

UNESCO
WORLD ANTI PIRACY OBSERVATORY

BELIZE

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I. Legislation

1. Copyright laws

The main copyright legislation in Belize is:

- [Copyright Act \(Chapter 252\)](#) – December 31, 2000.

2. Other laws

Other laws having an impact on the protection of intellectual property in Belize are:

- ELECTRONIC TRANSACTIONS ACT (CAP. 290:01);
- PATENTS ACT (CAP. 253);
- INDUSTRIAL DESIGNS ACT (CAP. 254); and
- TRADE MARKS ACT (CAP. 257).

3. Latest developments and perspectives

4. Summary of legislation

Exclusive Rights of the authors

a) Economic Rights

Section 9 of the Copyright Act grants the owner of a copyrighted work the exclusive right to:

- Make, or authorize other persons to make, copies of a work;
- Issue copies of a work to the public;
- Perform, show or play a work in public;
- Broadcast a work or include it in a cable program service; and
- Make an adaptation of a work.

b) Moral Rights

Creators of original works also have moral rights. These rights include the right of an author to:

- Claim ownership in his work (paternity right); and
- Oppose changes to the work that could have a negative effect on the author's reputation (integrity right).

Exclusive right of the owners of neighbouring rights

Section 9 (above) applies to broadcasting. Neighbouring rights also apply to performers and producers of phonograms. Such

- *Exceptions and limitations to copyright*

The provide for exceptions from copyright protection in Belize for the following purposes:

- Research and Private Study;

- Criticism, Review and Reporting: such commentary must be accompanied by an acknowledgement of the title of the work and the name of the author(s) of the work;
- Parliamentary or Judicial Proceedings;
- Education;
- Fair Dealing: this takes into account the nature of the work, the extent to which the work is affected by the secondary use, the commercial effect of the secondary use and the purpose and character of the secondary use; and
- Incidental Inclusion of Protected Works: secondary uses must be minor.

Additionally, copyright does not apply to literary, dramatic or musical works that are not written down, recorded or otherwise fixed in a material form.

- *Protection of foreign works*

Under Section 7 of the Copyright Act, Belize protects the works of authors from specified countries.

- *Period of copyright protection*

Literary, dramatic, musical and artistic works are protected for the life of the author plus 50 years.

Sound recordings, films, broadcasts and cable programs are protected for 50 years from the end of the calendar year in which they were made.

- *Registration*

The Copyright Act does not require the registration of a work as a precondition for securing copyright protection.

5. International Conventions and Treaties

Belize is a member of the following International Convention and Treaties on Copyright and Related Rights:

- [Berne Convention for the Protection of Literary and Artistic Works](#)
- WTO TRIPS Agreement
- Economic Partnership Agreement Between the European Union and Caribbean States

II. Measures and Remedies

1. Copyright infringement

Under Section 33 of the Copyright Act, the exploitation of a copyrighted work with the authorization of the copyright owner constitutes infringement.

Sections 108 to 114 of the Copyright Act outline more specified instances of infringement, including:

- Recording, making a live broadcast of or publicly displaying a performance without the performer or recording rights owner's consent;
- Making an adaptation of a recording without the performer or recording rights owner's consent; and
- Knowingly importing illicit recordings.

Belize does not have specific provisions for internet copyright infringement.

2. Remedies to protect copyright holders

Pursuant to Section 36 of the Copyright Act, infringement actions can include the following remedies:

- Damages;
- Injunctions;
- Accounting for profits; and
- Other corresponding remedies.

Pursuant to Section 46 of the Copyright Act, the infringement of moral rights can also include requiring the infringer to publicize the dispute in given newspapers, in conjunction with the remedies mentioned above.

3. Provisional measures

Pursuant to Sections 37 and 119, copyright owners may apply to the court for an order for the delivery of infringing articles. Similarly, pursuant to Sections 38 and 120, infringing articles may be seized and attained by the copyright owner upon meeting certain conditions.

4. Penalties for copyright infringement

Pursuant to Section 52 of the Copyright Act, infringers who knowingly make for sale or import an infringing copy can face a fine not exceeding \$1,000 for each infringing article. If the offense continues after the first conviction, fines can be increased to \$1,500 and infringers can be imprisoned for up to one year. Additionally, an infringer who causes a copyrighted work to be publicly performed can face a fine not exceeding \$3,000. If the offense continues after the first conviction, fines can be increased to \$5,000 and infringers can be imprisoned for up to two years.

Pursuant to Section 121 of the Copyright Act, an infringer who knowingly causes an unauthorized recording of a performance to be publicly shown or played can face a fine not exceeding \$3,000 and be imprisoned for up to two years.

5. Requirements for foreign persons

There are no special requirements for foreign persons.

III. Enforcement

1. Enforcement authorities

a) Authorities responsible for enforcing the copyright law

The authorities responsible for enforcing the copyright law are:

- Belize Intellectual Property Office;
- Ministry of Justice;
- Ministry of Interior;
- Customs; and
- Police.

b) Enforcement bodies entitles to act ex-officio in copyright infringement cases

Pursuant to Section 138 of the Copyright Act, police officers may enter and search any premises, stop, vessel or vehicle, or seize, remove or detain infringing articles. Police officers may also forcibly enter the aforementioned premises.

However, pursuant to Section 139 of the Copyright Act, police officers cannot enter a domestic premise without a warrant issued by a magistrate.

c) Courts dealing with copyright cases

Pursuant to Section 36 of the Copyright Act, the Supreme Court resides over infringement cases.

2. Enforcement at the border

Pursuant to Section 51 of the Copyright Act, copyright owners can provide written notice to the Comptroller of Customs to prohibit the importation of infringing articles.

IV. Public Awareness

1. Awareness campaigns and actions

Public authorities and civil societies have organized public awareness campaigns against piracy and counterfeiting.

Also see: www.belipo.bz/videos.php.

- 2. Promotion of legal exploitation**
- 3. Associations and organizations with awareness-raising purpose**
- 4. Best practices**

V. Capacity-building

1. Training

Belize has instituted specialized copyright enforcement and anti-piracy training, including training by the Ministry of Justice, the Ministry of Interior and other relevant authorities.

2. Establishment of specialized units and intersectoral group

Belize emphasizes the importance of collective management organizations. Belize also has created intellectual property associations and organizations

Also see: www.bscaponline.org.

3. Best practices

VI. Other

1. TPM/DRM

Belize does not have TPM measures.

2. Licensing Schemes

Licensing schemes are governed by Part VII of the Copyright Act, including those for copyright in literary, dramatic, musical or artistic works or films, rental agreements and so forth.

- 3. Optical Discs**
- 4. Hotlines**
- 5. Contact Details**

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