

How do I register my Copyright in Sint Maarten?

In Sint Maarten, it is not possible to register your Copyright. What you can do, is record your creation in an i-Envelope. While you automatically have Copyright on original creations, proving this can be challenging. The i-Envelope will help you prove that indeed you are the creator of an original work, the Copyright owner. Only the person filing the i-Envelope is privy to the content of the i-Envelope. For more information about the i-Envelope, please visit our website www.bip.sx or read the i-Envelope brochure.

How long does Copyright protection last?

In Sint Maarten, the law provides Copyright protection until 50 years after the death of the author. When a work has multiple authors, protection is until 50 years after the death of the longest living author. In principle, the exclusive right of the author to translate a work expires 10 years after the work is published or made public, notwithstanding further stipulations within the law. Copyright protection of pictures and films expires 50 years after the work is published or made public.

This brochure was compiled using public information from the World Intellectual Property Organization, also known as WIPO and the Copyright Ordinance of Sint Maarten.



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COPYRIGHT INFORMATION

Copyright information

Copyright (or author's right) is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by Copyright range from books, poems, recipes, music, choreography, presentations, paintings, designs, sculpture, pictures and films, computer programs, databases, advertisements, maps, technical drawings and more.

What is Copyright?

Copyright is a right that is obtained automatically when you create something original. Copyright according to the Copyright Ordinance in Sint Maarten, is the exclusive right of the creator of an original work of art, literature or science, to publish, duplicate and reproduce his work, or to allow someone else to do so, with exceptions of the limitations provided by the law. For example, if you have written a book or song, or created a work of art, you can prevent others from publishing or duplicating your work without your permission. Ancillary rights protect performances by performing artists, producers of phonograms, first recordings of films and broadcasting organizations.

Recording a Copyright for e.g. in an i-Envelope creates a clearer and, if challenged, more defensible right.

Berne Convention

The Kingdom of the Netherlands is one of the 174 contracting parties to the Berne Convention. Articles 22 to 38 of the Berne Convention apply to Sint Maarten as per the Paris Act. This Convention determines that there are no formal requirements necessary to obtain a Copyright and that Copyrights are recognized in all countries bound to this Convention. It is based on three basic principles, which are the following:

1) Principle of National Treatment

Works originating from one of the Contracting Countries (that is, works the author of which is a national of such a Country or works first published in such a Country) must be given the same protection in each of the other Contracting Countries as the latter grants to the works of its own nationals.

2) Principle of Automatic Protection

Protection must not be conditional upon compliance with any formality.

3) Principle of Independence of Protection

Protection is independent of the existence of protection in the country of origin of the work. If, however, a Contracting Country provides for a longer term of protection than the minimum prescribed by the Convention and the work ceases to be protected in the country of origin, protection may be denied once protection in the country of origin ceases.

The minimum prescribed protection provided by the Convention is the life of the author and fifty years after his death.

What type of rights are copyrights?

There are two types of rights under copyright: 1) economic rights, which allow the rights owner to derive financial reward from the use of his works by others; and 2) moral rights, which protect the non-economic interests of the author.

Most Copyright laws state that the rights owner has the economic right to authorize or prevent certain uses in relation to a work or, in some cases, to receive remuneration for the use of his work.

The economic rights owner of a work can prohibit or authorize:

- its reproduction in various forms, such as printed publication or sound recording;
- its public performance, such as in a play or musical work;
- its recording, for example, in the form of compact discs or DVDs;
- its broadcasting, by radio, cable or satellite;
- its translation into other languages; and
- its adaptation, such as a novel into a film screenplay.

Examples of widely recognized moral rights include the right to claim authorship of a work and the right to oppose changes to a work that could harm the creator's reputation.