



BELIZE

**COPYRIGHT ACT
CHAPTER 252**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-

ARRANGEMENT OF SECTIONS

Page

3

COPYRIGHT ACT

16

Amendments in force as at 31st December, 2000.

- 139. Restrictions on the entry and search of domestic premises.
- 140. Obstruction of police officers.
- 141. Offences by bodies corporate.
- 142. Power to make Regulations.

PART X

International Relations

- 143. Power to apply provisions of Act to other countries.
- 144. International organisations.
- 145. Denial of copyright or rights in performances.

PART XI

Repeals, Savings and Transition

- 146. Repeals.
- 147. Savings.
- 148. Copyright subsists only under Act.
- 149. Enforcement of copyright subject to public interest.
- 150. Transitional.

~~this Act.~~

~~(2) Without prejudice to the generality of the foregoing, such Regulations may provide for an optional (but not compulsory) system of registration of copyright and may contain such consequential, supplemental or ancillary provisions as may be necessary or expedient to give effect to such registration.~~

~~(3) All Regulations made under this section shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.~~

PART X

International Relations

Power to apply provisions of Act to other countries.

143.-(1) Subject to the provisions of subsection (3), the Minister may by Order published in the *Gazette* provide that, in relation to any country specified in the Order, any of the provisions of this Act so specified shall apply -

- (a) in relation to persons who, at a material time, are citizens or subjects of that country, as they apply in relation to persons who, at such a time, are citizens of Belize;
- (b) in relation to persons who, at a material time, are domiciled or resident in that country, as they apply in relation to persons who, at such a time, are domiciled or resident in Belize;
- (c) in relation to literary, dramatic, musical or artistic works, sound recordings, films or editions first published in that country, as they apply in relation to literary, dramatic, musical or artistic works, sound recordings, films or editions first published in Belize;

- (d) in relation to bodies incorporated by or under the laws of that country, as they apply in relation to bodies incorporated by or under the laws of Belize;
- (e) in relation to broadcasts made or cable programs sent from places in that country by persons permitted or authorised by or under the laws of that country to make those broadcasts or send those cable programs, as they apply in relation to broadcasts made or cable programs sent from places in Belize by persons permitted or authorised by or under the laws of Belize to make those broadcasts or send those cable programs.
- (2) An Order made under this section applying any provisions of this Act in relation to any country other than Belize may apply those provisions-
- (a) without exception or modification or subject to such exceptions and modifications as may be specified in the Order;
- (b) generally or in relation to such classes of works or such other classes or cases, as may be so specified.
- (3) An Order shall not be made under this section applying any provisions of this Act in relation to any country which is not a party to a Convention relating to copyright or to the rights of performers or of the producers of phonograms to which Belize is also a party, unless the Minister is satisfied that in respect of the class of works which those provisions relate, provision has been or will be made under the laws of that country whereby adequate protection will be given to owners of copyright or rights in performances conferred by this Act.

International
organisations.

144.-(1) Where it appears to the Minister that it is expedient that the provisions of this section should apply to any organisation -

- (a) of which two or more countries or the Governments of two or more countries are members; or
- (b) that is constituted by persons representing two or more countries, or representing the Governments of two or more countries,

he may by Order published in the *Gazette* declare that organisation to be an international organisation to which this Act applies.

(2) Where an original literary, dramatic, musical or artistic work is made by or under the direction or control of an organisation to which this section applies in such circumstances that-

- (a) copyright would not, except by virtue of this subsection, subsist in the work; but
- (b) if the author of the work had been a citizen of Belize at the time when it was made, copyright would have subsisted in the work immediately after it was made and would thereupon have vested in the organisation,

then, copyright shall subsist in the work as if the author had been a citizen of Belize when it was made, and shall continue to subsist so long as the work remains unpublished, and the organisation shall, subject to the provision of this Act, be entitled to the copyright.

(3) Where an original literary, dramatic, musical or artistic work is first published by or under the direction or control of an organisation to which this section applies in such circumstances that copyright would not, except by virtue of this subsection, subsist in the work immediately after the

first publication thereof, and-

- (a) the work is so published in pursuance of an agreement with the author which does not reserve to the author the copyrights, if any, in the work; or
- (b) the work was made in such circumstances that, if it had been first published in Belize, the organisation would have been entitled to the copyright in the work,

then, copyright shall subsist in the work (or, if copyright in the work subsisted immediately before its first publication, shall continue to subsist) as if it had been first published in Belize, and shall subsist for a period of fifty years from the end of the calendar year in which the work was first published, and the organisation shall, subject to the provision of this Act, be entitled to that copyright.

(4) The provisions of Part II, except those provisions thereof relating to the subsistence and duration of ownership of copyright, shall apply in relation to copyright subsisting by virtue of this section as they apply in relation to copyright subsisting by virtue of Part II.

(5) An organisation to which this section applies which otherwise has not, or at some material time otherwise has not, the legal capacities of a body corporate shall have, and shall be deemed at all material times to have had, the legal capacities of a body corporate for the purpose of holding, dealing with and enforcing copyright and in connection with all legal proceedings relating to copyright.

145.-(1) If it appears to the Minister that the laws of a country fail to give adequate protection to Belizean works or performances or fail to give adequate protection in the case of one or more classes of such works or performances, (whether the lack of protection relates to the nature of the work or performance or the nationality, citizenship or country of its author or performer

Denial of
copyright or
rights in
performance.

or all of those matters) the Minister may, by Order published in the *Gazette*, make provision in relation to that country in accordance with subsection (2).

(2) An Order made for the purposes of this section may provide either generally or in such classes of cases as are specified in the Order, that copyright or rights in performances shall not subsist in works first published, or in performances first given after, a date specified in the Order (which may be a date before the commencement of this Act) if, at the time of the first publication of those works or the giving of the performance, the authors of the works or the performers were or are -

- (a) citizens or nationals of that country, not being at that time persons domiciled or resident in Belize; or
- (b) in the case of works that are sound recordings or films, specified in the Order, bodies incorporated under the laws of that country.

(3) The Minister shall, in making an Order under this section, have regard to the nature and extent of the lack of protection for Belizean works or performances in consequence of which the Order is being made.

(4) In this section, “Belizean work or performance” means a work of which the author was, at the time when it was made, a qualified person for the purposes of this Act or a performance by a performer who was at the time of the performance such a qualified person.

PART XI

Repeals, Savings and Transition

Repeals.
Ch. 198.

146.-(1) The Copyright Act, and the Copyright Act 1956 of the United Kingdom in so far as it has effect as part of the law of Belize, shall stand repealed at the commencement of this Act.