

CAYMAN INTRODUCES NEW COPYRIGHT LAW

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 was inevitable and became a top priority for the Cayman Islands. The revamping of the copyright protection framework was driven by the desire to encourage and support the work of local creators as well as offer greater protection to international creators who wish to invest or conduct business in Cayman.

On 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 to the Cayman Islands.

In accordance with Part 1 of the 1988 Act, the following are recognized as types of works in which copyright subsists:

- a) original literary, dramatic, musical or artistic works,
- b) sound recordings, films or broadcasts, and
- c) the typographical arrangement of published editions.

The owners of the copyright in any of the types of work mentioned above have the exclusive rights to control the ways in which their material or work may be used. In some instances, moral rights are conferred on the author or director of a work whether or not he is the owner of the copyright. Moral rights consist of the right to be identified as the author and to object to any distortions of the work.

A copyright is an automatic right which arises when the work is created and does not require registration. An individual or company needs simply to establish that the work (but not the idea behind it) is an original creation. Registration of the copyright is the best method of establishing and protecting your right as author of a work.

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