

COPYRIGHT (AMENDMENT) REGULATIONS, 2023

Arrangement of Regulations

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COPYRIGHT ACT

(CHAPTER 323)

COPYRIGHT (AMENDMENT) REGULATIONS, 2023

The Minister, in exercise of the powers conferred by section 131 of the Copyright Act (*Ch. 323*), makes the following regulations —

1. Citation.

These Regulations, which amend the Copyright Regulations¹ may be cited as the Copyright (Amendment) Regulations, 2023.

2. Amendment of regulation 2 of the principal Regulations.

Regulation 2 of the principal Regulations is amended —

- (a) in paragraph (1) —
 - (i) in the definition of “masthead” insert after the word “publication” the words “, including in any electronic form or format”;
 - (ii) in the definition of “serial work”, insert after the word “indefinitely” the words “, including in any electronic form or format”;
 - (iii) in the definition of “single-leaf work” insert after the words “single-leaf work” the words “, including in any electronic form or format” ;
 - (iv) in the definition of “title page” insert after the word “given” the words “ , including in any electronic form or format”;
- (b) in paragraph (2), insert after the words “book form” where it first appears, the words “ , including in any electronic form or format”;
- (c) in paragraph (3), insert after the word “copies” the words “ , including in any electronic form or format” ;
- (d) in paragraph (4), insert after the word “opened”, the words “ , including in any electronic form or format”;
- (e) in paragraph (5) insert after the words “both sides” the words “ , including in any electronic form or format,” ;
- (f) in paragraph (6), insert after the word “copies” the words “ , including in any electronic form or format”.

¹Ch. 323, Vol. p. 2

- (g) by the deletion of the definition “Comptroller”; and
- (h) by deletion of the definition “small cable system”.

3. Amendment of regulation 4 of the principal Regulations.

Paragraph (1) of regulation 4 of the principal Regulations is amended by insertion of immediately after the word “examination” of the words “, “including in any electronic form or format”.

4. Amendment of regulation 5 of the principal Regulations.

Regulation 5 of the principal Regulations is amended —

- (a) in paragraph (1), by the insertion after the words “book form” of the words “including in any electronic form or format”;
- (b) in paragraph (2), by the insertion after the words “periodical or serial” the words “, including in any electronic form or format.”; and
- (c) in paragraph (3), by the insertion after the word “music” the words “including in any electronic form or format.”.

5. Amendment of regulation 6 of the principal Regulations.

Regulation 6 of the Regulations is amended —

- (a) by the insertion after the words “single-leafworks” the words “, single-leaf works, including in any electronic form or format.”; and
- (b) by the deletion of the words “single-leafworks”.

6. Amendment of regulation 7 of the principal Regulations.

Regulation 7 of the principal Regulations is amended —

- (a) in paragraph (1), by the insertion after the word “copies”, the words “including in any electronic form or format.”; and
- (b) in paragraph (2), by the insertion after the word “appears” the words “including in any electronic form or format.” .

7. Amendment of regulation 8 of the principal Regulations

Regulation 8 of the principal Regulations is amended —

- (a) by the insertion after the words “or the like” the words “, including computer programs and in any electronic form or format.”;
- (b) in paragraph (a), by the insertion after the words “machine-readable” the words “and electronic” ;

- (c) in paragraph (b), by the insertion after the word “user’s” the words “device, screen or”;
- (d) in paragraph (c), by the insertion after the words “continuously on” the words “device, screen or”; and
- (e) in paragraph (d) —
 - (i) by the insertion after the word “cassette”, the words “, compact disc, Universal Serial Bus (USB)”; and
 - (ii) by the insertion after the word “container” the words “or device”.

8. Amendment of regulation 9 of the principal Regulations.

Regulation 9 of the principal Regulation is amended —

- (a) in paragraph (b) —
 - (i) by the insertion after the word “performance” the words “or when viewing an electronic version of the work,”; and
 - (ii) by the insertion after the word “tape” the words “or notice displayed on screening an electronic version of the work”;
- (b) in paragraph (c), by the insertion after the words “receptacle for the work” the words “or notice displayed on screening an electronic version of the work”.

9. Amendment of regulation 10 of the principal Regulations.

Regulation 10 is amended by the substitution of the full stop for a semi-colon at the end of paragraph (e), and by the insertion immediately following paragraph (e) of following new paragraph (f)—

- “(f) if the work is in electronic form, a notice displayed at the outset or with the credits on screening using a device or computer.”,

10. Amendment of regulation 11 of the principal Regulations.

Regulation 11 of the principal Regulations is amended —

- (a) in paragraph (a), by the insertion after the word “copy” the words “computer programs”;
- (b) in paragraph (d) —
 - (i) by the insertion after the word “phonorecords” where it first appear, the words “or electronic copies”; and
 - (c) in subparagraph (ii), by the insertion after the word “phonorecord” the words “or electronic copy”.

11. Repeal of regulations 15 - 20 of the principal Regulations.

Regulations 15 - 20 of the principal Regulations are repealed.

12. Repeal of regulations 26 - 28 of the principal Regulations.

Regulations 26 and 28 of the principal Regulations are repealed.

13. Repeal and replacement of Part V of the principal Regulations

Part V of the principal Regulations is repealed and replaced as follows —

“PART V— INDUSTRIAL DESIGNS

15. Claim for protection.

A claim for protection of an industrial design, formerly known as design copyright, may be made by the person claiming to be the proprietor thereof by depositing a written claim for protection with the Intellectual Property Office in Form I of the *First Schedule*.

16. Contents of application.

The person claiming to be the proprietor of the industrial design must specify on the application in Form I, the following —

- (a) the basis of entitlement to registration of the applicant, as either the author or creator, or by operation of law;
- (b) whether ownership is either alone or jointly asserted;
- (c) a statement of originality;
- (d) a statement that the design has not been publicly displayed prior to application, or has not been displayed in an exhibition more than 6 months prior to the application;
- (e) two representations or specimens of the design, or any electronic form or format permitted by the Intellectual Property Office;
- (f) whether originality is claimed in the whole or part of the design shown in the representation or specimen and if in part, which part and whether copyright is claimed in shape, configuration, pattern or ornament, or any combination thereof;
- (g) signed by the person claiming to be the proprietor; and
- (h) accompanied by the prescribed application fee.

17. Translation.

If any document relating to a claim for industrial design protection is in a foreign language, it shall be accompanied by a translation thereof verified by Declaration or otherwise to the satisfaction of the Registrar.

18. Multiple claims.

Where a claim for industrial design protection is asserted in features of shape or configuration in respect of more than one article, a separate claim shall be made in respect of each article.

19. Joint authors.

If application is made on behalf of two or more persons as joint authors or creators, it may be signed in the name of or for and on behalf of all by any one of them, and by an employer in the case of commissioned or employee work product.

20. Specimens.

Where representations or specimens of the design are furnished to the Intellectual Property Office in paper format, A4 paper of a size approximately 11 inches by 8 inches shall be used, and shall have on the left hand part thereof a margin of not less than one inch, or shall be in any mandated electronic format permitted or adopted by the Intellectual Property Office.

21. Disclaimer.

Where words, letters or numerals appear in the design claimed, the Registrar may require the insertion of a disclaimer to the right to their exclusive use.

22. Security.

Each representation of a design claimed that shows a repeating surface pattern must include the complete pattern or a sufficient portion of the repeat in length and width of not less than 7 inches by 5 inches, where displayed in writing or physical form.

23. Reproduction of likenesses and symbols.

Where depictions of likenesses or photographs of persons or reproduction of any mark or symbol which may be prohibited under regulation 8 of the Trade Marks Act, 2015 are included in a design for which protection is sought, the Registrar may require a consent for use of such likenesses or symbols or may refuse to enter the claim on the Register by reason of such prohibition.

24. Convention application.

(1) Every application claiming convention priority in an earlier filed foreign application, shall include a Declaration that the application for protection in a convention country was the first application made in a convention country in respect of

the design and shall specify the convention country and application particulars, including the date of application and number assigned.

- (2) In respect of convention priority applications, the applicant must file within three months of the application filing date, certified copies of the representations or specimens of the design filed in the convention country, which representations and specimens shall be in addition to those filed with the claim.

25. Abandonment.

In the event of the applicant failing to submit any of the required specimens or fees, or failing to respond to any request of the Registrar in the process of examining the industrial design claim, the Registrar will notify the applicant of such requirement and set a deadline of three months to respond, failing which the application shall be treated as abandoned.

26. Examination.

The Registrar shall conduct searches of the Register and perform an evaluation of whether the proposed design meets the requirements of originality, insofar as the design shall be deemed to be original if it is the same as a design of or the same as any other article which has been previously published in the Bahamas or elsewhere or has been registered.

27. Advertisement.

Every application when accepted shall be advertised by the Registrar in the Gazette to notify the public of the grant of the industrial design.

28. Registration and renewal.

- (1) The Registrar shall issue a registration certificate to the proprietor of the industrial design and shall specify on the certificate the date of expiry of the registration, which shall be a period of five years from the date of application.
- (2) The Registrar shall notify the proprietor of the industrial design of the renewal period not less than one month before it becomes due, by serving a notice on the proprietor at the address for service, and advise of the consequences of failure to renew.
- (3) The Registrar may renew a registration for a second period of five years upon payment of the prescribed fee in Form K of the *First Schedule*.

14. Amendment to First Schedule to the principal Regulations.

The First Schedule to the principal Regulations is amended by the insertion immediately after Form H of the following new forms —

“FORM I
CLAIM FOR INDUSTRIAL DESIGN

I/We hereby claim to be the(sole or joint) proprietor(s) of the original design shown in the accompanying representations and to be entitled to an industrial design registration therefor.

The article which is the subject of the design (the article/ articles to which the design is to be applied) is/are:

..... (describe features of shape, configuration, pattern or ornamentation for which protection is claimed)

The features of the design for which originality is claimed are

.....

Application or protection of the design has been made in (convention country) under number on the following date.....

I/We represent that the design has —

- (a) not been publicly displayed prior to the filing of this application; or
- (b) has not been displayed in an exhibition more than 6 months prior;

Such application is the first application in a Convention country in respect of the design, whether by the applicant(s) or by any person who claim(s) to be the legal representative(s) or assignee(s) and I/We request that this application, assuming it is approved for registration, shall take effect as of the date.....

My/Our address for service in The Bahamas is

.....

Dated this day of.....20

Signed by

To: The Office of the Registrar
Intellectual Property Office
Registrar’s Department
Nassau, Bahamas.

N.B. Attach two identical representations or specimens of the design to accompany this form.

FORM J

CERTIFICATE OF REGISTRATION FOR INDUSTRIAL DESIGN

Claim for Industrial Design No

THIS IS TO CERTIFY THAT on the
day of 20, in pursuance of and
subject to the provisions of the Copyright Act a claim for
industrial design registration in the design, of which a
representation/specimen is annexed was filed in the Office
by in respect of the
application of such design to
whereupon the said filing has been accorded the date of the
commencement of the term of protection day of
..... 20

X

X

Here is to be
inserted the
name of the
Registrar

.....

Registrar

FORM K

APPLICATION FOR EXTENSION OF
INDUSTRIAL DESIGN
FOR A FURTHER PERIOD OF FIVE YEARS

I/We hereby apply for the extension of the period of industrial design protection for Registration No. for a second period of five years commencing

.....

To the Registrar,
Intellectual Property
Office, Nassau,
Bahamas.

.....

/This part of the Form to be filled in at the Industrial Property Office/

CERTIFICATE OF EXTENSION OF INDUSTRIAL
DESIGN FOR A FURTHER PERIOD OF FIVE YEARS

This is to certify thatdid this day ofmake application and paid the prescribed fee for the extension of industrial design Registration No. and that the term is hereby extended for a second period of five years until the day of 20

(Seal) Intellectual Property Office, Nassau.”.

15. Amendment to Second Schedule of the principal Regulations.

The Second Schedule to the principal Regulations is repealed and replaced as follows —

“SECOND SCHEDULE
(REGULATION 32)
FEES

A.	COPYRIGHT SERVICES	\$
1	Filing Fee	30
2	Issuance of Receipt	5
3	Recordal of transfer of ownership (one title) Additional titles (not more than 10)	20.00 10.00
4	Recordal of statement revealing author identity or death of author (one title) Each Additional title	20.00 10.00
5	Issuance of additional certificate of registration	15
6	Issuance of any other certification (each hour)	15.00
7	Search Reporting (each hour)	50
B.	SPECIAL COPYRIGHT SERVICES	\$
1	Special handling fee	330.00
2	Full-term storage fee	270
3	Surcharge for expedited Certifications and Documents Section services — a. Additional certificates; b. In-process searches; c. Copy of assignment; d. Certification; e. Copy of deposit or correspondence file — First hour; Each additional hour.	50.00 50.00 50.00 50.00 150.00 50.00
4	Surcharge for expedited Reference and Bibliography searches:	100.00

	a. First hour b. Each additional hour	50.00
C.	REGISTRY RECORDS	\$
	Copies of Registry records — Certified copies; Non-certified copies.	50.00 30.00
D.	INDUSTRIAL DESIGN SERVICES	\$
1	On filing of claim for industrial design per article	30.00
2	On application for extension of registration of industrial design for second 5 year period	45.00
3	Recordal of transfer of ownership (one title) — Additional titles (not more than 10)	20.00 10.00
4	On request for enlargement of time for payment of fee for extension of registration of industrial design (not exceeding one month) Each additional month (not exceeding 6 months)	10.00 5.00
5	Issuance of certificate of registration	25.00
6	Issuance of any other certification (each hour)	15.00
7	Search Reporting (each hour)	50
E.	SPECIAL INDUSTRIAL DESIGN SERVICES	\$
1	Special handling fee	330.00
2	Full-term storage fee	270.00
3	Surcharge for expedited Certificate and Documents Section services — a. Additional certificates b. In-process searches c. Copy of assignment	50.00 50.00 50.00 50.00

	d. Recordal of change of owner	50.00
	e. Copy of deposit or correspondence file —	
	First hour	135.00
	Each additional hour	50.00
4	Surcharge for expedited Reference and Bibliography searches —	
	First hour	100.00
	Each additional hour	50.00
F.	REGISTRY RECORDS	\$
	Copies of Registry records for industrial designs —	
	Certified copies	50.00
	Non-certified copies	30.00”.

Made this day of , 2023.

MINISTER RESPONSIBLE FOR COPYRIGHTS