



CAYMAN INTRODUCES NEW COPYRIGHT LAW

Francine Bryce

Until recently, copyright protection in the Cayman Islands was based on the UK Copyright Act 1956 (the “1956 Act”), notwithstanding that the UK had long replaced the 1956 Act with the Copyright, Designs and Patents Act 1988 (the “1988 Act”).

With the increasing advancements in information technology and particularly digital forms, modernization of the copyright laws in Cayman Islands was inevitable and became a top priority. The revamping of the copyright protection framework was also driven by the desire to encourage and support the work of local creators, as well as to offer greater protection opportunities for international creators who wanted to invest or conduct business in Cayman.

In June 30, 2016, the Copyright (Cayman Islands) Order, 2015 and Copyright (Cayman Islands) (Amendment) Order, 2016 (“Copyright Laws”) came into effect to extend certain copyrights under Part 1 of the 1988 Act.

What has changed and what does this mean for you?

- **Increased Rights**

The Copyright Laws have brought with it increased rights and a wider recognition of rights which were not previously covered by the 1956 Act. This includes for example, rights over computer program and database, computer based

documents, works in a cable programme, printing of literary works and other forms of work which never existed in 1956.

There are also greater protections available through an expansion of the descriptions of work in which copy rights are conferred.

Moral rights are an example of a new category of rights in which an author or director of work (whether or not he is the owner of the copyright) has the right to be identified as the author and raise objections to any distortions of his work.

Another newly recognized right is the right of a person who commissions the taking of photographs or a film for private or domestic purposes, not to have copies of the work issued or exhibited to the public without consent.

- **Duration of Rights**

Another notable change brought by the Copyright Laws relates to the duration of copyrights which has been increased from the previous 50 years under the 1956 Act, to 70 years. These areas include:

Literary, dramatic, musical or artistic works

From 50 years to now 70 years from the end of the calendar year in which the last remaining author of the work dies OR 70 years from the end of the calendar year in which the work is made available to the public in the case of the work of unknown authorship.

Moral rights, are an example of a new category of rights in which an author or director of work (whether or not he is the owner of the copyright) has the right to be identified as the author and raise objections to any distortions of his work.

The information contained in this newsletter is provided for the general interest of our readers, but is not intended to constitute legal advice. Clients and the general public are encouraged to seek specific advice on matters of concern. This newsletter can in no way serve as a substitute in such cases.

For additional copies of FOCUS, please contact Antonia Burrows at 242 502 5200 or at aburrows@higgsjohnson.com.

Film

From 50 years to now 70 years from the end of the calendar year in which the last principal director, author or compose dies OR in the case of the work of unknown authorship, 70 years from the end of the calendar year of creation or in which the work is made available to the public.

Sound recordings

Remains at 50 years from the end of the calendar year in which the work is created but also now continues 50 years from the end of the calendar year in which the work is released.

Restricted Acts/Copyright Infringement

Under the Copyright Laws, a list of restricted acts have been introduced which now forms an additional basis for copyright infringement claims. If a person

performs any of these restricted acts without the owner's consent, this constitutes copyright infringement. The restricted acts include:

- Making copies of the work
- Issuing copies of the work to the public
- Renting or lending the work to the public
- Performing, showing or playing the work in public
- Communicating the work to the public
- Making adaptations of the work

In summary, the overall changes are an initial step by the Cayman Islands to develop its copyright laws in line with international standards.

Francine Bryce is a Senior Associate with over 10 years of experience advising on all aspects of corporate and commercial law including investment funds and securities, banking, corporate and finance transactions.