infringe copyright in the work so long as it is accompanied by a sufficient acknowledgement.**

Section 53 of the Copyright Act of Jamaica



EXCEPTIONS

- **For the purpose of determining whether an act done in relation to a work constitutes fair dealing, the court determining the question shall take account of all factors which appear to it to be relevant including-**

EXCEPTIONS

- **a) the nature of the work in questions;**
- **b) the extent and substantiality of that part of the work affected by the act in relation to the whole of the work;**
- **c) the purpose and character of the use; and**
- **d) the effect of the act upon the potential market for, or the commercial value of the work.**

EXCEPTIONS

- ❖ **S.56 (1): Copyright in a literary, dramatic, musical or artistic work is not infringed by being copied in the course of instruction or for preparation for instruction provided that the copying is done by a person giving or receiving instructions and is not by means of a reprographic process (printing, photocopying).**
- ❖ **S. 56 (3): Copyright in a work is not infringed by anything done for the purposes of an examination by way of setting the questions, communicating the questions to candidates or answering the questions.**

COLLECTIVE MANAGEMENT ORGANIZATIONS

In Jamaica, we have three Collective Management Organizations or Licensing bodies, which are:

- 1. The Jamaican Copyright Licensing Agency (JAMCOPY)**
- 2. The Jamaica Association of Composers, Authors and Publishers(JACAP)**
- 3. The Jamaica Music Society (JAMMS)**

THE COPYRIGHT ACT- COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS

- **Section 87 A of the Copyright (Amended) Act of Jamaica, 2015 grants the Jamaica Intellectual Property Office the right to oversee the operations of the Collective Management Organizations.**
- **Section 87 A (1) (3): A society or other organization that intends to carry on operations as a licensing body, shall apply to the Executive Director in the form and manner prescribes, for a certificate of registration, and prescribed fees.**

COLLECTIVE MANAGEMENT AND LICENSES

The Jamaican Copyright Licensing Agency (JAMCOPY) is a non-profit organisation that manages the reproduction rights of creators of image and text-based works (writers, poets, journalist, playwrights, photographers, illustrators, visual artist and publishers).



COLLECTIVE MANAGEMENT AND LICENSING

- **JAMCOPY has two types of licensing agreement- The Comprehensive(or blanket) licence and the transactional licence.**
- **The comprehensive licence is more beneficial to educational institutions as it provides advance permission for copying from a wide range of publications. This is facilitated through the payment of a licence fee after which permission is granted to copy specific portions of the work.**

RECENT DEVELOPMENTS IN JAMAICA-

- **Ministry of Education – Signing an agreement with the Ministry of Education which authorises the Ministry and the public schools on a non-exclusive basis, to make copies of licensed work for use by authorised persons for authorised purposes in accordance with the provision of the licence”.**

2015 AMENDMENTS TO COPYRIGHT ACT OF JAMAICA

- **The Copyright Act was amended in 2015, to include provisions from the Marrakesh Treaty to Facilitate Access to Persons who are Blind, Visually Impaired and Print Disabled.**
- **The Treaty seeks to provide exceptions and limitations to the rights of copyright owners for persons who are blind, visually impaired and print disabled(VIPs).**

2015 AMENDMENTS TO COPYRIGHT ACT OF JAMAICA

- **Section 65A of the Copyright (Amendment Act), 2015 addresses individuals who have a print disability. A person has a print disability if that person is:**
 - **blind;**
 - **suffers from severe impairment of his sight;**
 - **is unable to hold or manipulate printed material**
 - **is unable to focus or move his eyes; or**
 - **suffers any other disability with respect to visual perception**

2015 AMENDMENTS TO COPYRIGHT ACT OF JAMAICA

- **Section 65B of the Copyright (Amendment) Act, 2015 provides that a person with a hearing disability, an approved authorized body or an organization acting on that person's behalf, may do the following acts without infringing the copyright in the work:**
- **translate, adapt, or reproduce in sign language a literary or dramatic work, other than a cinematographic work, in a format specially designed for persons with a hearing disability;**

2015 AMENDMENTS TO COPYRIGHT ACT OF JAMAICA

- **perform in public a literary or dramatic work, other than a cinematographic work, in sign language, either live or in a format specially designed for persons with a hearing disability.**

2015 AMENDMENTS TO COPYRIGHT ACT OF JAMAICA

Voluntary- not mandatory under Copyright Act

1. Application for registration

- Title of work, date of creation, date of publication, name(s) of author(s) &/or owners
- must be witnessed by JP, lawyer, pastor or doctor

2015 AMENDMENTS TO COPYRIGHT ACT OF JAMAICA

2. Declaration of Copyright ownership &/or authorship (one per work)

- declare that the work is an original copyright work & that you are the author and/or owner
- must be witnessed by a JP

3. Digital deposit of © work

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- It is vital that as a region we make the necessary efforts to have robust provisions in our laws to ensure that there are effective legal measures implemented to support the management of collective management organizations.

THANK YOU



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