

Trinidad and Tobago Copyright Act No. 8 of 1997

Amended by No. 18 of 2000 and No. 5 of 2008

Section 19. Duration of Copyright

19. (1) Subject to the provisions of subsections (2) to (5), copyright and moral rights of the author shall be protected during the life of the author and for fifty years after his death.

(2) In the case of a work of joint authorship, copyright and moral rights shall be protected during the life of the last surviving author and for fifty years after his death.

(3) In the case of a collective work, other than a work of applied art, and in the case of an audio visual work, copyright and moral rights shall be protected for—

(a) seventy-five years from the date on which the work was first published;

(b) seventy-five years from the date on which the work was first made available to the public, if the work has not been published before twenty-five years after its making; or

(c) one hundred years from the making of the work, if the work had neither been made available to the public nor published before twenty-five years after its making.

(4) In the case of a work published anonymously or under a pseudonym, copyright and moral rights shall be protected for—

(a) seventy-five years from the date on which the work was first published;

(b) seventy-five years from the date on which the work was first made available to the public, if the work has not been published before twenty-five years after its making; or

(c) one hundred years from the making of the work, if the work had neither been made available to the public nor published before twenty-five years after its making, provided that where the author's identity is revealed or is no longer in doubt before the expiration of the said period the provisions of subsection (1) or (2) shall apply, as the case may be.

(5) In the case of a work of applied art, copyright and moral rights shall be protected for twenty-five years from the making of the work.

(6) Every period provided for under the preceding subsections shall run to the end of the calendar year in which it would otherwise expire.

Section 28. Assignments and Licences

28. (1) Copyright and neighbouring rights shall be transmissible in whole or in part by assignment, by disposition or by operation of law, as personal or moveable property.

(2) An assignment of copyright or neighbouring rights is not effective unless it is in writing and signed by or on behalf of the assignor.

(3) A licence granted by the owner of copyright or neighbouring rights is binding on every successor in title to his interest in the copyright or neighbouring rights, except—

(a) a purchaser in good faith for valuable consideration and without notice (actual or constructive) of the licence; or

(b) a person deriving title from such a purchaser, and references in this Act, in relation to any copyright or neighbouring rights, to doing anything with or without the licence of the owner of copyright or neighbouring rights, shall be construed accordingly.

(4) An assignment in whole or in part of any copyright or neighbouring rights, or a licence to do an act subject to authorisation by the owner of copyright or neighbouring rights, shall not include or be deemed to include the assignment or licence of any other rights not explicitly referred to therein.

(5) An exclusive licensee has the same rights against a successor in title who is bound by the licence as he has against the person granting the licence.

Section 31. Action by owner of rights for infringement.

Sub-Section (1) Subject to this Act, infringements of rights of the owner of copyright or neighbouring rights shall be actionable in the Court at the suit of the owner of copyright or neighbouring rights; and in any action for such an infringement all such relief by way of damages, injunction, accounts or otherwise shall be available to the plaintiff as is available in any corresponding proceedings in respect of infringements of other proprietary rights.

Section 38. Civil Remedies for Infringement

38. (1) The Court shall have the authority—

(a) to grant injunctions to prohibit the committing, or continuation of committing, of an infringement of any right protected under this Act;

(b) to order the impounding of copies of works or sound recordings suspected of being made or imported without the authorisation of the owner of any right protected under this Act where the making or importation of copies is subject to such authorisation, as well as the impounding of the packaging of, the implements that could be used for the making of, and the documents, accounts or business papers referring to, such copies;

(c) to order the forfeiture and seizure of all copies of works or sound recordings manufactured, reproduced, distributed, sold or otherwise used, intended for use or possessed with intent to use in contravention of section 8 or 22 and all plates, moulds, matrices, masters, tapes, film negatives, or other articles by means of which such copies of works or sound recordings may be reproduced, and all

electronic, mechanical or other devices for manufacturing, reproducing, or assembling such copies of works or sound recordings;

(d) to order that the owner of any right protected under this Act whose right has been infringed, be paid by the infringer, damages adequate to compensate for the injury suffered as a consequence of the act of infringement, as well as the payment of expenses caused by the infringement, including legal costs;

(e) to fix the amount of damages taking into account the pecuniary and non-pecuniary loss suffered by the owner of the right;

(f) to order an account of the infringer's profits attributable to the infringement;

(g) where infringing copies exist, to order the destruction or other reasonable disposition of those copies and their packaging outside the channels of commerce in such a manner as to avoid harm to the right holder, unless the owner of the right requests otherwise.

(2) Where the infringer did not know or had no reasonable reason to know that he was engaged in infringing activity, the Court may limit damages to the profits of the infringer attributable to the infringement.

(3) Where there is a danger that implements may be used to commit or continue to commit acts of infringement, the Court shall have the authority, whenever and to the extent that it is reasonable, to order their destruction or other reasonable disposition outside the channels of commerce in such a manner as to minimise the risks of further infringements, including surrender to the owner of the right.

(4) The Court shall not, in respect of the same infringement, both award the owner of rights damages and order that he shall be given an account of profits.

(5) The provisions of subsection (1) (g) shall not be applicable to copies and their packaging which were acquired by a third party in good faith.

(6) Where there is a danger that acts of infringement may be continued, the Court shall have the authority to order that such acts not be committed and the Court shall fix a fine of five thousand dollars for each day on which the infringement is continued, which fine shall be paid if the order is not respected.

Section 42. Offences by bodies corporate

42. Where an offence under this Part committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate commits an offence and in the case of an officer of such body corporate, is liable, upon conviction, to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years and in the case of the body corporate, is liable upon conviction, to a fine of two hundred and fifty thousand dollars.