
THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 2003 – 2008

HOUSE OF ASSEMBLY

Tuesday, October 5, 2004

Pursuant to the adjournment, the House of Assembly met at 10.20 a.m. on Tuesday, October 5, 2004.

PRESENT

His Honour I. A. ROETT, G.C.M., B.A., Dip. Ed. (Speaker)
His Honour J. M. EDGHILL, J.P. (Deputy Speaker)
Mr. D. J. H. THOMPSON, LL.B. (Hons.)
Mr. L. R. TULL, Q.C., M.A. (Oxon.)
Mr. G. W. PAYNE
Hon. R. C. EASTMOND, B.A. (Hons.), Dip. Ed., LL.B. (Hons.), L.E.C., J.P. (Minister of Labour and Social Security)
Hon. G. A. CLARKE, B.Sc., Dip. Ed., J.P. (Minister of Public Works and Transport)
Mr. R. D. MARSHALL, (Chairman of Committees)
Hon. H. F. LASHLEY, (Minister of Social Transformation)
Mr. R. St. C. TOPPIN, LL.B. (Hons.)
Hon. Miss H. E. THOMPSON, LL.B. (Minister of Housing, Lands and the Environment)
Hon. Miss M. A. MOTTLEY, Q.C., LL.B. (Deputy Prime Minister, Attorney General and Minister of Home Affairs) (Leader of the House)
Rev. J. J. S. ATHERLEY, B.A., B.Sc., J.P. (Parliamentary Secretary to the Attorney General and Minister of Home Affairs)
Hon. N. A. LYNCH, B.Sc., M.B.A. (Minister of Tourism and International Transport)
Hon. A. P. WOOD, B.Sc., M.Sc. M.Phil., J.P. (Minister of Energy and Public Utilities)
Hon. R. R. FARLEY, B.Sc., J.P. (Minister of Education, Youth Affairs and Sports)

Hon. Miss C. Y. FORDE, L.C.P., J.P. (Minister of State, Ministry of Education, Youth Affairs and Sports)
Hon. J. X. WALCOTT, M.B., B.S., F.R.C.S., (Edin.), J.P. (Minister of Health)
Hon. D. D. MARSHALL, LL.B., (Hons), L.E.C. (Minister of Industry and International Business)
Hon. K. D. SYMMONDS, B.A., LL.B. (Minister of State, Ministry of Foreign Affairs and Foreign Trade)
Dr. W. F. DUGUID, B.D.S. (Comm.), F.D.S., FDRCS., J.P.
Mr. C. A. MASCOLL, B.Sc. (Econ.) (Hons.), M.A. (Public Finance) (Leader of the Opposition)
Mr. D. St. E. KELLMAN
Mr. R. D. JONES, B.A. (Hons), M.A. (Ed.), J.P.
Dr. D. C. ESTWICK, B.Sc., M.B., B.S.
Mr. M. A. LASHLEY, LL.B. (Hons.)
Mr. R. L. SEALY, B.Sc., M.B.A.

Prayers were taken by Reverend Canon Ivan Harewood.

Mr. SPEAKER: The House is now in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, August 10, 2004.

Hon. Miss M. A. MOTTLEY: I beg to move that the Minutes for the Honourable the House of Assembly for its meeting of Tuesday, August 10, 2004, which Minutes have been circulated, be taken as read.

Hon. R. R. FARLEY: I beg to second that, Sir.

Mr. SPEAKER: If there are no corrections or observations, then let these Minutes stand confirmed.

ANNOUNCEMENTS BY HIS HONOUR
THE SPEAKER

Mr. SPEAKER: I am to report to this Honourable House that I am in receipt of the Accounts and Statements from The Accountant General for the Financial Year 2001 to 2002

PAPERS

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I am commanded to lay the following:

1. Value Added Tax (Refund) (Moorjani Caribbean Limited) Order, 2004.
2. Value Added Tax (Refund) (Marjorie Davis) Order, 2004.
3. Value Added Tax (Refund) (R & B Investments Inc.) Order, 2004.
4. Value Added Tax (Refund) (NewspaperDirect (Barbados) Ltd.) Order, 2004.
5. Value Added Tax (Refund) (Norma Cox Astwood) Order, 2004.
6. Value Added Tax (Refund) (MTM (Tax Consultants) Limited) Order, 2004.
7. Duties, Taxes and Other Payments (Exemption) (Commonwealth Construction Canada Ltd.) Order, 2004.
8. Duties, Taxes and Other Payments (Exemption) (National Insurance Board) Order, 2004.
9. Special Development Areas (Tangle Corporation) Notice, 2004.
10. Town and Country Planning (Fees) (Amendment) Regulations, 2004.
11. Public Officers Loan and Travelling Allowances (Amendment) Regulations, 2004.
12. Report on the Activities of the Town and Country Development Planning Office for the period January 1, 2003 to September 30, 2003.
13. Value Added Tax (Refund) (Sorooptimist International of Barbados) Order, 2004.
14. Annual Reports of the Barbados National Productivity Council for the Fiscal Years, 2000 to 2001, 2001 to 2002 and 2002 to 2003.

15. Barbados Economic and Social Report 2003.

16. Report on the Audit of the Accounts of the National Insurance Fund for the year 1998.

17. Report on the Audit of the Accounts of the Unemployment Fund for the years 2000 to 2001 and 2001 to 2002.

18. Instruments adopted by the International Labour Organisation (ILO) at its 90th Session held in Geneva from June 3 to 20, 2002:

(a) The Promotion of Cooperatives Recommendation, 2002 (No. 193); and

(b) The List of Occupational Diseases Recommendation, 2002 (No. 194).

10.20 a.m.

Hon. J. X. WALCOTT: Mr. Speaker, I am commanded to lay the following:

Annual Reports of the Operations of the Barbados Drug Service for the Fiscal Years April 1, 2000 to March 31, 2002 and April 1, 2002 to March 31, 2003.

FIRST READING OF BILLS

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to move that The Civil Aviation Bill be read a first time.

Hon. R. R. FARLEY: I beg to second that, Sir.

The question was put and resolved in the affirmative without division.

SUSPENSION OF STANDING ORDERS

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to move the suspension of Standing Orders Nos. 6, 16, 18, 20, 42(5), 43 and 44 for the remainder of today's Sitting.

Hon. R. R. FARLEY: I beg to second that, Sir.

The question was put and resolved in the affirmative without division.

GOVERNMENT BUSINESS

Mr. SPEAKER: Government Business is the Order of the day.

ORDER NO. 5 – THE COPYRIGHT
(AMENDMENT) BILL, 2004

Hon. D. D. MARSHALL: Mr. Speaker, I am delighted at the opportunity this morning to move the Second Reading of the Copyright (Amendment) Bill. This comes from a Government that has always been strong on the matter of intellectual property and I would want to begin by putting this into its historical context.

In a previous administration by this Government, we enacted a Copyright Act in 1981, and a Patents Act in 1981, Trademarks Act in 1981 and an Industrial Designs Act in 1981. These pieces of legislation served to create a framework, Mr. Speaker, in which intellectual property assets of all Barbadians could properly be protected and exploited to the benefit of Barbadian creators and innovators.

In the 1990s, with the advent of the World Trade Organisation Accords, and what is now called the TRIPS Agreement specifically in 1995, it became clear, Mr. Speaker, that once again this Government was charged with the responsibility of trying to create a new environment for protecting the intellectual property assets of all Barbados and all Barbadians.

This is a process that has continued apace under this Administration and, notwithstanding the fact, Mr. Speaker, that the amendments which are being brought before the House today relate purely to the penal provisions set out in the Copyright Act, this debate provides us with the opportunity to discuss in a fulsome way how this country must face the challenges of a creative sector, how this Government proposes to deal with a creative economy and what the future holds for Barbados, in terms of our intellectual property assets. Therefore, that is the context in which I would want this debate to proceed.

I would want also, in terms of the chronological context, to remind Members of this Honourable House that in November of last year, when the Honourable Prime Minister presented his Economic Statement to this House, Mr. Speaker, he stated to all of Barbados that it was a clear and purposeful resolve of this Government to wipe out the piracy of intellectual property rights.

The Prime Minister went on to posit that it was important and in order to police the piracy and to wipe it out, we had to strengthen the penalty provisions in the legislation. In that presentation he also indicated that we would be embarking on amendment of the legislation to increase the penalties in some respects to a fine of \$500 000 and the period of imprisonment up to 10 years.

This Amendment that comes to this Honourable House a mere 10 months later is in fulfillment of the clear commitment given by this Government to wipe out piracy of intellectual property. The fact of the matter is that there is an old saying that the punishment must fit the crime. Sir, we know only too well that people who perpetrate many illegal acts do what economists and accountants call, a cost-benefit analysis.

In doing that cost-benefit analysis, they simply weigh the extent of the penalty they would suffer and match it up against the potential profits that they would make. Therefore, it is not sufficient to have legislation that is modern and sweeping which sets out to establish a solid framework for intellectual property protection but, on the other hand, the penalties are seen as being trifling.

The penalties that are proposed, Mr. Speaker, would increase in some instances, a penalty from \$50 000 or imprisonment for two years, to a penalty of \$100 000 or imprisonment for five years. Other instances would increase the penalty to \$¼ million or imprisonment for five years to a \$½ million or imprisonment for 10 years.

10.30 a.m.

Sir, we are convinced that in order to satisfactorily deal with the matter of piracy, we have to strengthen the arm of those people who are responsible for imposing the penalties so that they would be able to exact penalties on people who are infringing intellectual property in a way that it will be an adequate deterrent. Sir, the penalty is only imposed after an individual has been caught and has gone through the due process of law and found guilty.

Sir, this Government is clear in its commitment that the matter of public education in the area of intellectual property is paramount. For many years, the Barbadian approach to the protection of intellectual property rights has been more of a *laissez-faire* approach.

It is an approach which a famous economist in the 1700s said is a performance which, because it is so ephemeral, and is finished at the end of the performance, that you cannot really protect any property in it. Sir, it may well be that our attitude towards intellectual property has its early groundings in that historical *laissez-faire* attitude.

I believe that every Barbadian would be able to point to instances where they have taped things or perhaps rented videos or so on which are clearly infringing persons' intellectual property. This, one may almost say, is accepted in our society.

However, in an environment where we want to place tremendous emphasis on our creative sector, then that

laissez-faire attitude is one that must become a thing of the past. When we talk about our creative sector, we are speaking of the arts, our folklore, our culture, our fashion designers and our scientists.

Sir, it is a little known fact that a Barbadian company recently made an application to the United States of America for about six patents. This is clear testimony to the increasing levels of innovation and inventiveness that are resident within the bosoms of Barbadians.

Mr. Speaker, there are also other aspects of our creative sector that need protection. One could think of such things as architecture because those people who designed our buildings and our monuments have caused to emerge from their intellect and their creative bosom something which is identifiable as their own.

Mr. Speaker, these things entertain us, clothe us, house us and sometimes feed us but we have, the truth must be told, paid little attention to the economic value, to the economic potential and the contribution these creative aspects of Barbadian life have made to the economy.

In an era where we are trying to re-craft Barbados, and in a time when we have to chart new methods of going forward when our very prosperity depends on new paradigms being created, we are therefore saying that the creative economy is a viable economic frontier for Barbados, but it can only reach its true potential if we bolster the creative efforts of all Barbadians by putting in place a solid structure for intellectual property protection.

Mr. Speaker, this Barbados Labour Party Administration is one that has always been strong on matters of intellectual property. I mentioned some of the pieces of legislation we enacted in the 1980s.

In the 1990s we enacted the Geographical Indications Act, the Integrated Circuits Act and the Protection of New Plant Varieties Act. These are new pieces of intellectual property legislation that have come into great importance in light of the developments in science and technology.

Mr. Speaker, in the Barbadian society we fail to recognise that a lot of what we do is based on intellectual property assets that are being exploited by producers and other entities. When we walk into a store and buy a compact disc (CD) by Madonna, Lauren Hill or one of these performers, we do not recognise that in purchasing that CD we are actually supporting those performers through the payment of royalties.

It must therefore be seen that when a Barbadian walks into a store and purchases a picture by one of our photographers, a piece of painting by one of our artists, or a

piece of sculpture by one of our sculptors, that through the sale of those products and through the payment of royalties to those individuals that we are contributing to the livelihood of those Barbadians.

Mr. Speaker, the music industry is the sector of our society that is generally thought of more when we speak about intellectual property protection. In that context, the recent dispute between the calypsonians and the Ministry of Culture must be considered. I think all Barbadians are well aware of the issue that arose on that occasion.

This Government took a firm position that we have in place a clear programme, not just of education for Barbadians but, also, a programme to strengthen our intellectual property capacity. Sir, that matter has largely been resolved through intent dialogue. Therefore, this amendment which is before us here today will serve to protect the interest of those artistes who were feeling the pinch at that point in time.

Sir, I want to make it clear again that these amendments are not being brought to Parliament as a response to the debate surrounding Crop Over. These amendments were promised since last year during the debate of the Economic Statement.

Mr. Speaker, our Copyright Act which was enacted in 1998 is a very modern piece of legislation. It pays considerable attention to the establishment of the various rights of authors and performers and devotes a fair amount of its pages to the matter of infringement of copyright, what we commonly call piracy.

Sir, I want to make it clear that authors and performers have copyrights in their works and in their performances and our television and radio stations have rights in their broadcasts. Unfortunately, Barbadians will delight in getting what we call pirate boxes so that they can take the signal from the MCTV unlawfully without recognising that by so doing they are not only committing a criminal offence but are also benefitting in an improper way from the efforts and the works of other people.

Sir, perhaps because the Barbadian society is not fully attuned to the issues of intellectual property and perhaps because the Barbadian society does not have in place many activist organisations or associations as you would find abroad, these things are largely not considered to be important.

10.40 a.m.

Mr. Speaker, we have to remember that we are now operating in a global economy and things that may not have caught the attention of rights-owners and rights-holders in other jurisdictions are now catching their attention.

Sir, there was a time when many of the companies abroad would have seen Barbados as a market that was too small with which to be troubled. When those companies apply the cost-benefit analysis, it did not make sense in sending someone down to Barbados to prosecute a case for intellectual property infringement. The fact of the matter is that many of the performing rights societies are paying more and more attention to small jurisdictions like ours. I believe the time has long passed where we used to fit beneath the radar of these institutions.

Mr. Speaker, we are being monitored, in terms of the level of piracy in Barbados, as a result of our having made a commitment to the World Trade Organisation (WTO) TRIPS Agreement. We are under international obligations through the World Intellectual Property Organisation (WIPO) and the TRIPS Agreement, to ensure that the intellectual properties of all individuals, in whatever country they may operate, are being protected.

Sir, the rule of law, therefore, has to be applied in Barbados, not only for Barbadians but for other intellectual property owners. Therefore, when individuals in Barbados may feel that it is “cool” to get a pirated copy of a programme or of a particular kind of software, Mr. Speaker, those days are rapidly drawing to a close. Barbados has to honour the rule of law, not only for its citizens but it also has to be in full compliance with our international obligations.

Mr. Speaker, I say this in the context of establishments such as video shops. The fact of the matter is that in applying the rule of law, there can be no selectivity. This Government cannot be heard to say that it will enforce the intellectual property rights of others in relation to the music industry but will take a “hands-off” approach to other video industries in the protection of audio video rights.

Mr. Speaker, I well remember the days when there was practically a video shop in every district of Barbados and where it was seen as being a legitimate way for Barbadian entrepreneurs to use their skills, business acumen and what little capital they had, to invest in a business that at the time was promising. In fact, so as to bring some order to that regime, Government established a system of licensing for video shops but I think we all know that the vast majority of the videos that were being put on the shelves for renting were, in fact, pirated copies.

Mr. Speaker, that having been said, video shops at that time, and certainly to some extent today, have provided employment for Barbadians. Sir, therefore, through this medium, Government is calling on video operators to work with us to transition themselves and their operations out of having a commercial activity based on illegally-obtained videos or digital video discs (DVDs), into an orderly regime

where they can stand with their heads high, knowing that the product such as videos, games, *et cetera*, that are being put on the shelves for Barbadians to consume, are lawfully obtained.

Mr. Speaker, I have scheduled a meeting which I hope can take place before the end of October. This meeting is with officers from the Ministry of Culture, the Small Business Association, video operators and other interested parties, so that we can sit with our video operators to see how smoothly and quickly we can help them to transition into a state of compliance with the law while, at the same time, maintaining their businesses as viable commercial opportunities.

What we are talking about is an approach to video store operators that would see them moving to a state of compliance with the law but in a way that would not wreak havoc on their investment. Sir, it must be said that the time has come when our video store operators need to comply with the law and, as we know they can and will successfully do, would market products that are not infringing the intellectual property of others.

Mr. Speaker, we recognise that maintaining employment is vital but we cannot selectively enforce the Law for one sector and turn a blind eye to its enforcement to the other sectors. Sir, at this time there are not many persons who are doing audio visual work in Barbados but the Ministry of Culture is busy trying to get Barbadians to open up this new business opportunity and start producing our own soap operas. We have already seen it happened in Trinidad and Tobago and in Jamaica. In fact, I am hearing that some of our colleagues in this Honourable House watch the Jamaican soap opera every time it is shown, and Barbados is well able to produce those kinds of quality programming.

When we produce quality programming, not just in music but in video, we have to be able to say to those Barbadians who invest their time, career and hard-earned cash into such avenues, that their intellectual property assets are afforded equal protection as in the area as the music producers.

Mr. Speaker, this call to video store operators to move quickly to put themselves into full compliance with the Law is not one that is made in isolation. In terms of our own creative economy, it is made in view of the fact that we are encouraging Barbadians to become involved in producing those kinds of artistic works.

I think we already know that the Madd Entertainment group, “Laugh It Off”, and “Pampalam” produce videos of their performances. Therefore, more and more Barbadians

are moving into the area of audio visual production to be able to generate revenue and to reach markets further afield. We, therefore, would want to offer them the same protection.

Mr. Speaker, I have touched on the matter of public awareness and the public has to understand that it plays a pivotal role. When a member of the public chooses to buy a pirated copy of a document, musical work or video, that member is giving support to an unlawful system of operation because it is clear that the infringer has no incentive to stay in that infringed activity, if members of the public do not buy. Sir, I am, therefore, calling on all members of the Barbadian public to pay careful attention to things that are offered to them. We have to make a conscious choice.
10.50 a.m.

At the same time, we eagerly purchase pirated copies of their works. This is not consistent with supporting our performers, authors or musicians because they rely on their royalties in order to be successful at what they do.

Sir, when we purchase pirated copies, no royalties are paid so it is a straightforward equation. This is why many musicians have severe challenges trying to keep themselves gainfully employed in the full-time business of creating music.

Mr. Speaker, this is of great value to Barbados because they entertain us and help to make us who we are. Our calypsonians of many years contributed in meaningful ways to the public discourse through their music and, therefore, Barbadians must make a choice because when we choose to purchase infringing material, then we are effectively only paying lip-service to the work of our artistes. Therefore, public awareness is going to be the key.

Mr. Speaker, technology today is such that people are able to produce copies of works and you cannot tell if they are originals or pirated copies because colour copiers and scanners are used to produce them in a way that fools you into thinking they are the real products. I think that if Barbadians pay attention, they would be able to recognise that the products they are being sold are not originals and that they are acting in ways that are detrimental to the performers.

Mr. Speaker, I have used the term "piracy" several times and I think it is important to give an indication of what we are talking about when we talk of piracy. Sir, when we talk about piracy or infringing, we are not talking about someone who makes a copy of something he owns for his domestic use. We are speaking about individuals who infringe people's copyright in the course of doing a business, sells or rents pirated copies or exposes for sale pirated copies. Sir, we are talking about individuals who are engaged in piracy as a business for commercial gain.

This Government has always paid careful attention and afforded great respect to what legitimate things Barbadians do in the privacy of their own homes. Therefore, it has never been the approach of this Government that an individual who makes a copy of a CD that he owns for his own personal use in his car, that the legislation would operate in such a way as to fix such an individual with penalties. The fact is that when that threshold is crossed and an individual seeks to profit from it commercially, it is at that point that these provisions will be triggered.

Sir, I have to say that the Law is clear that a copyright owner is to be protected in every respect against unlawful copying. The remedies of copyright owners under the legislation can be by way of injunction, causing the goods to be seized and getting damages. Sir, a whole raft of remedies is available to the copyright owner.

However, I feel I have to make the point that an individual who makes 20 copies and gives them to his friends is not protected. Sir, even though the individual is not doing it for commercial gains, he is acting in a way that is detrimental to the rights of the owner.

It has been one of the challenges of the modern era that technology is such that making duplicates of movies and songs are done quickly because a CD burner cost less than \$100 which you can put into the computer and you are off and running.

Sir, I also understand that one can purchase a DVD burner as well so technology has advanced to a point that it facilitates piracy and this is why public awareness is going to be the key. Sir, Barbadians have to do more than pay lip-service to protecting the intellectual property of Barbadians.

Mr. Speaker, some associations have been doing a good job. I know that COSCAP and BAMCI have been working assiduously to protect the rights of the owners of intellectual property in Barbados. These collective societies are important and have played a tremendous role in helping to protect the rights of musicians in foreign countries.

I am pleased that in Barbados, we have vibrant associations that serve to manage collectively the rights of our musicians and collect royalties. It has not always been an easy road because we know of instances when one organisation came into a hostile conflict with a broadcasting company some years in the past. We recognise that in order to have an environment where the rights-user and rights-owner can reach a compromise that we need to put a few mechanics in place.

I am, therefore, pleased to announce to this Honourable House that last month the regulations establishing the Copyright Tribunal were gazetted and are

now part of the Laws of Barbados. I propose to have shortly before Cabinet the appointment of the Members of the Tribunal.

Mr. Speaker, at this point, I will explain the work of the Tribunal. As I have said before, the matter of managing collectively intellectual property rights, the fact of having to balance the interest of the rights-owners and rights-users is one that has caused tremendous difficulty for us in the past.

The Copyright Tribunal is going to hear and determine matters relating to licensing agreements between rights-users and rights-owners and settle issues of royalties so that when there is a dispute as to what royalty is reasonably paid or payable by a rights-user, then the tribunal will determine that matter in the hearing before it.

Sir, the matter of royalties is important because this is how authors of work make their monies. An environment that does not adequately manage the charging and payment of royalties will see our authors and composers not thriving because there would be no incentives to create the works or the authors may choose to go abroad and create their works.

Sir, the Copyright Tribunal is being established to mediate the differences that may arise between rights-owners and rights-users. It is a quasi-judicial tribunal and it is anticipated that shortly we will be able to make public the makeup of the Tribunal.
11.00 a.m.

Mr. Speaker, I want to suggest to this Honourable House that the current dispensation in relation to intellectual property has seen us come a long way. In the late 1980s and early 1990s you could not get a trademark registered at the Registry.

This Government has systematically strengthened the Registration Department, created a Copyright Unit and has put all things in place so that the registration of trademarks and patents is done with due dispatch to protect the rights of the owners of the trademarks and so on. Again, we come back to the matter of public awareness.

Mr. Speaker, we have a lot of manufacturers in Barbados who are manufacturing products and selling them under several brands, but our research shows that fewer than 10 per cent have actually registered those brands as trademarks. In a Caribbean Single Market and Economy environment where we are encouraging our businesses to go beyond the shores of Barbados; with the next tier being a Free Trade Areas of the Americas, an environment where we are encouraging them to go beyond the reaches of the Caribbean Sea, it is important for our manufacturers and service providers to pay careful attention to the registration of their trademarks.

I would like to draw to the attention of this Honourable House the fact that there are businesses outside of Barbados that are seeing great value in things Barbadian, and are exploiting them to their own advantage without any revenue coming to Barbados.

In circumstances where brands have been developed, whether it is through companies like the Pine Hill Dairy or BS&T or small companies like Aunt May's and so on, when our businesses put a product on the shelf, whether it is in New York, New Zealand or Trinidad, they are not only selling a product, they are also selling a brand. They are selling their image. That is how people identify commodities to be purchased, not through what is inside of the bottle because you only know that when you see it.

Sir, when you go to a supermarket and you decide that you want this product, it is often the name, logo and brand that attract you. These are things that, across the globe, entrepreneurs recognise as important. When a person buys a computer today they would look for the Microsoft, Sony or Toshiba logos. When a person buys a television they would often buy it because it is made by Sony. If they buy a car they may buy it because it is a Toyota.

Sir, the point is, the same way manufacturers extra-regionally have paid great attention to the intrinsic value of their name, logo or design, then our manufacturers have to get on board if they want to protect their logos, names and brand from exploitation.

Mr. Speaker, if a company in Barbados produces mauby or orange juice under a particular name, it is vital, in today's environment, that particular enterprise should register its trademark across the Caribbean, across the Americas and across the world.

Sir, the Jamaica Coffee Board is responsible for managing the intellectual property of the Jamaican Blue Mountain Coffee. Jamaican Blue Mountain Coffee is reputed to be one of the finest coffees anywhere in the world and because of that reputation people are constantly making products and saying that they contain Jamaican Blue Mountain Coffee or they are labelling it including the name Jamaican Blue Mountain Coffee and are piggybacking on the solid reputation and saleability of the name, Jamaican Blue Mountain Coffee.

Sir, the Jamaica Coffee Board has, therefore, registered as a trademark in every country on the globe the term "Jamaican Blue Mountain Coffee". If an individual tries to sell a product in one of those markets using the term Jamaican Blue Mountain Coffee without licence, the Jamaica Coffee Board is able to stop it.

Very often when they take steps to stop it, the individuals would then say that they want a licence to use this name. The Jamaica Coffee Board is then able to say that they would give them a licence but Jamaican Blue Mountain Coffee must be in the product. By doing this sales and revenue are immediately increased because of the value of the name.

It is, therefore, important that our manufacturers start registering their brands. We have a lot of Barbadian brands that are well-known. There are brands that have been around for 30 and 40 years making hot sauce and mauby. There are brands that have been around for fewer years making seasonings and so on. We have companies that are producing chicken and all kinds of things under the sun and they need to register those brands, because if those names are big names and they do not have the protection in, for example, St. Lucia, then somebody in St. Lucia would be able to produce something using exactly the same name.

I wish to draw to this Honourable House the matter in relation to West Indian Sea Island Cotton. Sea Island Cotton is the finest cotton in the world. It has to be produced in an island with particular geographical features, particular climatic conditions and, as I understand, it has to be produced in one of the few islands in the Caribbean. That West Indian Sea Island Cotton fetches the highest price for any cotton in the world.

Sir, the fact is, there are producers of garments and fabrics who are selling their products as having been made from West Indian Sea Island Cotton when, in fact, it is not. An individual may ask what is the big deal. It is a big deal because West Indian Sea Island Cotton, the finest in the world, is more durable and wears better and has a nicer sheen.

All of these are some of the features of the West Indian Sea Island Cotton. So, if an individual uses substandard Sea Island Cotton, not West Indian Sea Island Cotton, in his garments and labels it as West Indian Sea Island Cotton, then the consumer may say that this West Indian Sea Island Cotton shirt is a bad shirt and is of poor quality.

Therefore, an individual who is allowed to do that is affecting the value of the brand. The same way that the Jamaican Blue Mountain Coffee is registered as a trademark across the globe, that step also has to be taken in relation to West Indian Sea Island Cotton.

Sir, when we talk about intellectual property, we must not only be thinking of our music. We must also be thinking of the work of the videographers, artists, designers, manufacturers, and our Bajan black belly sheep because that too can be protected through certification marks.

Mr. Speaker, when I say that we have tried to create a comprehensive system of intellectual property protection, I

really mean that because we are looking at every opportunity that may exist where we can claim the benefit of a particular asset, the intellectual property asset.

Sir, geographical indicators are going to be of increasing importance to Barbados. I believe that Honourable Members of this Honourable House would know that geographical indicators are used when we talk about things such as wine. A wine that is labelled "Bordeaux" can only be labelled "Bordeaux" if the grapes were produced and the wine made in that particular region of France called "Bordeaux".

11.10 a.m.

Sir, for Champagne, you can use the same process all over the Globe, but it can only be called Champagne, if it is produced and the grapes are grown in that particular district in France called, Champagne.

Mr. Speaker, the reason I say geographical indicators are also going to be of importance to Barbados is because we are going to be re-branding our entire sugar industry operation and try to create a Barbados brand, in relation to such things as sugar. When we say Barbados sugar, it is going to take on a whole new meaning because only sugar that is produced in Barbados would be allowed to be called Barbados sugar.

Mr. Speaker, that may seem as a trifling statement to make, but if you walk through any supermarket in London or New York, I am sure you would find something there called Demerara sugar, and you would immediately think that this is sugar which was produced in Guyana. It hardly ever is, but it is called Demerara sugar because somebody is taking the fact that the term Demerara connotes tropical, vibrant agriculture, high quality sugar production and selling sugar called Demerara sugar so that they are able to piggyback on the name.

You would imagine, therefore, that when this whole country discovered a year or so ago that there was somebody selling something called Barbados rum in London that was not made in Barbados, was not bottled in Barbados or had no connection to Barbados, then perhaps you could see, Mr. Speaker, the importance of geographical indicators.

Barbados rum is a special product. It means special things and this would be a good juncture, Mr. Speaker, to mention to you something that is causing my Ministry some distress. I was recently handed a can of coconut milk that was made in Thailand and sold in Miami, and on the label it was called, Barbados Crop Over Coconut Milk. On the label, Mr. Speaker, there was a map of Barbados and also on the label there was an Internet address, reading, www.barbadoscropover.com. Mr. Speaker, if anybody enters that URL on their computer now, they will not see any website "Barbadoscropover.com". They will not see any

website maintained or owned by a Barbadian manufacture producing this coconut milk. They will go immediately to a website called, "Kingstonmiami.com".

What this means, Mr. Speaker, is that an entrepreneur, if you want to call him that, is manufacturing a product and using the good name of Barbados and this country's national festival to sell his product in ethnic markets abroad that have a liking for things Barbadian.

In fact, Mr. Speaker, Barbadians living in the Southeastern United States of America might go into a store and select this product, thinking that it is produced by a Barbadian manufacturer. This kind of deceit is yielding great profits for that entrepreneur, but depriving Barbados of any economic advantage whatsoever.

It is truly a scandalous thing, Mr. Speaker, when a person outside of Barbados is going to be making something and calling it Barbados this or Barbados that. We know of instances where they are selling something abroad called, "Barbados Hot Sauce". The peppers did not come from Barbados. They probably do not have in any turmeric. They are not made according to any process that we know. The manufacturer is not a Bajan but people are seizing our country's name, our national asset and using it to help them sell their goods in foreign markets.

Mr. Speaker, let me put a simple scenario. If an individual buying that Barbados Crop Over Coconut Milk should get ptomaine, just think of the message that would be indelibly imprinted on that individual's mind. What is it that Barbados stands for? Poor quality goods and products that are not capable of human consumption.

Therefore, when, I believe it was Shakespeare who said, "What is in a name, a rose by any other name is still as sweet," and you would pardon me if I get the quotation wrong, but there was a point in time when Shakespeare himself came around to another way of thinking where he said that "he who steals my purse steals trash, but he who steals my name, steals something that does not enrich him but makes me poorer".

The point is that when we talk about a name or a brand, these are things that send an important message. This brings me nicely, I believe, into the concept of branding Barbados.

Mr. Speaker, Barbados 100 years ago, was able to develop a reputation. Well, we could go back further. Sir, 300 years ago we had a reputation for the finest sugar agriculture in the world. Our plantations produced greater tonnage of cane and greater tonnage of sugar than any place else in the Commonwealth.

In the earlier part of the last century, we developed a reputation as a prime tourism destination and so when people think in terms of Sandy Lane Resort, which is getting a good boost of public relations, I think it is today or tomorrow, people think of a first-class tourism destination.

The point that is being mentioned is that Barbados as a name, a byword, a brand, conjures up images in the minds of people across the globe, as standing for fine quality, as representing excellence, whether that excellence is in agriculture, tourism, arts, music or manufacturing. We have come to the point where we too, are recognising the importance, Mr. Speaker, of branding Barbados.

When we talk about branding Barbados, we are talking about a regime where we are producing goods and services and those goods and services when they are branded as Barbadian goods and services, would benefit from the solid reputation this country already has. It is not something though that you get by accident. It is something that is cultivated over the years.

I believe the time has come when we are now able to take this concept of branding Barbados to the next level. We believe it has to be a national effort, so that all of Barbados must sign on to the idea that the Barbados brand is a national asset. The Barbados name is a national asset. It is an asset we can use to help our manufacturers sell their goods.

There was a time, Mr. Speaker, when you only had to say that something was made in the USA. Good, bad or indifferent, it conjured up images in the minds of people that it was a first-class product. On the other hand, "Made in China", unfortunately had the opposite effect. It conjured up images of inferior goods.

We are suggesting that the Barbados brand, in terms of goods and services is a brand, Mr. Speaker, that can be recognised the world over as a symbol of excellence and a way that our manufacturers and service providers can benefit through using the reputation that Barbados has for outstanding goods and services.

11.20 a.m.

We are going to see its effect in terms of sugar. I spoke about Demerara sugar. I think that everyone in this Honourable House is aware by now that we can no longer continue to sell sugar the way we have been selling it and that we now need to sell sugar as a specialized product. Therefore, when we brand it as Barbados sugar, it will mean something to a discerning consumer in some foreign market.

Sir, the area of ethnic good is one that is right for exploitation. People the world over are looking for ethnic

products whether it is in terms of clothing, art or food. Mr. Speaker, it is a market we are able to exploit but we have to exploit it while, at the same time, paying due regard and attention to the protection of our intellectual property in those things.

We have the honour of boasting performers like Shawn Jackson, Arturo Tappin, Nicholas Brancker, the Mighty Grynner, the Mighty Gabby, Krossfyah and Square One who have all made a name for themselves across the globe and have helped to identify the Barbados brand as being a brand that stands for excellence.

Mr. Speaker, we are actively working on identifying our heritage assets, not just in terms of our buildings. We have come to the point now where we are trying to identify them in an intellectual property context. This is particularly critical in light of the matter I mentioned a little while ago in relation to the coconut milk.

I have set up a committee that has been given the simple responsibility of identifying the many national assets of Barbados for which we can get trademark protection. That committee has already met.

Sir, Crop Over as a festival, not the festival, is one of the things that are unique to Barbados. Cohoblopot also has its unique identification with Barbados. The term "Bajan" is something that is seen as a national asset. There are also many other terms that we in my Ministry believe would benefit from trademark protection across the globe.

Sir, I therefore invite any Barbadian who has any ideas along those lines to get in touch with us and let us know what things we can trademark for prosperity because when once you have that trademark protection you are able to prevent people from using the trademark without licence and you are able to insist that if they want to use it they have to pay you royalties. All of these represent revenue opportunities.

Mr. Speaker, this Government sees it as its natural and obvious responsibility to protect all of its heritage assets whether they be physical buildings or things that can be protected through trademark registration such as the identity of our festivals.

Sir, there is an international convention which deals with the protection of countries' names and names of places. The fact that there is an international convention dealing with these issues is a clear indication to Barbados that there is significant value in these things.

The name "Barbados" means so much to me as a citizen and I shudder to think that individuals are able to use

it in that way. That is the kind of environment we are talking about when we look at the matter of electronic commerce. It is shown through statistics that in the region of 90 per cent of the domain names that are registered as countries across the globe are not connected in any way to the countries.

You would find people who would go and register a website as "Barbados.com". I am not saying that this is a particular instance, but in the existing regime people are able to do that and they have been doing that. They have done it with many countries and those countries have had to step up to the plate and say that their name is a national asset and you cannot register a website address using their national asset without the permission of their country and without the opportunity for their citizens to reap some reward.

Mr. Speaker, the role of this Government in copyright matters is more than just generating legislation. The Government is in full support of public education programmes to make the public of Barbados aware of such things as music piracy and of their obligation to support local performers, musicians and authors. We want to keep our performers, our actors and our authors at home.

Mr. Speaker, I would wish to draw to the attention of this Honourable House that the music industry in Jamaica is seen to be worth, statistics show, US\$1.9 billion per annum, but a recent study showed that though it is worth that amount most of the Jamaican artistes because of the piracy problem have had to move outside of their home country and establish themselves in alien jurisdictions where they feel that their intellectual property is better protected. One can name the famous Jamaican musicians that are all operating out of the United States of America.

Mr. Speaker, while I want to see our Li'l Ricks and our other performers and musicians reach the highest possible heights in the music industry and our actors reach the highest possible heights, I also want to see them remain in Barbados and not just visiting Barbados for a performance. That will call for this Government to keep in place a solid system of intellectual property.

Mr. Speaker, as I move toward the end of my presentation, I want to mention the role of the World Intellectual Property Office (WIPO). The WIPO has done a tremendous amount of work in Barbados over the last ten years. It has helped us financially in terms of properly equipping our Intellectual Property Department. It has helped us in terms of studies where every year two or three forums are held in Barbados that have served to educate our musicians, our actors, our performers and also our administrators in terms of best practices, emerging threats, *et cetera*, so we have benefitted greatly from the work of WIPO.

The work of WIPO has been placing tremendous emphasis on developing countries. This is a win-win situation for everybody because when we have strong enforcement procedures and mechanisms in Barbados for our own performers, then it stands to reason that those strong enforcement mechanisms would also benefit the "Microsofts" and the "Madonnas" of this world because they too would be protected against piracy in Barbados. That is the kind of work the WIPO has been doing in our jurisdiction.

Mr. Speaker, we are continuing to train our police officers in relation to investigative techniques when it comes to intellectual property. We have also been training our customs officers because a lot of infringing material is brought in through our airport and seaport.

We have also been training our magistrates and the Judiciary. In fact, I believe the Magistracy has just benefitted in a great way through the acting appointment to the Bench of a deputy registrar who is responsible for intellectual property who is going to be able to bring to bear his keen understanding of intellectual property issues when cases of infringement are brought before him.
11.30 a.m.

Mr. Speaker, I am also aware that the Judiciary has benefitted from an intensive training course in intellectual property in April, 2004. Therefore, we are trying to establish a regime which will take into account legislative approaches and public awareness but one which would also be placing emphasis on training for our law enforcement officers, the Judiciary and other administrative entities. These things, Mr. Speaker, will result in an improved knowledge-base for Barbadians, in general, and will provide an improved response to law enforcement.

Mr. Speaker, the support of the public is going to be the key. It is the public who will buy the infringing materials. It is the public who will be able to assist in the investigative approaches. It is the public who will need to stand up and say that they will support our innovators, artistes and actors.

Mr. Speaker, I would like to end by quoting a comment made by the current Director-General of the World Intellectual Property Organisation (WIPO) where he said:

"Intellectual property is foreign to no culture but it is native to all nations."

Sir, we have to recognise that our intellectual property goes much further than our drawings. It takes into account our folklore, our traditional medicines, our understanding of

plants and medicinal properties. It also takes into account unique plant and animal varieties that may exist in Barbados.

Mr. Speaker, I thank you.

Mr. R. L. SEALY: Mr. Speaker, we have heard the moving of an amendment to the Copyright Act. At the outset, I would say that we on This Side are obviously supportive of any effort that will work in the interest of the innovators and developers of intellectual properties. Therefore, from that point of view, we support any effort that would be in their interest.

Mr. Speaker, however, I would say that while we appreciate the journey from Bordeaux to Champagne, cotton, sheep, coffee, *et cetera*, I would like to return briefly to the matter at hand. Sir, a piece of legislation could only be as effective as how effective it is implemented.

The Copyright Act was passed in 1998, which was the first term of this Government. We are in here amending it, strictly for the purposes of strengthening the maximum penalty which the Act specifies but the question I am sure which rights-owners and all Barbadians would want to hear is, what has been done to implement the original Copyright Act?

Mr. Speaker, I heard the Honourable Member for St. Joseph, in his very informative discourse, mentioned that in coming here this morning, they were fulfilling a mandate, something which was promised 10 months ago when the Honourable Prime Minister had his Economic Policy Statement in November last year.

Mr. Speaker, six years ago when the Copyright Act was passed, a copyright tribunal was promised then. We are now hearing that this week the tribunal will go to Cabinet. Sir, I can only assume that what the Honourable Member is saying would be the case but the track record does not really engender much confidence, and I daresay that I am speaking on the behalf of all of the rights-owners in that respect and that the Honourable Member was right to have broadened it.

It may be the perception that it is the musicians and music producers because they recently enjoyed a great deal of publicity on this affair, but there are persons such as poets, novelists and playwrights, who all have a vested interest in this matter. Therefore, they would want to know that the Government of Barbados is serious about dealing with this question of piracy, the overall issue of intellectual property, and the protection of the same.

Mr. Speaker, I daresay that any pirate who sees that instead of facing a two-year sentence would instead be facing a five-year one, is not going to change his conduct

one iota. Sir, enforcement is the answer. All Honourable Members who come to this Honourable House from the south or from the central parts of this island, drive past an establishment located at the side of the road which is selling pirated videos.

Does one think that when the owner of that establishment hears that we are in here discussing the fact that instead of facing a \$50 000 fine that instead he would be facing a \$100 000 fine, that he is going to rake all of those videos off the shelves and run for cover? Of course not.

Mr. Speaker, the Anti-Piracy Unit that was discussed in that same Statement of last year needs to function. In January 2004, we were told that it would have been put in place. Sir, if the Royal Barbados Police Force has put its Anti-Piracy Unit in place, I say that it is has been doing its work very quietly. I would also say that it has been doing its work without meeting the satisfaction of the rights-owners.

In fact, if one considers the same controversy involving the musicians and music producers, they came out in February 2004 and served early notice to Government. Promises were made in November, promises were made effective January 1, and we have not seen them yet. Yet we are serving early notice that if something is not done to resolve this issue of piracy, we would have to take necessary action closer to Crop Over. Sir, a lot of foot-dragging went on and then we found ourselves in the middle of that eruption around Crop Over.

Sir, I have no brief for the musicians and music producers because there are a number of things on which I strongly disagree with them about. Several of them went to Brooklyn where much piracy goes on and yet, to an extent, they held us out to ransom. For example, there is an issue relating to burden of proof, which did not make any sense to me.

Even though I speak as a non-legal person, I think it is very scary when one hears persons suggesting that the burden of proof should be shifted from the person who is making the accusation and the person who is being accused. I think that is setting a dangerous precedent. I think clearly there were mistakes made, which we all have recognised.

Sir, the point they were making was for the Government of Barbados to do what Government had promised. Certainly this cannot be denied. Sir, I know there are limitations. At the opening of the October Assizes, we were told by the Chief Justice that the Judiciary is getting wet and that conditions were that bad. Therefore, I would recognise that the civil court might have its challenges even in enforcing the existing laws.

There may be challenges in terms of resources, in terms of meting out justice in the area of intellectual property but I, again, cannot accept that we can continue lending lip-service to this issue but that we would actually do something of meaning in order to see that a serious message is sent to all persons who produce these various innovative products. 11.40 a.m.

I totally agree with the Honourable Minister that the creative economy actually holds a great deal of value to this country. At the time of the Economic Policy Statement in November, the Prime Minister spoke of seeking growth between 3 per cent and 4 per cent. Sir, I cannot remember the exact figure, but we all recognise that the creative economy has to stand up and be counted. Recently, we were told at the consultation by the Minister of Finance that we are not earning our way and that the traditional sectors are not earning enough to keep us going.

Mr. Speaker, finally, the message of the Opposition has been understood. The Opposition has been saying all along that borrowing and selling State assets is not the way to ensure sustainable prosperity. Sir, we should see the creative economy as a fine example of an area that could be developed to see that prosperity is sustained in Barbados. We should not continue to borrow and sell State assets but earn our way, to quote the words of the Minister of Finance. Mr. Speaker, we on This Side fully support efforts at developing this creative economy.

Sir, on the issue of public awareness and public education, I cannot recall if the Honourable Minister mentioned that the Government needs to improve in that area. The Honourable Minister recognised that there is a great deal of ignorance on the concept of intellectual property in Barbados.

I believe that all Barbadians owe a debt of gratitude to musicians and music producers because if there is one thing that the controversy did for us as a people is that it highlighted the concept of intellectual property and gave us a greater understanding of some of the issues because, as you can appreciate, this can become highly complicated.

The Honourable Minister mentioned the work of architects. It is true that several of our architects have developed a unique style that has caught the fancy of persons beyond the shores of Barbados. They have retainers in the Grenadines and further afield and this is also intellectual property that has to be protected.

Mr. Speaker, as I said before, we fully support the efforts at finally bringing real teeth to the concept of fighting piracy and developing intellectual property. We have no real desire to stand in the way of Government in

terms of developing this area. We do not see any need to prolong this matter. We think the effort is only as worthwhile as its implementation and I say bravo to doubling the sentences. Obviously, it can only be effective as the work in terms of the implementation of it.

Mr. Speaker, we have not heard anything of the Anti-Piracy Unit. I understand that the Royal Barbados Police Force comes under the remit of the Minister of Home Affairs and she might be able to shed some light on some of the work being done because we want to know that something is happening in this department and that we can see some benefit in this regard.

Mr. Speaker, the Government itself is a victim of piracy. The National Cultural Foundation puts out compilation material and jingles during Crop Over and we all have a vested interest in this matter. The criminologists always debate the role that sentencing has on deterring crime but our position is that the legislation in its amended state can only be as effective as the will and desire to implement it.

Mr. Speaker, I am grateful to you.

Hon. R. R. FARLEY: Mr. Speaker, I rise to support the amendment to the Copyright Act because this is one of the important pieces of legislation that was passed over the years. We recognise that with respect to copyright that every person has the right to control the sale, distribution, reproduction and have his name acknowledged concerning the production and use of works of his creative imagination.

Indeed, societies over the centuries have received great acclaim by way of the quality of the creative imagination of its poets, artistes and a wide range of persons but what is different today, is that works of creative imagination are not just goods and not used merely for the enhancement of the image of a society but as a major economy tool to be properly and fully exploited in accordance with the law for the benefit of the creator of the works and other associated persons like investors, distributors and even Governments who would ultimately benefit from taxation and other economic spinoffs.

Sir, Government clearly has a role in creating the conditions such as would encourage the exploitation of creative works. Mr. Speaker, Government has a responsibility to provide public education in terms of the wider public having an understanding and appreciation of intellectual property matters as well as training for enforcement agencies.

The Government also has the responsibility to create the framework which would not only be protective of the

rights of creators but also one which would promote and engender greater creativity and encourage people to produce intellectual property. We also need, as a Government, to ensure that there are laws to protect the interest of those involved and make sure there is orderly development.

One of the major changes in both our international and domestic circumstances has been the Trade Related Aspects of Intellectual Property Agreement (TRIPS), which has fallen to this Administration. Over the past ten years, we created a new regime for intellectual property in Barbados. 11.50 a.m.

There are seven areas of intellectual property, which over the last several years, specifically between 1998 and now, where we have either amended existing legislation in the case of trademarks and copyright as well as created new legislation with respect to industrial designs, geographic indicators, integrated circuits, protection against unfair competition and things of that nature, as well as plant varieties.

Sir, it is recognised that we in Barbados needed to do two things. We needed, as members of the World Intellectual Property Organisation, to make sure that we were complying with the World Intellectual Property Organisation as far as the intellectual property regime was concerned but, also recognising that we must make sure that Barbadian entrepreneurs were able, whether in the economy of Barbados or in the international economy, to get maximum benefit from their creations. We needed to be part of an international system for the protection of our works. Sir, that is where I really want to start.

Mr. Speaker, I see these efforts we are making here not just geared to having a good regime of protection here in Barbados. Our effort has to be not only stamping out piracy in Barbados, but making sure that we are aggressive in preventing piracy of Barbadian works overseas and equally aggressive in making sure that we are able to earn our royalties and other benefits from the use of these works overseas.

Sir, I wonder if our collection agencies here in Barbados, for example, are aggressive enough with their counterpart agencies in the United States of America, United Kingdom and Canada to make sure that they are as aggressive in working on our behalf in their home countries as our collection agencies are in Barbados working on their behalf.

I know that the collection agencies, for example, will work on behalf of international artistes to make sure that when radio stations play copies of the artistes' work, that the logs are kept and that the quantum of royalties to be paid is

properly tracked and paid overseas to the artistes they represent.

Sir, I hear from time to time that there are difficulties in keeping track of the work of Barbadian and Caribbean artistes because there are difficulties in categorising their works and that radio stations overseas are not as meticulous in maintaining records. That is an area in which the collection agencies need to make a greater effort.

Mr. Speaker, we are not creating a unique regime in Barbados. We are not creating a regime that stands separate and apart. We are part of an international system and the obligation on us is to protect intellectual property, whether it is ours or it is owned by other member countries of the World Trade Organisation.

The World Trade Organisation imposes on countries an obligation to exercise due regard for intellectual property exploitation and piracy by their citizens against Barbadian products in their markets. Sir, if we are able to achieve that and to have that focus, not just in Barbados, then I believe we would have gone a very long way.

I must commend the Ministry of International Business as well as the private rights groups in Barbados for the effort they have made so far in developing the awareness and the expertise to deal with the intellectual property issue here in Barbados. Let us not fool ourselves, it was only a few years ago that this Administration has been able to create a Copyright Unit specifically dedicated within the Corporate Affairs and Intellectual Property Office to provide public education.

Several seminars, conferences and workshops were held. There is a telephone help line which provides information for persons who call in. They have been providing advice to persons in the law enforcement agencies. Indeed, with the assistance of the World Intellectual Property Organisation, (WIPO), an executive seminar was held for judges, magistrates, police prosecutors and customs officers to ensure that we are not only conducting public education and the artistes are aware of their rights but the enforcement is given a chance to work.

I believe that we have a way to go because it was in a magistrate's court in 2002 where a magistrate made the observation that, unfortunately, prosecutors were still using legislation other than the Copyright Act to bring charges against persons whom they suspected were involved in some kind of piracy, whether it is the Vagrancy Act or other legislation dealing with selling without a licence, rather than pursuing the legislative provisions. I hope the enhancements of the penalties and other amendments being made in this legislation would act as an encouragement and send a strong signal to all those who are engaged in piracy.

Sir, I also want to highlight the fact that in addition to using punitive measures to act as punishment to restrict and prevent piracy, that the Government will also be proactive by encouraging greater awareness among our manufacturers, artistes, retailers and, across a range of endeavours, to have them recognise what is intellectual property and how they can best exploit it.

For example, there have been, in the last several years, several producers of many products and services in Barbados who have been successful, in some cases with the assistance of Government through its technical assistance funds. This technical assistance is available to encourage and allow persons to register intellectual property in Barbados.

Sir, in Barbados we have a company called "Automotive Arts". What is "Automotive Arts"? It is essentially a distribution brand for a range of automotive care products. What does it have to offer? It has a concept to offer. It has a good system of purchasing, distribution of products and readily identifiable products, *et cetera*. What have they done? They have been able to exploit that brand across the Caribbean region, not just in the English speaking Caribbean but beyond. We need to encourage more of that in Barbados.

Sir, we have by contrast a well organised and recognised fast food chain like Chefette, that still has not, notwithstanding its very strong intellectual property, chosen to exploit that brand across the wider Caribbean region. I am saying we have examples in Barbados, both of successful intellectual property, and of a failure to recognise that intellectual property and to make the most of it.

Sir, much of the growth of small businesses in the United States of America is largely as a result of the exploitation of the intellectual property inherent in their product, service, corporate identity and things of that nature. 12.00 noon.

Sir, there is an entire industry, made up of persons whose sole purpose is to register names, create brands, create logos and register them in the hope that someone who sees them and likes them would purchase them. In fact, there have been products where visitors in Barbados have come to our country, have seen our product and there is no secret, our local Banks Beer had that problem already, where a visitor to the island saw the product and liked it, went to his State in the USA and registered Banks Beer as his trademark.

Sir, in one of the attempts to export the product in the United States, he hit this particular State and was then sued for infringing the Copyright of that United States Citizen. He then had to prove that he has the brand registered.

Mr. Speaker, those are the challenges we have, so that is part of what we have to do, and we have already started. I am urging a steady concentration of it, Sir, to make sure that our private sector across the board, takes the matter of intellectual property much more seriously than they have in the past. There have been improvements but there is still a long way to go.

I would never forget, Sir, on an investment and export promotion mission in the U.K., we were visiting a number of distributors of food products and promoting several brands. We had pepper sauces, jams and jellies and various brands and various manufacturers. One distributor said he had been importing Mauby Syrup and other products from Barbados for 20 years. The particular company and brand that he was importing were in some trouble at that time and was not producing.

He said that if you want me to try these other brands you have there, I could try them. I might probably take a container to two every six months. However, if you can work with that company whose brand I know, and whose brand is already known in my marketplace, to get them back into production, I would be able to take two containers a month, so there is a lot riding on the brand.

Asides.

Hon. R. R. FARLEY: Yes, that brand, Windmill, is a well-recognised Barbadian brand. There was a time when they were not in production. Thankfully, they are back in production, Sir, but they have a lot riding on their brand.

Mr. Speaker, we in Barbados have to recognise that many of the things we take for granted represent serious intellectual property. The 100% Bajan Logo is catchy, and it means something. Thankfully, the Barbados Manufacturers' Association has registered it and, I believe they are fully exploiting it.

We need, Sir, to recognise that Bajan can be as attractive, sexy and as recognised as Cajun to represent a cuisine, a selection of food and drink and associated products. In the circumstances of being a small economy with a small manufacturing base, even with the best will in the world, there is a limit to the quantity we can produce. Niche marketing and branding go very much together.

Therefore, these efforts we have made in the development of an intellectual property regime, are not standing alone. They are not just about music and works of art. They also strike at the traditional sectors of our economy, such as agriculture and manufacturing as well as the new creative aspects of our economy.

They also represent, Sir, an opportunity for us to have an integrated approach to boosting our non-traditional exports. They represent, Sir, an opportunity for us to create strong market niches and to ensure that through the full exploitation of our brands, we are able to earn top dollars for our product. If there is anyone who was unconvinced of that, the fact that individuals from other countries are willing to go out of their way to use the Barbados name, should tell us that there is a lot riding on a name.

I want to say, Sir, that in relation to one of the areas which will be affected by this legislation, I trust this signal from the Government, that we are serious about piracy and we will deal harshly with those persons who steal other persons' ideas, will prove to be another fillip particularly for our young people, because it is among our young people that we expect the generation of new ideas and the production of different products.

Take for example those young persons who as part of Project OASIS, Sir, so far, approximately 360 persons, from off-the-blocks in Barbados have been given an opportunity for training and various other programmes. Some 50 of those persons were involved in our first digital film media project.

Sir, over the months of training of that first batch, they have been able to produce some short films themselves which we hope to have a public viewing of, Sir, using our local television station and, hopefully, some place like Olympus cinemas.

Sir, as a result of their training and exposure, some of them have already, even just on the conclusion of their training, obtained employment. One is with Carrington's Photo Studio and various other places. They are accomplished video camera operators and producers. I want to say, Sir, that should these young people contemplate producing creative, new exciting works, they can rest assured that the framework created by the Government, in terms of the protection of their intellectual property, would mean that their work is not in vain. I look forward therefore, Sir, to having those young people pursue their chosen career in the creative arts, more specifically, film, in the confidence that there is a regime which will offer them the protection that is necessary.

In addition to the protection of intellectual property, through the Government's policy support and the creative economy, through the technical assistance to be provided within that sector, they will be able to go from strength to strength, and in the future gain international fame.

In the same way this country has been able to produce musicians of international note, popular in Japan, U.K. and

the United States of America, a number of them, Sir, have recording contracts with international record labels, the well known ones like Rupee, Nicholas Brancker and so on, but even younger ones.

You will recall that a constituent, Stephanie Chase, Miss Barbados World Best Talent of last year, has a recording contract with Sony, as a result of that "Best Talent Competition" at the Miss World production and there are several others who have been able to gain opportunity there. 12.10 p.m.

Sir, I look forward to this new regime of intellectual property protection and encouragement helping these young filmmakers to develop to the point where they would have moved from the "block" to getting their Oscars as filmmakers. These regimes are not abstractions, they are a practical part of the support which is needed to ensure that the aims and objectives of programmes such as Project OASIS are able to run their full course and come to the fullest possible fruition.

Sir, I want to urge the private sector, the Barbados Chamber of Commerce, the Small Business Association, the Barbados Manufacturers' Association and all other aspects of the private sector in general, not just the specific firms that have intellectual property interest, to develop specific programmes to encourage their members.

Sir, I see no reason why a brand like Chicken Barn with a good menu and some of the best rotisserie chicken in the world should not be available across the world. That brand would stand competition on any front street anywhere in Canada or in the United States of America.

I also see no reason why our black belly lamb, properly marketed, because at the end of the day people do not buy sheep to put on the table, the sheep part is for those who rear them, could not get its place in all of the proper culinary magazines and the culinary shows and could not become as much a delicacy as venison. These things are possible.

Sir, I also see no reason why a real estate company with the brand recognition of Alleyne, Aquilar & Altman could not be an internationally known name and franchise in the same way that Christie's Real Estate happens to be. Pizza Man Doc is a brand that has attractiveness. These are brands that can be franchised and exploited around the world with the royalties coming to Barbados. In their franchise agreement they can mandate their management fees and where the franchisee would have to get their supplies and materials from.

Asides.

Hon. R. R. FARLEY: Sir, I heard *sotto voce* that there is no reason why Moon Town properly exploited could not

be an intellectual property. People who go to the original Moon Town and have a positive experience would have no hesitation in going to a Moon Town in some other location somewhere else, so there is a lot to be gained. There is brand recognition. Sir, I am sure that the Honourable Member for St. Lucy would give that matter some thought. I believe he knows the people associated with that product.

Asides.

Hon. R. R. FARLEY: I want to see other Moon Towns elsewhere in the world. I have had very happy experiences in Moon Town, unlike some Honourable Members of the Opposition, so I would be happy to go to a Moon Town anywhere in the world.

Sir, I believe I have said enough to make the point that this legislation and the Government's commitment and seriousness to stamping out piracy is only but one part of it. The full benefit to our country can only be derived out of a major private sector trust to fully exploit our intellectual property not just from a protected stance of closing our borders and making sure that nobody gets in and nobody pirates here but from an affirmative and aggressive action stance where we go around the world and use the fact that every country that is a member of the World Trade Organisation (WTO) has had to implement the same kind of regime of intellectual property protection we have had to implement here and, therefore, that our products, our services and our brands should be able to make us money here in Barbados.

Mr. Speaker, I am happy to support these amendments to the Copyright Act.

Mr. D. St. E. KELLMAN: Mr. Speaker, I too rise to speak on this amendment and to make it clear from the beginning that I do not sit in that particular choir. Sir, when I peruse these amendments, all I can see is an increase in funds for the Government by the necessary increase in fines that will be placed on those who breach the particular amendment. I do not see in this amendment that the Government will be transferring any money from the fines they will be collecting to the calypsonians or the artistes anywhere in Barbados.

Sir, I want to start my presentation by saying up front that in the early years, the radio stations and the television stations as we now know them, were also in breach of the Copyright Act and we did everything in our power to make sure that we change the Law not to lock them up, but to make sure that they comply with the Law. Sir, since we had foresight in looking after those who had capital and who we saw as business people, I am now calling on this Government to also recognise the masses who might believe too that they are business people and instead of seeking to

lock them up to change the Law also to make them pay a fee for using the rights of other people.

Asides.

Mr. D. St. E. KELLMAN: All I am saying is that the same way they made the push to get the television stations and the radio stations to comply, they also have to carry an open hand so that these gentlemen would not look like criminals, but would recognise that they can move a step up and become business people paying their dues.

Sir, we have to understand that we cannot be operating in a globalized economy and with trade liberalisation and not understand that we need to expand and include and not to delete. This is exactly what we are doing. We are trying to delete a particular type of business persons when we have the opportunity to bring them in and allow them to expand the economy. This type of legislation is the legislation that has the Prime Minister in trouble because instead of expanding the economy and increasing capacity, we are seeking to decrease capacity.

Sir, no matter where we turn, we are being confronted with legislation within this Parliament that instead of expanding we are seeking to decrease. Sir, a good example of that would have been the legislation we brought before Parliament just a couple months ago.

Mr. SPEAKER: Please...

Mr. D. St. E. KELLMAN: That is why I would not refer to the Draftsmen or the Architecture (Amendment) Bill. I would never refer to that, Sir. What I am saying is that we need to include not exclude. We have to be our brother's keepers and we have to make sure that we are accommodating but this Parliament is not user-friendly. We are not here to protect the interest of anybody. We seem to want to eliminate.

Sir, the next thing you would hear that we got some special Bill to deal with those who deal with refrigeration. We are forming cliques and that is not our role and we must stop it.
12.20 p.m.

Mr. Speaker, we have to understand that if we want to become a developed country, we have to expand the economy for all and not just for a selected few. Sir, this "too-few" system is not going to be in the interest of the people who I represent, nor in the interest of the people with whom I am linked. If this is what Parliament is about, then count me out.

I am not here as a part of any clique. I was and will never be. Sir, I want persons to understand that this

Parliament has to be one about involving people and not about deleting persons. We must be open and not have a closed door, which is what this legislation is seeking to do.

Asides.

Mr. D. St. E. KELLMAN: Mr. Speaker, the Copyright Society of Composers, Artistes and Publishers (COSCAP) must understand that in the same way they have opened up to shops and have allowed them to license themselves and pay a fee, I want the calypsonians to understand that their brothers and sisters are out there working and that they must find a way to bring them on board.

Sir, whether or not one likes it, whatever one thinks about these persons, they have been able to do something which calypsonians have not been able to do. They have been able to come together and market the music of the calypsonians, better than the calypsonians themselves.

Mr. Speaker, I want to say that calypsonians must understand that they have a good product and that the good product must be able to blend with the not-so-good ones. There are persons who have the capacity to bring all calypsonians on board and market a product which includes everybody.

We must ask those persons who are doing that to pay a fee to the calypsonians, so that calypsonians can receive some of the money. If these persons have the capacity to do something on the behalf of these calypsonians, then it is for the calypsonians to ask for their fair share of that money.

Asides.

Mr. D. St. E. KELLMAN: Mr. Speaker, I honestly believe that is their role and the same way that shops can pay COSCAP and could carry a fee on a yearly basis, these pirates should be made to pay a fee for using the calypsonians' music, from which they make money. We must, instead of using the word pirates, make them legal businessmen, but for a fee.

Mr. Speaker, it is rather interesting. I have seen the Honourable Member dancing on his feet and objecting. Sir, while driving here, I heard the Honourable Member saying that he will be seeking to make sure that video shops operators would come on board. If the Honourable Member can open his hands for the video shops owners, he has to open his hands for everybody.

There cannot be cliques. Barbados cannot be a country with cliques. We must be passing legislation to accommodate persons and not to lock them up. We need to solve the problem and it is not to exclude but, instead, to include persons.

Sir, I should not be saying this from This Side, seeing I am dealing with a Government which believes in inclusion. It cannot be only about politicians, it has to be about everybody, politicians and others.

Sir, this legislation has the capacity of solving many problems, but they cannot be solved by using the mentality from the Other Side. This is a golden opportunity of uniting Barbados and making persons who we thought were previously illegal, to become legal. If we could allow persons to come to Barbados and we could make it legal for them to vote, why we cannot make persons legal to work within our own country?

Asides.

Mr. D. St. E. KELLMAN: Mr. Speaker, if we can amend our Immigration Laws and other things to accommodate persons, why we cannot make our own people become legal too?

Mr. SPEAKER: No more of that, Honourable Member.

Mr. D. St. E. KELLMAN: Mr. Speaker, do not prejudice me. Sir, we have to understand that we are depriving Calypsonians of revenue and are increasing the revenue of Government. Legislation cannot be for the betterment of revenues for Government, at the expense of calypsonians, which is exactly what this Bill will do.

Sir, if Government is telling me I am wrong in my argument, all I am asking Government to do would be to transfer all the fines they would have collected over to the calypsonians. If Government has no intention of getting rich off the backs of calypsonians, all Government would have to do would be to collect the fines and then pass them onto the calypsonians.

Asides.

Mr. D. St. E. KELLMAN: Mr. Speaker, we have to be realistic about this. We have to understand that as much as we speak about pirating, we have to ask ourselves if the problem is about pirating, about copyright or about royalties.

Sir, as I listened to people throughout the world and as I look at statistics throughout the world, I think the biggest problem in Barbados has more to do with royalties than with pirating. Calypsonians need to understand about the money that can be collected from royalties. If the money is collected from royalties, maybe they need not worry about piracy. Sir, when one thinks of it, royalty is at a particular level while pirating is at another, so that one would go for the one that he or she feels could be kicked about.

Asides.

Mr. D. St. E. KELLMAN: Mr. Speaker, we have to understand what is happening and how we could deal with these particular matters. Sir, on the Floor of this Honourable House, I am telling calypsonians that this legislation will not benefit them, and that they have a better chance of asking Government to penalise those pirates by making them pay a fee on a yearly basis, which would come to those calypsonians. Instead, whenever someone is prosecuted, it would mean that Government would collect that money off the backs of the calypsonians.

Asides.

Mr. D. St. E. KELLMAN: Mr. Speaker, in the same way that *Voice of Barbados*, the *Caribbean Broadcasting Corporation*, and all the other radio stations which previously never paid fees now suddenly realise that they have to pay, there is the possibility that these pirates would know that they would have to comply too. Sir, we have to open our arms and understand what is happening.

Mr. Speaker, I heard the Honourable Minister making the point that when one looks at the quality of the music that is being pirated and compares that with the looks and presentation of the original version, one can hardly tell the difference between the original and the pirated version. If that is true, then the Honourable Member is admitting that these pirates are able to produce a product of the same quality at a much lower cost which, on the other hand, increases the profitability.

Mr. Speaker, that is what the Honourable Member is saying and I could not have said it better. Yet, after making that strong argument, the Honourable Member comes back and says that he will not tolerate it, as if saying the only thing that makes a difference is high cost and that once the cost is high, the product is good. Sir, I know that the Honourable Member would not make that point.

Mr. Speaker, after listening to the Honourable Member today, I am convinced he is right, and that even though he has brought this legislation to Parliament, he is now caught between two minds and that the argument that he has put forward is one thing but the final conclusion is another.
12.30 p.m.

Sir, the final conclusion is wrong but I support his argument that these gentlemen have been able to deliver a product of the same quality but at a better price. If the Minister had to tender, I know where it would go because if the quality and price are right, the Minister would look at profitability. He would put on his private sector hat and understand what is in the best interest of his shareholders.

Asides.

Mr. D. St. E. KELLMAN: Mr. Speaker, I never said that anyone should buy stolen goods. The Honourable Member who spoke said what was said previously about the other radio stations was that they used to sell stolen goods, that he changed the Law to stop selling stolen goods but he would change the Law to suit the big ones, but not for the poor one.

Sir, I am saying that the Law should be changed. If I had said to leave the Law and not change it, I could understand the argument from the Other Side. I have said at the beginning that the same way the Law was changed for major Press people who never paid a fee, that the Law should be changed for everyone. Sir, if the Other Side has a problem with that, they should say so. If they want to say that the Law for CBC should be different from the Law for poor people, they should say so and I would have no difficulty with that.

Asides.

Mr. D. St. E. KELLMAN: Sir, this is what happens when people draft legislation. They want to defend it and cannot see that the Law should be changed for the masses. Sir, I will never be associated with any political party that believes that the Law can be changed for a few but not for the masses of people.

I could never make calypsonians believe that their interests are being represented because when you total the effect of this, the only benefit to the calypsonians would be when Government tells them how much money it has "raked in".

SUSPENSION

Hon. R. R. FARLEY: Mr. Speaker, Sir, I beg to move that this Sitting be suspended until 1.35 p.m.

Hon. D. D. MARSHALL: I beg to second that.

The question that the Sitting be suspended until 1.35 p.m. was put and resolved in the affirmative without division and Mr. SPEAKER suspended the Sitting accordingly.
12.34 p.m.

RESUMPTION

Mr. SPEAKER: This Sitting is resumed. The Honourable Member for St. Philip West.

Dr. D. C. ESTWICK: Mr. Speaker, I want to make a submission on this particular debate. I first want to say that I support many of the essential features of this particular

amendment largely because I think that the context within which this amendment must be looked at has to do with a broader concept of re-educating a society to move the economic challenges of that society beyond the historical paradigms that would result in economic development.

These traditional paradigms are looking to the areas of manufacturing, agriculture, tourism and other traditional areas which are the gold standard by which economic development should be measured.

Therefore, what it attempts to do, and which I support, is to give credence to a premise that I believe small developing countries and citizens of small developing countries must necessarily internalise, because thought is not defined for or circumscribed by size.

Sir, by extension, it means that we must be able to instil in all of our people, especially our children, that they have the intellectual capacity or can access it to be able to be inventors and creators to be able to produce the new motor car or space shuttle and to believe that they have not only the innate capacity to do so. Also, I believe the opportunity must be provided for all of the legal framework to be put in place. Sir, this is the context within which I see this particular amendment.

Sir, when one looks at civilisations worldwide, the developed civilisations have always been producers. They have always utilised their creative capacities to produce goods, services and products for consumption. We have been historically brainwashed into thinking that we must be consumers because that is what we were during the colonial period.

Now that we are in a neo-colonial period, that type of thinking has not changed in Barbados. As a result an amendment like this, which seeks to harness creative thought as a means of development within a legal framework, so as not to define creative thought simply in the traditional terms of music, art and drama but it must now be extended into the realm of science and technology, the basis upon which most economic development worldwide has been premised.

Mr. Speaker, many of the developments in Japan, Singapore and Korea were underpinned by science and technology. They were able to come up with an idea, abstract it from reality, computerise it, bring it to market and they have been able to do this within a legal framework. This kind of amendment creates that type of legal framework within which we can now see the creative capacities of our people. Whether musicians, artistes, poets, scientists or technologists, we must see their creative output

as a product, commodity, or intellectual right to be used in a way that can benefit them and, by extension, benefit the country.

Sir, that is why I believe that it is not just a simple matter of increasing a penalty. It is more important to appreciate that within the context of trying to utilise the individual's creative product as a commodity that can be bought and sold and, as a result, add to traditional sectors that would carry the economy.

I think that it must be linked within the context of a cultural, social and economic policy because this is the time, within a global context, when the markets, if we accept some of the paradigms, are now larger and will get larger within a Free Trade Areas of the Americas and even larger within a World Trade Organisation under a rule-based set of mechanisms.

Therefore, it is necessary we start to understand that these so-called new sectors will probably become the linchpin to further develop Barbados and the region. It is also necessary that the intellectual output of our people be protected in a most fundamental way.

Sir, if pirating occurs because an individual is trying to meet the most basic needs of putting food on his table, providing clothing for and keeping a roof over the heads of his family, then the amendment would be meaningless. If, on the other hand, the pirating is occurring because of greed and other elements, then we have an opportunity of putting the appropriate mechanisms in place to deal with it in addition to penalties.

Mr. Speaker, I said that because those other mechanisms must necessarily involve a number of administrative inputs, and these must be inclusive of access to financing, access to marketing, tax adjustments, adjustments with respect to our custom and tariffs inputs as they affect the individual's capacity to computerise their output in a marketable commodity in this case. Sir, all of this must be linked to the legal framework in order for success to occur.

Additionally, we must look and do certain types of impact assessments that evaluate quite clearly what we need in order to enforce and apart from what we need to enforce, what may be the impediments to effectively enforcing this amendment to the legislation.

Mr. Speaker, this amendment cannot be seen simply in terms of a component but it must be seen as part of a new methodology to develop the social and economic fabric of Barbados.
1.50 p.m.

We must necessarily see the capacity to take our intellectual output and produce it, protect it, provide outlets for it and create the mechanism to nurture it. We must therefore understand that in the new global dispensation, we can no longer rely on manufacturing, agriculture or tourism as the essential sectors that would necessarily pull us to a new fortune. I do not see it that way anymore.

I want to close by saying that it is important for us to revisit societies where successes have occurred, and production has resulted in the social economical development. The framework has always been one in which the citizens of that country believe that they were capable of creating the new products. They were capable of creating the new goods and they were capable of creating a new set of services.

Mr. Speaker, if we can get our children to understand that they really is no restraint, or there is no constraint on thought with respect to size, then a next little boy or girl out there, may think that they can make the next space shuttle from Barbados, or they can create the next motor car. Even if it is in design, the concept is to make sure that we never undermine the creative and inventive spirit of our people.

Sometimes we forget that England is smaller than Guyana yet, it controls more than half the world. Most of that happened because of the Renaissance period where the inventive spirit became part of the premise to transform England, Europe and the rest of the world.

Mr. Speaker, I support by extension, the amendment but I want to indicate and re-emphasize that the increase in the penalty alone will not solve the problem. Many other administrative inputs must necessarily be there and I think we must determine who the pirates are, what social economic stratum they happen to be at, and allow them to help us to define the types of penalties.

Sir, if a man who lives in the New Orleans, making \$200 every week is using that outlet as a survival mechanism for himself and his family, I think we have to look very carefully at whether creating such penalties will ever solve the problem, when the root problem is one of, how do I feed myself, how do I feed my children and how do I keep a roof over my head?

Thank you very much, Sir.

Hon. K. D. SYMMONDS: I am indebted to you, Mr. Speaker, for this opportunity to contribute to this debate today. I would want to say, Sir, that there are three areas of principal concern for me in this matter. The first one is the need for us to focus, I think, on how we position and reposition ourselves as we try to modernise the Barbados economy. The second one is to follow up on some comments

already made today, with respect to the question of private and public sector training and education in this regard.

Mr. Speaker, I would want to begin by reflecting on the fact that today none of us inside or outside of the House know – there is no evidence whatsoever – of a capacity to measure, either by way of gross national product, or gross domestic product, the value and worth of that aspect of that economy which we call, “a creative economy”, or the conceptual input into the Barbados economy.

We are not alone in that regard, Sir, because I believe that it is correct to say that it is virtually impossible to make that type of measurement, in terms of value of GDP, in virtually any country on this planet. Having said that, what we in Barbados can say, is that a large and growing percentage of our economic activity in Barbados, is seen to be rooted in conceptual output.

A growing percentage of our economic activity, therefore, Sir, is turning away from the traditions of yesterday where we were depending heavily on physical productivity and physical production. If we were to look at the Barbados economy or the economies of the Caribbean collectively, since Independence, we would have recognised that we were talking about agrarian economies largely, largely unregulated economies resting on a right to physical property, buttressed by this expectation of the protection of physical property, but very little consideration had been given, even at that time and in those days to the worth or the value of the conceptual input into the economy.

Mr. Speaker, as economies change, and this is something that I will speak to at length, so too must the law. While it remains certain, while it remains fixed in terms of certain fundamentals, the Law must facilitate and accommodate growth and economic change. In fact, Sir, it must encourage that kind of economic change.

Sir, today, while we all as a people understand the importance of physical rights, and we all see those rights of physical property as inalienable, and you would never hear in a House of Assembly, for example, Sir, a question raised about the right of the shop owner to prosecute the shoplifter, and the need for there to be criminal sanction, there seems, Sir, to be a lack of regard for how we are about to refocus our minds collectively of where we are going, with respect to the evolution of conceptual rights which, in my view, Sir, need to be treated no less differently, in terms of criminal sanction.

Sir, I think that before we go to the criminal sanction, this House must speak to the question of how we balance the conceptual rights that we are trying to create and I will explain what I mean. I think that a balance is necessary

because there is a right of he who innovates, the person who has created a product is to be encouraged, and that must be protected legally by a necessary framework.

Mr. Speaker, there is also the right of people who legitimately expect to be able to expand on an innovation, and that is something we see every day, if we address our minds to it. There was a time when we only dealt with a floppy disk in an office. Today, we are using a CD. The fundamentals of the two are the same. The fact of the matter is that there was a right which he would be seeking to expand on which was created when the floppy disk came into being.

There are several other innovations which are built on the fundamental premises of previous innovations. There would be chaos in the economy, Sir, if we did not try to balance those conceptual rights, so that the Law recognises the need for us to protect the person who is creative and innovative but, at the same time, the Law seeks to encourage and facilitate the growth of new and further innovation.
2.00 p.m.

Sir, that brings me inexorably into the question of our patent laws in Barbados. I certainly would not want to postulate a premise for Government in this regard. I am speaking now of some degree of personal concern that when we speak about patents in Barbados, we are speaking to a set of legislation which is saying that for 15 years that which I have created is subject to patent and the product of that which I created cannot be improved upon and expanded upon because the fundamentals are protected by law and are untouched.

Equally, Sir, depending upon the circumstances those 15 years can be extended by another five, 20 or maybe even more years. The question is, does a small economy which is looking to make rapid developmental strides believes that it should or could safely rest its development on such a prolonged period spanning one and a half decades in terms of only protecting a patent, or should we think in terms of shortening the life of a patent in Barbados.

This is something which, as I said, I do not want to seek to postulate a position on behalf of Government. I am speaking in much the same vein as the Honourable Member for St. Philip West about the re-organisation of the Barbados economy and trying to ensure that what we do here in this House is done with a view to the longevity of opportunity for a new class of entrepreneurs to come along.

Mr. Speaker, it was all well and good in the 1960s and 1970s when we were emerging out of an agrarian economy and looking largely at property rights, but today there is an increasing change where people are looking at less labour

input and more rapid output as a result largely of conceptual ability. In my view, we do not want to have a legislative framework in place that hinders that growth.

Sir, I would want to go a little further to speak to the question of where this amendment is targeted and what, to some extent, triggers it.

Sir, we are obviously looking at an amendment to protect the interest of conceptual workers, but these provisions are triggered by what we call "acts of piracy". When we are speaking about piracy, we are speaking about the infringement of the copyright of people who have produced and who have secured the protection of law for that which they have produced or created.

Sir, this infringement is not done by the average ordinary person in an individual capacity. That is why I take great political exception with the views of the Honourable Member for St. Lucy because we are not talking about the masses of Barbados. I do not know about any masses of Barbados who make their living from piracy or who are, by their very day-to-day business of going about their living, less than legitimate. I am talking about a species of humanity that seeks for financial gain to exploit the protected material of people who have created an innovation with a view to contributing legitimately to the growth of the economy.

Sir, I am not going to soft-speak on this issue. I think there is a clear distinction and there should be one drawn in our minds between the two types. On one hand we are talking about an individual who may go in a library and photocopy a piece of material because he is studying.

While I accept that will result in some tangible loss to the person who published it, it is by no stretch of the imagination comparable to the mass production of the same piece of publication for financial gain and profit by an individual who is seeking to do that as his way of earning a living.

I do not buy into the argument that there are pirates out there practising their craft, as it were, because of the fact that they are hand-to-mouth, that there is no food in the larder, that they cannot send the children to school, that the uniforms are too expensive or any of the frothy and meaningless excuses which are being offered by the Opposition in this House.

I do not buy into that and I never will. I think that as a Parliament we have a duty against which we cannot turn our faces collectively to ensure that as best as possible we protect the interest of those people who legitimately contribute to the growth of the Barbados economy.

Mr. Speaker, I also believe that one of the most critical responsibilities of the Government has to be the commitment that the Government has to ensuring public education in this regard. Sir, the principal spokesperson on behalf of the Opposition made reference to the Copyright Unit and in a very glib manner sought to suggest that it has not performed. Sir, the Copyright Unit has been able to record some successes and significant strides. It has trained members both of the private sector and the public sector.

Sir, with respect to private sector training, might I also take the opportunity to say that as recently as today one of our newspapers reported a headline to the effect that pirates of the United States of America are cashing in on Crop Over hits. That story went on to talk about CDs produced by Barbadian calypsonians which are being sold in Flatbush, Manhattan and the Bronx for US\$3.00 and two for US\$5.00.

Mr. Speaker, the Copyright Unit is created by Government but there has to be a next step. We cannot sit on our laurels and say that Government has put in place a unit, it has secured posts in the public service and that people are paid to go into the community and to share with the community the education behind these issues and feel that enough has been done.

Sir, there is a culture in Barbados of a willingness, I am being frank, to turn a blind eye to patent and absolute wrongs, so in a very soft way, we support the very things that we in this Parliament say are wrong and should not happen and should not be practised.

Sir, with respect to the story in question, the private sector is the same calypsonians who would have taken a legitimate position with respect to the Government of Barbados in calling for legislation. Though it may have happened, it has not come to my attention that these same people have taken a position in the United States of America to defend themselves and their interest against the copyright infringements.

This is where I believe that a more aggressive and rational broad-based perspective has to be brought to bear on what we are talking about because the Ministry of Foreign Affairs and Foreign Trade has Missions in New York and Canada, two of the jurisdictions where the offences are said to be being perpetrated.

Sir, we are not alone because to the extent that they are selling Rupee's CD for US\$3, I would suspect that if Swallow, King Short Shirt, The Mighty Sparrow, Aja or anybody else from the Caribbean had a CD, because the market is really and truly a Caribbean market, everybody irrespective of jurisdiction in this CARICOM region would be affected the same way as long as they are in that line

of business. That brings me not just to the Ministry of Foreign Affairs and Foreign Trade Missions abroad, but the Missions abroad representing CARICOM which are based in New York and Toronto where the offences are being perpetrated.

2.10 p.m.

Mr. Speaker, I am, therefore, saying that the opportunity already exists via the physical representation of the Caribbean Community on the ground in foreign jurisdictions for our artistes to make approaches so that assistance could be given to them in lodging claims and cases. The opportunity also exists that they may vigorously try to defend their rights, as those rights are being infringed by way of breaches of copyright legislation abroad.

Sir, I again believe that the window of opportunity is open for us to seek to work collectively to educate. If we genuinely believe that there is a problem with education, then we must not be satisfied in educating the Barbadian in Bridgetown, but must be prepared to educate the brother of the Barbadian who is living in New York, who might be tempted to offend the interest of the Barbadian calypsonian by purchasing that product for \$3.

Mr. Speaker, I do not believe that by overlooking the diaspora, that one is in a position to reap the success. I believe that success has to be one borne out of a broad-base and aggressive attack on this scourge of copyright violation wherever it raises its head. Sir, I firmly think we cannot turn away from the fact that once the legislation is in place, then our people must seek to ensure that there is prosecution abroad.

Mr. Speaker, with respect to comments made by the Honourable Member, which I consider to be very unfortunate, I wish to speak to the question of prosecution. The Honourable Member for St. Lucy has already been spoken about it in the debate, but I believe that he, with some fortitude, would swallow his pride, and would use his column to withdraw and to retreat from the unfortunate position and the unfortunate signals which he has sent to this community with respect to the question of copyright.

Mr. Speaker, again for the record, I am going to say that I do not believe that the majority of Barbadians are pirates. I do not believe that the average Barbadian is anything other than an individual who pursues a legitimate and God-fearing living. I do believe that when piracy occurs, there should be prosecution of the pirate, irrespective of the level, rich or poor, with the heaviest hand of the Law.

Sir, this is not the first time I have heard this kind of soft discrimination creeping into debates of this Parliament. Sir, in the CARICOM Single Market and Economy debate,

I heard the Honourable Member for St. John indicating that there were persons under the radar and that we should find a way of getting them above the radar, and that all would have been well.

Sir, what we are speaking about in both context, and I call on the others to repudiate their comments or to stand condemned by them, but leading Members of the Opposition are saying that they are prepared to accommodate this kind of unfortunate practice of illegality. Sir, Barbados cannot do that. It goes against the grain of all we hold dear as a developing and small economy. Our representation is fundamental internationally.

Mr. Speaker, I want to speak to the question of public sector training because this question of infringement of copyright reaches into the hearts of Government business as well. The circumvention of security at the Caribbean Broadcasting Corporation (CBC) via the practice of theft of the broadcast signals, results in a loss of revenue to the Corporation.

Sir, even as we seek to ensure the financial viability of that Corporation, the same Honourable Members who we have heard are saying that we must "soft-soap" copyright infraction, still would come to Parliament and would call for the reports of the Corporation. They would want to prosecute, as would be their right, and would want to bring all financial practices under the spotlight.

Sir, one of the major aspects of revenue loss at the Corporation is the practice by Barbadians of theft of broadcast signals. Sir, therefore, in my view, there comes a time when we cross the political line and that we speak as a Parliament to the nation and say to the nation and tell the people that Barbados cannot accommodate it any longer.

Sir, I know where in Bridgetown one can go to a store and buy a chip. I know people have gone and have purchased these chips so that they can have access to that which the Caribbean Broadcasting Corporation (CBC) is selling to you and me for a fee. We cannot turn our eyes to that because to the extent that it happens and happens uncensored, it then results in a net loss of revenue, which has a deleterious effect on what we are trying to do for the enhancement of the public good.

Mr. Speaker, I also believe that this debate must be about using the legislation creatively to stimulate the development of culture. Sir, my research tells me that in Barbados there is a dearth of societies which collectively represent key areas of the creative economy. For example, according to my information, there is no society which represents the area of professional photography. There are only two societies that represent the promotion of the arts.

With respect to the promotion of choreography, for example, a choreograph dance production, Sir, with great respect to efforts made by the Pinelands Creative Workshop, there is no society to promote that aspect. Again in many countries, for example, China and Argentina, it is a critical part of their creative economy.

With respect to the promotion of journalism, there was one, which is now defunct. With respect to the promotion of the Literary Arts, an issue which is near and dear to the heart of my friend from St. Thomas, there is no society. With respect to the promotion of craft, I know of one society.

Mr. Speaker, that tells me that for all we are talking about with respect to copyright and for all that we have said on Both Sides of this aisle today with respect to the need for us to recognise the creative and modern economy, that the conceptual capacity of our people is critical for this nation's economic well-being.

Sir, despite all we are saying about that, in terms of the real players, there seem that there is a hesitancy on their part to pool their resources collectively to form societies, which would be effective in helping Government to be able to respond to their collective needs. It is only through speaking as a society that, for example, Government would be able to address problems facing choreographers or literary artistes.

Mr. Speaker, we want literary artistes to be able to go out into the world. Sir, in the same way that George Lamming, before I was born, was able to become a best seller across the world, I would want to know that there would be others who would have gone to school with my children or with me, who would have become best sellers across the world. Therefore, in order for us to be able to get to that stage, we need to be able to promote their well-being collectively.

Mr. Speaker, the fact that we do not have the presence of these societies to inform and to assist Government with how best we may shape policies in their interest, then we are asking Government to continue to function, as it were, in the dark.

Mr. Speaker, I do not think that any Honourable Member in this Chamber would be willing to suggest that is the very best way forward. As recently as last week, this Government has gone on record as having national consultations, trying to throw out the umbrella, trying to invite people into discussions, so that we can hear what more could be done for persons who are earning their living in the vital sectors of the economy.
2.20 p.m.

How does the current way of doing business affect the private sector? Sir, this is what we need to do. The

legislation is in place and we are here today to make sure that greater fines will be paid by way of punishment. The presence of a fine like the potential sentence of death often acts as a deterrent to the would-be perpetrator of an offence.

I do believe that if an offence is treated as grave and its implications on the economy are grave, then there must be a punishment to deter or make an exemplar out of the person who offends.

Mr. Speaker, I believe the Government of Barbados is on the right track. The Government has worked well and demonstrated its capacity to grapple with this changing economy. Sir, as much as I lament some of the mouthings of the Opposition, I ask them to join with us as we try to turn around the practice of copyright infraction in this country.

Sir, I am grateful to you.

Hon. A. P. WOOD: Mr. Speaker, I rise to make my contribution to this very important debate. First, I want to congratulate the Honourable Member for St. Joseph who introduced this item and the last speaker certainly put in perspective what this Government is aiming to achieve by coming to this Honourable Chamber and making this amendment to the Copyright Act.

Sir, a lot has been said without any individual going into serious detail about the role and the way that this Government intends to ascribe to the creative economy in Barbados going forward. The Honourable Member for St. Peter in his last presentation of the Economic Statement and Budgetary Proposals made it quite clear that Barbados is a country well known for its endowment in human resources.

Sir, we hear time and time again that Barbados is without natural resources, that we are a small economy, one that has never been constrained by its size but we have used our human resources potential to the fullest and have been able to achieve plenty through the skillful way in which we have managed this economy. Sir, through the building of social capital and through the investment made in education, we have been able to make tremendous strides.

The Honourable Member for St. Philip West and the Honourable Member St. James Central eluded to the fact that when one looks at the developmental path of the Barbadian economy, we can see where we came from years ago when the economy was based predominately on agriculture. Then, from the 60s, urged by Professor Lewis' Thesis of Industrialisation by Invitation, we have been able to transform this economy to ensure that the quality of life of Barbadians would improve over those decades.

We determined in this Administration that we are at a juncture where we need to put some emphasis on the creative economy. Mr. Speaker, a lot of emphasis is being placed on tourism and the financial services, but we must give this economy the opportunity to realise the full value from investments in this creative economy.

Mr. Speaker, I want to start by saying that, first of all, we need to determine the bounds of this creative economy because we have to know how to plan for this creative component of the economy. Sir, all the activities which fall within the bounds of the creative economy must be known and, having done that, as the Honourable Member for St. Philip West alluded to, we then need to plan properly for those activities. We need to look seriously at production possibilities and also provide the necessary environment for marketing, labelling, copyrighting, *et cetera*, to be done in the most effective way.

Mr. Speaker, Honourable Members of this Chamber would recall that in respect of the cultural industry, as part of this creative economy, that the Honourable Member for St. Peter, who has responsibility for culture, said that there is great potential for culture in Barbados but that activities need to be organised properly in the cultural industry to allow the economy to benefit with proper planning from what lies in this creative economy.

The Honourable Member for St. Peter initiated a national consultation for culture where all those who are involved in the industry in Barbados at all stages should come together and brainstorm so that we could reach a national consensus on the cultural industry in Barbados. Sir, this Government is renowned and respected for using this consultative approach to allow national positions to be arrived at for the development of certain sectors and industries in Barbados.

This is the type of approach we have to continue to use if we are going to first determine the bounds of this economy and if we are going to allow for a proper organisation of activity to take place in this creative economy.

Mr. Speaker, this brings me to another point which the Honourable Member for St. James Central spoke about a moment ago. I see the amendment to the Copyright Act as one of a number of things this Government will have to do as a way of stimulating innovation and allowing the creative talents of Barbadians to be fully realised.

Sir, the Honourable Member for St. Lucy spoke about promoting small entrepreneurs whose birth and development might be routed in illegal activities. On one hand Barbados is richly endowed with human resources, individuals have become renowned for educational skills and the creative

talents of Barbadian people should be given the opportunity to be fully utilised.

2.30 p.m.

Mr. Speaker, those who complained bitterly many months ago, and those complaints ran for many months, they told this Government that as a way of stamping out piracy for the music they produced that, maybe, we should seek to impose stiffer penalties and to enforce the Law in a more comprehensive and rigorous way.

Sir, this Government understands that if we are going to build a creative economy we need to allow those persons who want to be part of pioneering efforts in that economy, to be given the best available enabling environment. One sure way of doing that is to put the legislative framework in place to construct that industry properly.

Sir, another sure way of doing it is to ensure that there is rigorous enforcement of the legislation to the point that those pioneers and producers of the music are comfortable in their minds that they have the legislative prop and agencies there to protect them every step of the way so that they can concentrate their efforts on writing, producing music, involvement in drama, *et cetera*.

Mr. Speaker, my contention is that they should not have to be doing that and at the same time investing a lot of time and energy in dealing with the pirates. They made a contribution to the design of the legislation, *et cetera*, but they should be released to spend their time moreso in the production of the material. That is why it is extremely important for us to give our support to these types of amendments.

Sir, this brings me to a point which was mentioned earlier. It is the role of the education system and the role of science and technology therein in facilitating and stimulating activity in the creative economy. We have not had a lot of discussion on this particular point but I can assure you that is the way manpower planning should be done in any country that wants to propel or to be propelled into a developed economy coming from the position that we are at this point in time. There must continue to be very close relationship between planning the education system and determining the manpower needs.

I am saying that if we are serious about developing a creative economy that must be reflected in how things are done in the education system, the role of science and technology in the effort should be brought onto the front burner and given serious treatment.

Mr. Speaker, this Government has made available a facility called an Innovation Fund. This Government also spearheaded an awards scheme to encourage young, and

not so young, Barbadians who want to be involved in innovation, who want to have their names written on patents, and who want to be able to produce things which others can use, to produce intellectual property.

The Government said that it is going to establish an innovation fund, an award scheme, other facilitation and technical assistance but it is asking people to come forward and step up to the plate, so to speak, and let the creative talents that exist in Barbadians come to the fore.

Sir, this is the way to go. It will take some time but if we start on the premise that, like other countries, a lot is to be gained from investment in the creative economy, then we must do these things, but we must stick with the process because these things can take time.

Sir, many years have been spent developing intellectual property. Many research hours have gone into developing intellectual property in countries that were committed to leading in certain inventions. Sir, we see how those societies were transformed via a commitment to investment in areas and activities which resulted in a generation of things that were novel and extremely innovative so that people can tap into and pay for the use of it.

We have a very noted young Barbadian scientist who works at the University of Michigan, Professor Rawle Hollingsworth. Professor Hollingsworth operates a big lab in the United States of America. He has made a name for himself and his country in the process. He has a team of research scientists. He produces intellectual property which is used by many pharmaceutical companies throughout the world.

Asides.

Hon. A. P. WOOD: He might be wealthy in the process but there is nothing wrong with that. He has used his God given talents to the fullest. We are saying that there are other Barbadians somewhere unknown to us at this time who, with the right facilitation and enabling environment, we can use and allow us to get some mileage out of the effort we have placed in developing this creative economy.

Sir, I am going to speak very frankly, like the Honourable Member for St. James Central, because you cannot be on the one hand trying to promote that sort of thing and on the other hand there are people like the Honourable Member for St. Lucy saying that the efforts of such persons can be compromised by allowing a group of persons to sit and wait until persons have done all the hard work, spent long hours, produced music or other types of intellectual property and say that they should be able to use

it and fashion it in a way to suit them in the name of being small entrepreneurs.

Mr. Speaker, I will only get caught in that way of thinking if the people who produce the music tell me, as a policy maker in this country, that is what they would support. Sir, until they, as a body, tell me – they would have organised that among themselves and that is the way to go. They never told us that. They asked us to strengthen the legislation, make the penalties higher and to use our best efforts to enforce the legislation in a more rigorous way.
2.40 p.m.

I am not going to be a party to the thinking of the Honourable Member for St. Lucy and I want the records to show that I have dissociated myself from that way of thinking.

I am in favour of what this Government is trying to do. We have gotten a little support from the Opposition on this, for a change. I am in favour of this Government organising their planning processes in such a way that whatever creative talent resides in Barbadians, can come to the fore. When they have done that, those same persons should then have some say in how that creative talent is then taken to the next level, via the processes of marketing, copyrighting, *et cetera*.

I have statistics from the Barbados Association of Music Retailers. They have estimated that the recent losses in revenue to the Government, as a direct result of music piracy is BDS\$1.99 million projected over one financial year. This is a very conservative estimate because we know up to this point that determining the output in the music industry, there is nothing exacting about that and the statistical methodology to determine that is still to be arrived at, so to speak.

This is the loss to the Government's purse, but could you imagine what is the loss to the producers themselves? It is much more substantial than this. The Honourable Member for St. Lucy comes in here and supports the type of activity which costs the Government, projected over one year, by those who produce the music, BDS\$1.99 million, but in turn costs the music producers themselves well in excess of this amount.

Mr. Speaker, producing a bit of music results from a series of economic activities. The person who writes the music, has to get a producer and find a studio. There is a lot of money that goes into the production of a bit of music. There are lots of connected activities which go into the production of music.

This is the type of thing we should be encouraging. In the creative economy, there are linkages to be established and indeed, strengthened through a proper regulatory

framework which includes proper enforcement of legislation. We should allow those economic relationships to develop, in the building of the creative economy.

This Honourable Member for St. Lucy, a man who runs an establishment that I visit often, comes in here and seeks to compromise and put all of that in jeopardy. I know, Mr. Speaker, he is a man who is built a little different from what he said here today. It is not becoming of him and it is not typical of him and I think in time, he would make the requisite apology to Barbadians.

Mr. Speaker, before I close, let me speak to this matter of Barbados and Barbadian products being seen, acknowledged and recognised as symbols of excellence. We have them and I would have to confess over the years that we were lapsed in our approach to recognising the inherent value in the intellectual property.

I would also admit that from here on end, it would be a completely different approach. The approach would have changed some years ago, and we need to continue on that path, but there are some products, some well known to yourself, Mr. Speaker, some well known to all Barbadians, that we can move on now, while we allow the creative talents that exist, some of it unknown to us at this point in time, which have to come to the fore.

Mr. Speaker, could you imagine what could be gained by this country, if we were to brand Barbadian sugar? For some years now, if you go many places in this world, for example, in London and elsewhere, you could pick up a bag of sugar called Demerara sugar coming out of Guyana. This is a symbol of excellence in the manufacturing Stuart Agricultural sector in Guyana.

Sir, there is no dispute over the quality of the sugar we produce in Barbados. The Honourable Member for St. Lucy was involved in the agricultural sector at some level. I daresay, a little too short because he has come away, Mr. Speaker, not having assimilated enough knowledge that we would have wanted for the time he spent there, but he is yet young and he still has an opportunity to learn more and I am certain that he would continue on the upward learning curve.

Aside.

Hon. A. P. WOOD: Sir, there is a lot to be gained from the branding of Barbadian sugar and I want to encourage and, indeed, support all the efforts that are ongoing in the agricultural sector in Barbados realising this dream of having branded sugar.

Also, let me use this opportunity to applaud the Inter-American Group of Cooperation on Agriculture, because

they have been working with the Ministry of Agriculture in trying to raise the profile of the Barbados black belly sheep. They have a sort of economic linkage project going with agriculture and tourism in which they want to have more of the black belly lamb appearing on the menu of more of the hotels in Barbados. I can say at this point in time that a hotel with a reputation of Sandy Lane has bought into the project.

This has led to a revitalisation of the production in this component of the livestock subsector in agriculture. I am saying they also intend to move it to the next level. Wherever there are opportunities for a signature for products to be produced from us rearing black belly sheep in Barbados, this is where they want to take the project. We need to get these products into the regional and international arena.
2.50 p.m.

Sir, when that is done with great success, we would be well on the way to getting this country better known for what it can produce as its symbol of excellence. The same thing obtains with the West Indian Sea Island Cotton which we have been producing for many years, the quality of which is second to none produced anywhere in the world.

We have some international pirates there but they are pirating in a slightly different way as they are taking inferior products to those that are produced with West Indian Sea Island Cotton and giving potential buyers the impression that West Indian Sea Island Cotton is somewhere in there, as well as hybrids, undermining the true intellectual property value in the potential that we have or that we can get from the production of West Indian Sea Island Cotton. Mr. Speaker, these are three of the products, but there are many more at this stage.

Mr. D. St. E. KELLMAN: On a point of order. Mr. Speaker, the Honourable Member is misleading the House by trying to give the impression that he knows of the pirates and that he has brought the necessary legislation before this House to prosecute them.

Mr. SPEAKER: Continue, Honourable Member.

Hon. A. P. WOOD: Thank you for rescuing me, Mr. Speaker. That is really no point of order.

Mr. Speaker, I support the amendment to the Copyright Act. I recognise that one of the things this amendment is aimed at is to allow the creative talents of Barbados to come to the fore in our efforts to stimulate more activity in the creative economy.

I am indebted to you, Sir.

Hon. D. D. MARSHALL: Mr. Speaker, I believe that in some respects we have had a fruitful debate on this amendment. There are some perspectives which have been presented that appear to be somewhat contrary to good order, but they have been accepted by This Side in the spirit in which we believe they were presented.

Mr. Speaker, I do not wish to make much of the comments made on the Other Side, but it would be remiss of me if I did not comment on the response made by the Honourable Member...

Asides.

Mr. SPEAKER: Proceed, please.

Hon. D. D. MARSHALL: Mr. Speaker, the Honourable Member for St. Lucy made a contribution which I must say has left some of the Honourable Members on This Side a little dumbfounded. His contribution centred around the idea that we should coddle people guilty of the piracy of intellectual property. This was proceeded on the basis that inasmuch as it is possible to produce pirated material of equal quality as the original material, that we should all buy the pirated material.

Mr. Speaker, this society is one which is predicated on law and order. The suggestion that pirated goods might be cheaper than original goods and they would be purchased is tantamount to saying that because stolen goods are cheaper than goods that have not been stolen, they should be purchased. Sir, I honestly do not think that the Honourable Member for St. Lucy seriously wants to posit that position.

Sir, the fines and penalties that are proposed from this Honourable House today serve to indicate clearly to the people of this country that we are continuing to take piracy seriously by setting the level of fines way above many other offences that people may view to be equally grievous. Our commitment is not one that is based on the fines bringing revenue. In fact, we are hoping that the establishment of a higher penalty regiment would serve as a deterrent to piracy.

Sir, it is not known to me, and I do not think it is known to any of my colleagues on This Side, that the imposition of a penalty by way of a fine is a way that Governments would try to raise revenue. Governments raise revenue in other ways, not by exacting a penalty on individuals.

We believe these penalties are sufficiently high that they would serve as a proper deterrent against further piracy. We are satisfied that hand in hand with an increased penalty regiment that we have to provide for strengthening the enforcement aspect of things.

Sir, just to recapitulate the Police, the Magistrates and our Judiciary have received additional training. I believe the Ministry of Culture is to embark on an extensive public relation campaign in relation to the creative economy and the importance of people supporting the creative economy. It is not just that we are increasing the penalties. We are putting provisions in place which would facilitate a higher level of policing.

Sir, this legislation has been supported in large measure by the people, the rights-users, who are most affected by it. They see this legislation as being far more modern and thorough in its reach than the legislation of 1981 which came into force in 1985. This represents an approach that is consistent with our obligations under the World Trade Organisation TRIPS agreements.

Mr. Speaker, I am quite sure that as we go forward into this millennium and as we try to achieve a higher level of national prosperity as a result of exploiting our intellect and our intellectual property assets that there would be other occasions for dialogue and debate in this Honourable House.

Sir, I am satisfied that the scene has been set for an increase level of prosperity to all Barbadians as a result of a greater awareness and a greater appreciation of the value of intellectual property.

Mr. Speaker, we should not expect that next year we will see perhaps 10 or 15 inventors coming up with new products or that our scientists will go to 20 or 30 patents. What we should expect is a legal regime and a psychological approach of all Barbados which should see people recognising that there is value to intellect beyond getting "A" Level Certificates, or Degrees, and that our musicians are accorded not only the highest accolades of the land but also a concomitant opportunity to realise significant earnings from the products of their creativity.

3.00 p.m.

Mr. Speaker, it is probably about 400 years since the printing press was created, which has allowed for the management of document and for the dissimulation of knowledge to become a common feature. That event is one of the signalled event in the intellectual property growth of mankind, but the days of the printing press are now over.

We are now looking at high technology mechanisms for the storage of information. We are looking at digital storage and digital dissimulation, which are all things that have to be countenanced by today's intellectual property regime. There was a time when people did not see a performance as being capable of intellectual property protection but because of our ability to capture these things forever, today these performances and broadcasts are seen as important things to be protected.

The environment which has been created by the Barbados Labour Party favours innovation, creativity and the establishment of a creative society, at the bedrock of all that Barbados can be over the next decade, over the next 50 years, and over the next 100 years.

Many of the things we currently do now would be done differently, but we have to recognise that the world is going to be snapping up new ideas and new products with great rapidity and we have to move with the times. It is not everything Barbados produces that would be a success, but we know there are success stories that are available to us, which we can claim as our own.

Mr. Speaker, with those few remarks, I beg to move that the Bill be read a second time.

Hon. R. C. EASTMOND: I beg to second that, Sir.

COMMITTEE

On the motion of Hon. D. D. MARSHALL, seconded by Hon. R. C. EASTMOND, the House resolved itself into Committee, Mr. R. D. MARSHALL in the Chair.

Clauses 1 – 5, inclusive, were called and passed.

On the motion of Hon. D. D. MARSHALL, seconded by Hon. R. C. EASTMOND, Mr. CHAIRMAN reported to His Honour the SPEAKER, the passing of one Bill in Committee

and Mr. SPEAKER resumed the Chair and reported accordingly.

Hon. D. D. MARSHALL: Mr. Speaker, I beg that this Bill be read a third time.

Hon. R. C. EASTMOND: I beg to second that, Sir.

The question was put and resolved in the affirmative without division.

On the separate motions of Hon. D. D. MARSHALL, seconded by Hon. R. C. EASTMOND, the Bill was read a third time and passed and cited as the Copyright (Amendment) Act, 2004.

ADJOURNMENT

Hon. R. C. EASTMOND: Mr. Speaker, that brings us to the end of Government's Business for the day. I beg to move that this Honourable House be now adjourned until Tuesday, October 12, 2004, at 10.00 a.m.

Hon. A. P. WOOD: I beg to second that, Sir.

The question was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.
3.07 p.m.

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