

WIPO Questionnaire for Survey on Copyright Registration and Deposit Systems

May 13, 2010

I. COPYRIGHT REGISTRATION AND RECORDATION

1. What is the name and legal status of the copyright/recording body in your country?

Belize Intellectual Property Office (BELIPO)

2. Please provide full contact details of the copyright registering/recording body, including location of its offices, with indication of the hours they open to public.

Belize Intellectual Property Office (BELIPO)

2nd Floor, Habet Building

P.O. Box 592

Constitution Drive

Belmopan, Belize, C.A.

Tel: 501-822-1381/2073

Fax: 501-822-1382

Hours: Monday to Thursday: 8 am – 5 pm

Friday: 8 am – 4:30 pm

3. Does the copyright registering/recording body have a webpage and e-mail address? If so, please list them.

www.belipo.bz; belipo@btl.net; info@belipo.bz

4. Is the copyright registry interconnected to any other copyright data system?

No.

5. Please list relevant national legislation, including regulations, regarding copyright recordation/registration.

Belize Copyright Act, Chapter 252 of the Laws of Belize.

6. What kind of copyright works can be registered/recorded? Is the registration/recording process different for each type of copyrighted work? Please describe the differences, if any.

Works protected by copyright include novels, poems, plays, reference works, broadcasts, newspapers, and computer programs; databases; films, musical compositions, and choreography; artistic works such as paintings, drawings, photographs, and sculpture; architecture; and advertisement, maps, and technical drawings. The process of recording is the same for all works mentioned.

7. Can the subject matter of related rights (e.g., performances, broadcasts, sound recordings) also be registered/recorded? If yes, is there a different registration/recording process than for works protected by copyright?

Yes. The process is the same for related rights.

8. Is there a possibility to record the transfer or licensing of copyright/related rights? If so, what are the legal requirements and effects of such recordation?

Copyright is transmissible by assignment, by testamentary disposition or by operation of law, as personal or movable property, by virtue of a license agreement or contract. No recordation is required.

9. Is there a possibility to record a security interest in the copyright or related right? If so, what are the legal requirements and effects of such recordation?

There is no provision for recordation of a security interest in copyright.

10. What is the legal effect of registration?

Pursuant to the Berne Convention, registration is not legally required; however, registration may evidence priority rights in a court of law.

11. Is copyright registration/recording mandatory or voluntary in the following circumstances?

- i. Recognition of creation? *No*
- ii. Transfer of rights? *No*
- iii. Initiation of judicial proceedings? *No*
- iv. Other changes in title/ownership (such as leasing)? *No*

If your country has a mandatory registration/recording system, please describe any legal consequences for non-compliance. N/A

12. Do courts in your country recognize copyright registrations affected by public authorities in other countries? If yes, is recognition automatic or is a local procedure required to validate or otherwise give effect to the foreign registration?

Automatic; national treatment principles are applied pursuant to the Berne Convention.

13. What are the requirements for registration?

- i. What are the mandatory elements of the request for registration/recording? *Please see above.*
- ii. Does the request need to be submitted in a specific form? Can the request be submitted by the post? Can the request be submitted electronically? *For voluntary deposits, the request needs to be submitted by post.*
- iii. Is there a deposit requirement, that is, must a copy of the work be submitted with the registration request? If so, can it be submitted in digital form? *A hard copy of the work must be submitted.*

- iv. Is there a registration/recording fee? If so, how much? *Deposit fee of BZ\$50.00 (US\$25.00).*
 - v. What is the average time taken to complete the registration/recording process? *N/A*
14. Are foreigners allowed to register their creations? *Yes.* Are people without legal residence in your country allowed to register their creations? *Yes.* Is there a different registration/recording process for domestic as opposed to foreign works or objects of related rights? *No.*
15. Are the files stored in digital form? *No.*
16. What criteria are followed for classification of the registrations/recordations (including chronology/name of right owner/name of work or related right/type of work or subject matter of related rights, etc.)? Is it possible to correct or updated relevant information? *A full database system does not exist.*
17. Does the system have a search facility?
Not for copyrighted works.
18. Is it accessible by the public? Is the search facility available on line? *N/A*
19. Is access granted to the work registered or its copies? *N/A Typically, the work would be used without a request for permission to the copyright office.*
20. Does the general public have access to other documents submitted or to any information regarding the work registered/recorded? *The information is available through BELIPO's office.*
21. Does your country have legislation dealing specifically with "orphan works," i.e., works in respect of which the right owner cannot be identified and/or located (e.g., a compulsory license or a limitation on liability)? Please briefly describe the main elements of that legislation. *No.*
22. Independently of whether your country has legislation on the subject, are there industry practices in your country aimed at identifying and/or locating the copyright owner of "orphan works?" *No.*
23. Does the registering/recording body play a relevant role in the legislation or practice dealing with "orphan works?" *No.*
24. Is there a system to identify and list recorded/registered works or objects of related rights in the public domain? *No.* Is that system automated? *No.* Is that information made available to the public? *No.*
25. If your country has a registration/recording system, do private institutions or initiatives exist that provide additional mechanisms to access registered/recorded information from the public system? *No.*
26. Please provide statistics on following registrations/recordations: *Not available.*

II. LEGAL DEPOSIT

27. Does your country have a legal deposit system in place? *The Copyright Act does not require any mandatory legal deposit system. However, a separate mandatory deposit system for published works exists, pursuant to the National Library Act.*

28. Please list relevant national legislation regulating the legal deposit. *The National Library Act.*

29. Is the legal deposit mandatory or voluntary in your country? If mandatory, what are the legal consequences in case of non-compliance?

Under the National Library Act, deposit is mandatory; provision (20)(2) provides that the Library shall be entitled to receive 2 copies of any book, pamphlet, journal, newspaper, magazine, report, slide, phonographic record, audio tape, audio-visual tape, CDROM, DVD, thesis, dissertation, plan "and any information constituting Belize's cultural and historical heritage, published or produced in Belize and intended for public distribution." There is a fine of up to \$3,000 and/or imprisonment of up to one year for non-compliance.

Under the Archives Act, deposit is mandatory; Section 16(5) provides that any producer of a recorded work shall be required to deposit a copy with the National Archives upon production of said work. Violators may be subject under Section 23(4) of the Act to a fee of \$5000 or imprisonment of up to one year.

30. What are the functions performed by your national legal deposit system? *Archiving.*

31. Is there any connection or interaction among legal deposit and copyright protection? *No.*

32. Does your national legislation have any provision in regard to making copies or adapting formats of deposited works for preservation purposes? *No.*

33. What is the object of legal deposit? Please list all types or categories of material subject to legal deposit. *Please see above.*

34. Does legal deposit apply upon production/printing of content or after its distribution? Does legal deposit apply to material printed in your country but distributed abroad? *Upon production. Yes.*

35. Is there any type or category of material exempted from legal deposit for policy reasons? *No.*

36. Is there any specific regulation in regard to material published in electronic format? If so, does the regulation distinguish between on-line and off-line material? Please clarify relevant differences. *No / N/A.*

37. How many copies does the depositor have to deposit? *ONE.* Are there special conditions for limited or de luxe additions? *N/A*

38. Who is/are the subject/subjects responsible for delivering the legal deposit? *The legal owner.*
39. What are the time requirements for legal deposit? *30 days.*
40. Is there payment or compensation involved in legal deposit? If so, please indicate its amount? *No.*
41. What is/are the entity/entities responsible for acting as legal depository? *The National Library Service of Belize.*
42. Does the general public have access to legally deposited materials? If so, please explain under which terms and conditions. *Deposited materials are available (non-circulating) at the Archives and National Library.*
43. Do/does the depository/depositories provide publicly available search facilities? If so are they accessible on line? *No.*
44. Is legal deposit linked to any number or code? Is there any relation with the International Standard Books Number (ISBN) with the International Standard Serial Number (ISSN) and such other codes? *No.*
45. Please provide statistics on the number of deposits per year for the following items: *Not available.*
45. Please provide statistics on the number of deposits per year for the following items (last five years) a) print materials; b) musical works; c) audiovisual works. *Not available.*