THE
House of Assembly Debates

(OFFICIAL REPORT)

FRIST SESSION OF 2003-2008

Tuesday, January 31, 2006

HOUSE OF ASSEMBLY

Pursuant to the adjournment, the House of Assembly met at 10:15 a.m. on Tuesday, January 31, 2006.

PRESENT

His Honour I. A. ROETT, G.C.M., B.A., Dip. Ed. (Speaker)

His Honour J. M. EDGHILL, J.P.(Deputy Speaker)

Hon. Miss M. A. MOTTLEY, Q.C., LL.B. (Deputy Prime Minister, Attorney-General and Minister of Home Affairs) (Leader of the House)

Mr. D. J. H. THMPSON, LL.B.(Hons.)(Leader of the Opposition)

Mr. L. R. TULL, Q.C., M.A. (Oxon.)

Hon. Dame B. A. MILLER, D.A. B.C.H., (Senior Minister, Minister of Foreign Affairs and Foreign Trade) (Acting Prime Minister)

Hon. R. C. EASTMOND, J.P., B.A.(Hons.), Dip. Ed., LL.B.

(Hons.), L.E.C (Minister of Labour and Social Security)

Hon. G. A. CLARKE, B.Sc., Dip. Ed.,J.P. (Minister of Public Works)

Mr. R. D. MARSHALL (Chairman of Committees)

Hon. H. F. LASHLEY (Minister of Social Transformation)

Hon. R. St. C. TOPPIN, LL.B.(Hons.)

Mr. D. St. E. KELLMAN

Hon. Mrs. H. E. THOMPSON, LL.B. (Minister of Housing, Lands and the Environment)

Hon. Miss C. Y. FORDE, J.P. (Minister of State, Ministry of Education, Youth Affairs and Sports)

Mr. T. A. PRESCOD, B.A.

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, J.P. B.Sc., M.Sc., M.Phil. (Minister

of Energy and Public Utilities)

Hon. R. R. FARLEY, B.Sc., J.P.(Minister of Education, Youth Affairs and Sports)

Mr. C. A. MASCOLL, BSc. (Econ.) (Hons.), M.A. (Public Finance)

Dr. W. F. DUGUID, B.D.S. (Comm.), F.D.S., FDRCS., J.P.

Hon. K. D. SYMMONDS, B.A., LL.B.(Minister of State, Ministry of Foreign Affairs and Foreign Trade)

Hon. D. D. MARSHALL, LL.B., (Hons.), L.E.C.,(Minister of Industry and International Business)(Acting Attorney-General)

Mr. R. D. JONES, B.A. (Hons.), M.A. (Ed.), J.P.

Mr. M. A. LASHLEY, (LL.B.)(Hons.)

Dr. D. C. ESTWICK, B.Sc., M.B., B.S.

Mr. R. L. SEALY, B.Sc., M.B.A.

Prayers were taken by Pastor Rev. Canon Ivan Harewood.

Mr. SPEAKER: The House is now in session.

MINUTES

Mr. SPEAKER: The Minutes of Monday, January 16, 2006.

Hon. R.C. EASTMOND: Mr. Speaker, I beg to move that the Minutes for the Honourable the House of Assembly for its meeting of Monday, January 16, 2006, 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.

PAPERS

Hon. Dame BILLIE MILLER: Mr. Speaker, I beg to lay the following

1.The Ministry of Finance - Half yearly Report on the Revenue Collecting Departments for the period April 1, 2004 to September 30, 2004.

Hon. R.C. EASTMOND: Mr. Speaker, on behalf of the Honourable Member for St. Michael South, Minister of Tourism, I am commanded to lay the following

1. The Chairman(s Report and Financial Statements of the Grantley Adams International Airport Inc. for the year ended June 30, 2005.

FIRST READING OF BILLS

Hon. D.D. MARSHALL: Mr. Speaker, I beg to move the first reading of the International Trade in Endangered Species of Wild Fauna and Flora Bill, 2006.

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

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

H89/10:20Sequence 2

Tuesday, January 31, 2006

SUSPENSION OF STANDING ORDERS

Hon. R.C. EASTMOND: Mr. Speaker, I beg to move that the following Standing Orders Nos. 6, 16, 18, 20, 42(5), 43 and 44 be suspended 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.

ORDER NO. 11
THE COPYRIGHT (AMENDMENT) BILL, 2006
Mr. SPEAKER: The Honourable Member for St. Joseph.

Hon. D.D. MARSHALL: Mr. Speaker, you will notice on the Order Paper that Order No. 12, us a matter which is quite similar in substance to Order No. 11, in that it deals with a raft of miscellaneous amendments to other intellectual property instruments. It is therefore proposed that we should have a combined debate on both Orders No.11 and No.12.

Mr. SPEAKER: If this be the will of the Honourable House, then so be it.

Hon. D.D. MARSHALL: Mr. Speaker, intellectual property, by its nature, resides in the bosom of every human being. Perhaps, from the days as a child when you hummed your first tune, it might be incapable of recognition by anybody else, but if anyone troubled to record it for posterity, it, might well be the first composition of an individual who might become famous many years thence. Intellectual property also resides in our bosom when we write our first essays in primary school, or perhaps when we draw our first awkward-looking paintings of boys and girls with distended anatomies and so on.

Sir, the point is, by its very nature, intellectual property is common to every race. It is common to every human being. However, what is not common to every human being is the capacity to turn that intellectual property, turn that invention, that creation of the fertile mind into a commercially viable product. Mr. Speaker, the fact is, the creation of intellectual property reaches its pinnacle when that idea is converted into a form or type, that could be commercially exploited, for the use of the creator.

Sir, I regret that Barbadians have not over a longer period of time been paying attention to this important aspect of commercial activity. Certainly, the maxim is, that by the sweat of thy brow you should eat bread, and so, some people may form the incorrect view that those people who sit and write poetry are not causing their brow to sweat. In fact, we seem to have an idea fixed in our mind that the softer pursuits of art and music are not really legitimate forms of employment or legitimate means of earning income.

Sir, I am happy to report that old attitude has changed, but the truth is, there are still many Barbadians who, if their son or daughter told them that they were to become a musician or an artist, they would literally have a fit. I am happy that over the last decade we have seen a new attitude towards intellectual property creation and exploitation in Barbados.

Mr. Speaker, it seems to find its greatest expression in the cultural industries. I supposed that it finds its greatest expression in the cultural industries because one does not need to invest the heavy machinery, laboratories or testing equipment to create works of art and works of music. It is worthy of note that Barbadians have been able over the last twenty or, perhaps, more years to break onto the world scene, even though in a small way, through actually creative inventions.

Sir, I believe that today(s environment is very different from past years. It is different because, first, we have begun to acknowledge the intrinsic worth of our intellectual property and to recognise it as a viable career option for our young men and women. Secondly, by virtue of recognising the value of intellectual property in that way, we have recognise it as an engine of economic growth, capable of earning revenue for the individual, but also for the coffers of the Government, and much of that revenue has the potential to be foreign exchange.

Sir, over the last ten years, this Government has embarked, in my view, on an aggressive set of work to enhance the

intellectual property framework in Barbados. I think that Honourable Members of this Honourable House will recall, that during the late 1990s, we passed several pieces of legislation, designed to bring Barbados in compliance with the TRIPS Agreement. Mr. Speaker, I make bold to remind you that TRIPS stands for Trade Related Aspects of International Property Rights. It had its genesis in the Uruguay round of the General Agreement on Tariffs and Trade. Sir, it obliges all members of the World Trade Organisation to establish minimum standards for intellectual property treatment in every country of the world. Sir, no doubt, the prime idea behind the TRIPS Agreement is to establish a playing field, global in its scope, which affords individuals who created intellectual property, protection, in whatever jurisdiction their works may be found.

Sir, it would be obvious that the prime movers of the TRIPS Agreement would have been companies like Microsoft, companies that had global reach in terms of the intellectual property, but also companies that were being savaged by piracy, causing them to sustain losses of billions of dollars on an annual basis.

Sir, notwithstanding the fact that the prime movers of the TRIPS Agreement would be the multi-national corporations, it is still seen as an important framework for every artist, whether you are a humble musician or a mega famous band playing in every capital in the world.

Mr. Speaker, the point that I am making is that in late 1990s, this Government embarked on a sweeping reform of our intellectual property environment, that saw the introduction in 1998, of a new Copyright Act, a Geographical Indications Act and an Integrated Circuits Act. We also had the Protection Against Unfair Competition Act, in 1998. We also made substantial amendments to our trademarks legislation and did various other pieces of legislation to bring our intellectual property framework up to date and into compliance with our TRIPS obligation.

H 89: 10.30 a.m.Sequence 3

Tuesday, January 31, 2006

House 89, sequence 04, 10:30 a.m.

Continuation of Hon. D.D. MARSHALL:

This Government, Sir, is very serious and committed to ensuring that Barbados and Barbadians realise all the potential of our intellectual property. Again, we reflect on the fact that our intellectual property is seen more in the form of our musicians: CrossFyre, Square One and Rudy Boyce of some years back - the Honourable Member for the City is smiling with glee as she reflects on Rudy Boyce(s beautiful voice - we also had the Sand Pebbles, the Opels and a whole set of musicians who were able to carry the name and brand of Barbados into the international arena but it is only now that our performers are signing record deals with the major producers and breaking onto the international scene.

It is no small wonder, Sir, that my 10-year-old daughter(s favorite musician is a beautiful young Barbadian lady of Guyanese extraction named, Rihanna and I do not mean to be flippant when I tell you that every morning as I take my children to school, I am forced to play (Pon De Replay(again and again during that journey.

I believe that these are positive developments because when a Barbadian(s favorite musician is not Michael Jackson or Maria Kerry anymore - I do not know them all - perhaps, Mr. Speaker, I think that we have crossed our own emotional and intellectual rubicon.

As I said, Sir, we are committed to seeing the benefits of all of our intellectual property initiatives and we have just completed an intellectual property audit. The department of Corporate Affairs has done an extensive amount of work, not just in terms of being a regulator of intellectual property and a registry for intellectual property but they have also done a lot of work with the World Intellectual Property Office (WIPO) to try to develop a framework to see Barbados and Barbadians realising the intellectual property potential. The first step in that process has been the conducting of an intellectual property audit. This audit was recently completed and I expect that we shall be able to present it to Cabinet for consideration very shortly.

Sir, this intellectual property audit consisted of a series of interviews and surveys so as to enable us to determine whether or not the preconditions for the full development of intellectual property in Barbados exist, whether there is a supporting infrastructure for the development of intellectual property, and simply, Sir, whether a suitable environment for the development of intellectual property is available to all Barbadians, whether they are in primary schools, secondary schools, tertiary institutions or beyond.

Mr. Speaker, this survey has been done by a product of St. Lucy, I believe that I can call her name, Miss Hollingsworth, a consultant to the Ministry of Industry and International Business for the purpose of this project. Miss Hollingsworth has impeccable credential and worked internationally. I am delighted that we were able to find in Barbados such an outstanding and internationally known young woman who is able to do this kind of work for us.

Formerly, we would have had to get a consultant coming out of Europe, the USA or some other place to do this intellectual property audit. As I said, Sir, that audit has been designed to show us exactly the areas in which we fall short so that we are able to establish for once and all, an environment that is going to be able to see us achieve those dividends.

Mr. Speaker, to the legislation in particular, I would like to spend a little time talking about the amendment to the Copyright Act, which presently provides for the establishment of a Copyright Tribunal, consisting of three individuals, who have been appointed to serve in that capacity.

The Chairman of the Tribunal is an Attorney-at-law. There is an individual on the Tribunal who is a distinguished artist and who has been involved in drama in Barbados for many years. There is also an Economist, because we felt it was

important that in setting up this Tribunal, we have the necessary skills to provide the economic analysis of the areas that would come under review.

This Tribunal, Sir, is essentially there to adjudicate on disputes between arts or rights owners and the individuals who would want to use those rights, such as radio stations and entities of that sort.

I think, Sir, that you could see the application of the work of the Tribunal coming into play at Crop Over for example, where frequently there are disputes in relation to the use intellectual property as to which radio station is or is not allowed to use the music. These are things that have raised their heads in Barbados in the past. In those times, Sir, there was no Tribunal established to adjudicate on these matters between the individuals.

There are occasions when there have been disputes arising out of the inability to agree as to what royalties shall be paid. Sir, just to remind Members of this House, when one individual uses for commercial purposes the intellectual property of another, the artist whose property is used is entitled to be compensated for that use and it is that compensation that we term a royalty.

The fact is, Sir, that if you were to go and print on your annual calendar, a photograph or a painting by a Barbadian artist, without that artist(s permission this artist is entitled to say to you that you have used my painting, my drawing, my photograph and I want a royalty for it. Sir, under the common law this artist or musician is able to set the royalty at whatever rate he or she chooses. It is that simple.

Therefore, you may use my photograph on almanacs that you might want to give to your constituents and I would be entitled to say to you that I want BDS$100 000 for the use of my photograph. Sir, prior to the Copyright Tribunal, there was no mechanism to adjudicate effectively between the parties.

In fact, those individuals who would have been following intellectual property developments over the years and colleagues, would recall that during the late 1990s several associations carried our media houses and businesses to court for playing music without obtaining the appropriate licence or without paying the appropriate royalty. The issue arose what is the sum of money that you are charging because the individuals were able to charge such sums as they felt merited.

The Copyright Tribunal, Sir, is here to adjudicate on those issues and so one of the powers or obligations of the Copyright Tribunal is to set royalties. It can set royalties in a general way or it can also set royalties in a dispute between two parties. We think this is an important development.

This Copyright Tribunal is seen really as a counter to monopolistic tendencies or monopolistic agencies. The fact of the matter is that any situation where an individual says that you pay me x, or you cannot play my music or you play me y, or you cannot use my invention or my work, is a situation where a proper commercial relationship is not developing. In essence, it is argued that it becomes a monopolistic relationship, where the individual who seeks to use the intellectual property has to take it or leave it, Sir.

House 89, sequence 04, 10:5015

Tuesday, January 31, 2006

Continuation of Hon. D. D. MARSHALL:

Mr. Speaker, the Corporate Tribunal is established to adjudicate between parties where there is a dispute as to when a particular work of art or a particular item of music can be played, how it can be played and what royalty should be set.

Sir, I recall that there was a case in which a Barbadian musician had done what was called sampling. Sir, sampling is where you take a small snippet of music from another performer and introduce it into your music. This is done fairly commonly in the reggae industry, but not so commonly in other parts of the music industry. The individual, whose three to four seconds of music was sampled, demanded a sum of CAN$5 000 from the Barbadian musician. Of course, the Barbadian musician knew that he could not make CAN$5 000 in sales, so you had an impossible situation because the fee being demanded for sampling was more than the revenue that the musician in Barbados would have been able to make. Mr. Speaker, the individual demanding the payment was at liberty to set whatever payment he or she wished, and so the Copyright Tribunal is here to adjudicate on such issues.

Sir, Barbados is a small society and we recognise that there are inherent dangers with having a Tribunal consisting of no more than three individuals. Mr. Speaker, the Tribunal must sit in its full strength, therefore, all three members must sit. Mr. Speaker, it is possible that one of the members of the Tribunal may have a conflict of interest, such as being related to a musician. Therefore, what we are seeking to provide is a larger panel from which the Tribunal can be drawn. This will also allow us to have more than one Tribunal sitting at a time, so that if at Crop Over urgent applications are made before it and simultaneous hearings must be done, you would be able to constitute more than one panel so that the applications could be heard.

Sir, what we are seeking to do is to increase the total number of people available for the panel from three to seven. It is proposed that the Tribunal would still consist of three individuals but four other individuals would also be appointed who can constitute a panel so that if an individual is on holiday, the panel could still be constituted to effectively carry out the work.

Mr. Speaker, the Tribunal, as it has been constituted, has not conducted any hearings as yet. In fact, I believe that might come as a bit of surprise to you because you would figure that Crop Over could be so turbulent in terms of disputes between musicians, artists and so on, that they would have adjudicated on at least one matter by now, but so far, as I am aware, they have not had to adjudicate on any matter.

Sir, the potential that this Tribunal has for bringing some kind of calm to the potentially turbulent intellectual waters is

great. Mr. Speaker, we feel that in the fullness of time the work of this Tribunal would be seen and would be known by all Barbadians.

As I said, Sir, this Tribunal would serve the purpose of balancing the interest between the owners of copyrighted material as against the owners of intellectual property. Sir, this balancing act is one that we favour having a Tribunal adjudicate on because the process is shorter - it is going to be by consensus - in the sense that more than one individual would contribute to the decision rather than going through the extraordinarily long process of the court.

Sir, we think that this Tribunal is going to contribute greatly, as I said, to balancing the interest between the parties. Sir, while we do not hope to see it busy with work, the point is, it is there, should it be required.

Sir, in relation to the miscellaneous amendment, amendments are being proposed to essentially three pieces of legislation and the regulations falling thereunder; the Patents Act, the Trademarks Act and Regulations and the Industrial Designs Act and Regulations.

There is an idea, Sir, that the law has to keep pace with developments. In fact, one of the maxims is that law is always speaking. The essential idea behind this is that the law must see itself, not as an object that is incapable of being moulded, but as a living instrument that from time to time would have to be changed, modified, or in some other way transformed so as to better serve the interest of the public at large.

Equally, Sir, we live in a world where we are committed to follow the intellectual property requirements of the various World Intellectual Property Organisation (WIPO) treaties. We are also obligated to follow our treaty obligations generally and therefore, from time to time, it would be required that we make amendments so that various pieces of legislation would be consistent in their message, so that we are able to say to the world that we have met all of our obligations.

Mr. Speaker, these amendments are miscellaneous in name and nature. The one that I would want to speak particularly to is the amendment, which is being proposed to the Patents Act, which will change the burden of proof in certain cases. Sir, it is axiomatic in law, that he who contends, must prove, or put another way, the burden of proof is generally placed on the individual who is making a particular argument. In the context of criminal law, the burden of proof is never on the accused except in very limited cases.

In this instance, Sir, the addition of this new section 55 (a) is seeking to alter this ordinarily expected standard. It simply requires that where a patent is granted for an invention, which is done by a particular process, where another individual has produced the identical product, it will be deemed that his identical product has been produced by the same process. Sir, this is not in the realm of nuts and bolts, this is really in the realm of chemical processes and biological processes that are capable of being patented. Mr. Speaker, the point is, where an individual has an outcome produced by a particular process and another individual has that identical outcome, then the presumption is that the process has been the same. The burden therefore would be for the other individual claiming that he used a different process to prove that he did not use the same process.

Sir, while this may seem to be a simple matter, I assure Honourable Members of this Honourable House that it is not. We have chemists in this audience and individuals who have dabbled with science. Sir, you know that chemical processes can be extraordinarily complicated. Sir, you can think of today(s environment where pharmaceutical companies are daily vying for space on our televisions to promote a new pharmaceutical product, whether it is viagra, cialis or plain old vitamins.

Asides.

House 89 Sequence 5

10:50 a.m.

Tuesday, January 31, 2006

Continuation of Hon. D. D. MARSHALL:

Mr. Speaker, that, perhaps, is a good example. The point is that it is important because there are also similar products that are touted as serving the same purpose. Therefore, it is important to bring some certainty to this particular situation because it may be very difficult for an individual to prove that the process of another individual is identical to his own. Therefore, because of the intense competition, especially in the area of pharmaceuticals and chemical processes, et cetera, the TRIPS Agreement requirement is important, in that it changes the burden of proof and puts that burden of proof on the individual who is the potential infringer.

Mr. Speaker, I highlight this point only because it runs counter to what we as Barbadians, in the common law, see as the pillar of our jurisprudence. I am sure that some individuals who would have practised criminal law, would shudder at the thought that a person who is accused of an infringement, now has the burden of proof. Sir, as I said, because of the special nature of the kind of activity that is contemplated here, which involves chemical processes, pharmaceutical companies, et cetera, it is important that we establish this as a new jurisprudential norm in this particular area.

Mr. Speaker, the fact is that there an increasing cry within Barbados that in the realm of intellectual property, generally and as a rule, we put the burden of proof on the infringer. We, as a Government, have resisted going in that direction, precisely because it runs counter to what we see as our jurisprudential norm, but certainly there are increasingly strident calls from individuals, especially in the music industry in Barbados, who are asking why should they have to proof that a particular DVD or CD is pirated, and that the accused infringer should be forced to proof that it is not pirated.

Mr. Speaker, though there is an increasing measure of support for that approach, as a Government, we have resisted going in that direction because we do not want to do any real

damage to the roots of our jurisprudence. Sir, there are special cases and this certainly is one of them, where that jurisprudential norm is being changed, where there is a paradigm shift, in terms of the approach taken to this particular area.

Mr. Speaker, it continues to be of some concern to me, and I believe to this Government, that though we may register in the region of 13 000 trade marks per year in Barbados at our Trade Marks Registry, very few of them are for Barbadian companies. I believe the number is in the small hundreds.

Mr. Speaker, as I am addressing this Honourable House, I take this opportunity to make a call to all Barbadian businesses, particularly now that we are operating in the single market and economy, that they need to pay careful attention to the value of their trade name and the importance of their logos.

I believe that all of us who would have visited St. Lucia, from time to time, would know of a particular experience of a Barbadian enterprise, a large food retailer, which ventured into St. Lucia. Sir, that enterprise did not last very long, but if one were to visit St. Lucia tomorrow, one would see a business with almost the identical name of that Barbadian entity that had gone there and not flourished. Therefore, in the circumstances where this Barbadian business had not registered its intellectual property in St. Lucia, it had no ground on which to object to the St. Lucian enterprise using an almost identical name to that of the Barbadian.

Mr. Speaker, we have companies in Barbados that, as a Government and as a people, we are urging to move beyond our shores. There are names in Barbados that are almost household words, which is a thing of pride. There are companies where, as soon as one calls its name, immediately something about that company springs to mind. Sir, for example, if you say Solar Dynamics, it is almost as though you are talking about solar water heaters.

Mr. Speaker, I am sure Honourable Members would recall there was a time when there was a device called a Hoover, and over time hoovering became the term to be used. Therefore, in the process, any vacuum cleaner in England today is still likely referred to as a hoover and that you are now hoovering the floor.

Sir, there are Barbadian companies whose names are so identified with particular products, that those names have taken on a life of their own. There are also Barbadian companies who, because of the fact that they have spread a tremendous amount of effort, time and almost scientific study in developing their logos, have to see that their logos are not just a pretty symbol but that they have commercial value. Therefore, unless these companies register their trade marks across the length and breadth of this region, they may very well find that they are not in any position to combat the piracy of their logos and trade names.

Mr. Speaker, as an example, the Jamaica Blue Mountain Coffee Company spends millions of dollars per year, not just registering its trade marks across the globe but at every trade marks registry, it monitors what applications might come in for registering trade marks with similar names or logos. They monitor commercial enterprises or commercial establishments.

The Jamaica Coffee Board has had to deal with countries, for example, Japan, where people are creating desserts and are putting Jamaica Blue Mountain Coffee into these products or indicating Blue Mountain Coffee on the packages, all of which represents trade marks infringements. Sir, the Jamaica Coffee Board recognises the value of the logo Jamaica Blue Mountain, is almost as valuable as the coffee itself.

Mr. Speaker, if one looks at the area of cigars, something that I have a tremendous passion for, the fact is that piracy in the area of cigars is causing cigar companies to be spending billions of dollars worldwide. They too are not only registering their brands abroad, they are spending significant amounts of money in monitoring and pursuing infringements.

Mr. Speaker, in the context of the single market and single economy, where we are saying that Barbadian need to go beyond our shores, that they need to get up and start to offer our products in Anguilla, Dominica or St. Lucia. They also need to say to people that what allows them to sell that logo or brand in Barbados, is a thing of value which must be protected in those jurisdictions.

Mr. Speaker, it is commonly said that law is geographical. It means that Barbadian law is only capable of being enforced within our geographical boundaries. We cannot enforce Barbados law in St. Lucia or in Dominica. Therefore, in order to afford ourselves protection, we have to register our intellectual property in those jurisdictions, so that we are able to receive the protection under those countries laws.

Mr. Speaker, I do not think this issue can be trumpeted enough. There is a glaring lacuna in the area intellectual property internationally, when it comes to the protection or recognition of countries names.

H:No89(6)1100 a.m.

Tuesday, January 31, 2006

Continuation of Hon. D.D. MARSHALL:

I think it is important to apprise the Honourable Members of this House that as it stands there is no trade mark protection for the names of countries and that while WIPO has been working on a treaty, which would protect the names of countries and images such as flags, that the treaty has not yet been put into place. I believe that members of this House are well aware that there are entities outside of Barbados making and selling hot sauce under the name of Bajan pepper sauce. Sir, I keep on my desk at the Ministry a can of coconut milk, which goes by the name of Barbados Crop Over Coconut Milk with Barbados Cropover emblazoned on the label but, Sir, this coconut milk is made in Thailand. Sir, when you type in the website address (BarbadosCropover.com(, you would assume you are coming to a website either owned by Barbadians or with some connection to Barbados but, Sir, you are not because you are going to a website in Miami, which is run by an entity which has Jamaican connections.

Mr. Speaker, because in the international arena there is no protection offered to countries when a business uses your name, then you recognise the extent of the lacuna. We at the Ministry of International Business are seeing how we can bring some protection to name of Barbados. I believe those among us who studied the classics would recall that Shakespeare said that he who steals my purse, steal trash. Sir, I cannot remember the phrase so please allow me to paraphrase and say that if you steal my name, you steal everything.

Mr. Speaker, the name of Barbados is good so long as we are able to ensure that it stands for things good, wholesome and proper. If an individual markets a pepper sauce or commodity under the name of Barbados but conforms to the lowest and most dastardly of standards or conforms to no standards, then that perhaps damages the reputation of Barbados, when we offer for sale the identical goods.

Sir, when a gentleman says Barbados hot sauce on his bottle but it is not a product from Barbados and we cannot stop him from using the name Barbados on that bottle, if it food poisons 10 000 in the United States of America, you would know that name of Barbados pepper sauce for the rest of the United States of America would be considered to be less than mud.Mr. Speaker, when we talk about intellectual property protection it is far and wide and many issues arise.

Sir, I would like to apprise the Honourable House that we are continuing to monitor these things and that my Ministry is trying actively to see how we can work with WIPO to bring a treaty for the protection of national names and emblems into existence. We are exploring other possibilities to see if there are some other ways of protecting such things like our flags. Sir, the irony is that within Barbados, we have legislation governing the use of our flag and our Coat of Arms but those pieces of legislation because they operate only in Barbados, can only regulate the acts of people conducted within Barbados and have absolutely no efficacy beyond our shores.

Mr. Speaker, as long as you are going to be dealing with an issue that crosses international borders, you now need to have some kind of international protocol to deal with it. Sir, as I said, WIPO has been working on it for many years but the fact is that there are some countries who are not too keen on seeing this particular treaty coming out of the cobwebs and dust.

Mr. Speaker, with that brief update on the status of our compliance with TRIPS, and on some of the issues that continue to affect us as a nation, with the indication of the work going on in relation to copyrights, trademarks and so on, I believe we have a lot we could be proud of but that we need to encourage more and more Barbadians to see the product of their intellect not finding its expression solely in terms of law, medicine or economics but we need to tell them that viable revenue opportunities exist in the arts and so on.

Sir, I believe this Government has been doing a lot of this in terms of cultural industries and various things which we are putting in place to assist and help with the implementation of those programmes.

Mr. Speaker, with those few words, I beg to move that the Copyright (Amendment) Bill be read a second time.

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

Mr. SPEAKER: the Honourable Member for St. John.

Mr. D.J.H. THOMPSON: Mr. Speaker, I will be very brief. I listened to the presentation of the Minister and there is nothing substantial that I can find fault with except to say that the reality of matters of this sort is that while we may be putting legislation and arrangements in place to protect as much as possible the rights of Barbadians that we really do not have any control over the enforcement mechanisms, which are used in other countries to help protect our citizens.

Sir, in a sense, where there is a big and serious infringement, the owner may not have the resources to pursue the matter. I am not saying that because of that, we should lie on our backs prostrate and allow people to do as they like. The Minister has to be realistic about the benefits to Barbadians in relation to the ownership of those rights and their works. He also has to be realistic about the ability of people from small countries to have the resources to prosecute the rights that are theirs.

Mr. Speaker, I am not a Philistine. I know there are some Philistines in this Chamber, who believe that the arts are only about money and they only see artistic performances and works of arts from the point of view of people making a living from them but, Sir, not everybody is that way inclined. There also has to be a balance between what you may look to as the legalistic framework for supporting people who are earning in the arts, making a living in the arts and promoting services in that way, as distinct from an enabling environment that actually promotes the attainment of those goals.

Mr. Speaker, it would almost be absurd for Barbados to claim that it has made Rhianna. There is nothing wrong with a Government pertending that it has put in place all the arrangements that created her success. What we did was contribute to her personality, her drive, her ability and so on. There is not a lot that the Government of Barbados can say that it did to ensure that she became a singer whose song reached No. 1 on the chart.

H88/11:10Sequence 7

Tuesday, January 31, 2006

Continuation... Mr. D.J.H. THOMPSON: Sir, we are happy that she is a Barbadian but there nothing much that the Government can point to, despite the fact that they may want to. Seminars held by the National Cultural Foundation. They will give you a long list of things that they did, very little of which would have contributed to the success of that artist.

Mr. Speaker, we may bask in her glory and may feel happy, and we are very proud of her achievements, but those agreements were wrought by and large in spite of the fact that she was Barbadian and not because of the fact that she was a Barbadian. Sir, for her to reach that level of success would have required contacts, involvement with promoters, managers and

all kinds of other people who would have been external to our arrangements.

Sir, therefore, what needs to be ask is how do Barbadians access that particular course in life, because she would not have been the first Barbadian artist to have been signed on, but she is the first one to meet with that kind of success. There have been several other Barbadians artists working with agents, promoters and legal advisers out of New York, with Barbados and Jamaican agents. This is nothing new and we need therefore to study very carefully what needs to be done to make contact with those persons who can ensure that level of international success for Barbadian artists or persons who may have services, if you want to put it in that context, which are catering to intellectual property and need to be promoted and also protected.

Sir, in relation to the question of the certification marks, I believe that this is an important development that is taking place in Barbados. I think it is important that we have certification marks that by being licensed to the proprietor confirms that the goods and services have a certain quality. I think that is vital and important, but the real question that arises is what is the strength of the penalties in the legislation which really needs to be in place where persons, including companies, fraudulently use such marks to mislead the public. I am not sure that this particular area has been adequately dealt with in the legislation as proposed.

Mr. Speaker, with those few words, I do not think there is anything significant about the legislation. It is in conformity with developments that has been taking place internationally. There is nothing Barbadian-like about it. In other words, we will not be able to register this as original intellectual property that flowed exclusively from the minds of Barbadians, even though it complements those who are able to harness together the provisions that would make this legislation available to this Honourable House for consideration today.

Sir, perhaps, there is one issue that the Minister raised. I should declare an interest because at the time I was working both out of St. Lucia and Barbados with the owner of a particular trademark but it was never an issue whether in St. Lucia that particular name was used by the successor of the business at the time when they pulled out. They really were not interested in that. They were interested basically in getting out of a situation that had developed in that particular country, and if they could return at some date, negotiations were left open for them to do so on the understanding that the person could use the name for that time, so, I do not think that there is any problem. In any event, the particular enterprise, from the point of view of Barbados, is no longer in existence, so there would be nothing for them to quarrel about unless there has been significant goodwill that had developed, and very often that can be dealt with by way of a payment that represents adequate compensation.

Sir, there have been many other examples in the Caribbean that probably one could point to, which really raises the concern about the ability of people and their desire, based on the cost and the trouble they have to go through to enforce the rights that they may have. This is one of the significant factors that I think is important in relation to designing the entire worldwide architecture to deal with issues of intellectual property. How do we in small countries protect the interest of our citizens? How does an individual protect his/her own interest in relationg to intellectual property and what resources can Government offer apart from legislation to ensure that our citizens are given even higher levels of protection?

Thank you, Mr. Speaker.

Mr. SPEAKER: The Honourable Member for St. Lucy.

Mr. D. St.E. KELLMAN: Mr. Speaker, I see that we are back to amending the Copyright Act and we have not followed the good example, which was followed by the Trinidadians who acknowledged that this aspect can be wider that we think it is.

Sir, I do not know why in Barbados we believe that whenever we are dealing with something where the masses have an interest, that we must limit the capacity of the particular item.

Mr. Speaker, sometime ago, I spoke in this Parliament about the possibilities that could be gained by the artists of Barbados. Sir, before we had the Copyright Act, as it stands today, they were persons and companies who took advantage of using material owned by artists of Barbados. We also had a situation where prior to and after the Act, royalties were not paid by these particular organisations. We made the law and negotiated with them to make it legal for them to comply.

Sir, there are persons in Barbados who should be made to comply with the law, not by depriving them from creating business but by allowing them to sign on, the same way we allow radio stations, television and other persons to sign on. Sir, some people do not understand the capacity that could be gained from this, we brought legislation and say that it is in their interest when, in truth and fact, the only persons that will benefit from of the law, are the Government and the people of Barbados, but the artisans will not benefit.

Mr. Speaker, I am saying that this amendment is limited. It might be limited, and I hope not because of any intellectual property that might be missing, but it is limited because we lack foresight. I am saying to this Parliament that until we acknowledge that the profit base of the artists could be widened by including every person that has the capacity to earn and to pay the artists, we cannot go as far as we should in Barbados with this.

Sir, why is it that Trinidad can understand the point that was made in this Parliament, but this Parliament seems not to understand how we can better the lives of the artists in Barbados? Is it because we can take advice from the technocrat who hails from St. Lucy but cannot take the advice of a politician? Sir, is that the problem? Is it that we believe that we take it from the technocrat working in an official capacity but if you take it from the politician, you are scoring political points for the particular politician? Are you trying to limit that politician?

H89:11.20 a.m.

Sequence 8

Tuesday, January 31, 2006

House 89, sequence 09, 11:20 a.m.

Continuation of Mr. D. St.E. KELLMAN:

Sir, let me tell this Parliament that the politician, he or she, does not expect to get anything from this Parliament. Whoever is the politician and it happens to be me, I do not expect to get anything from that side. I came in here to work and to give ideas. The evidence is that if I had registered some of my ideas under the Intellectual Property Act, I would be collecting some fees for the (Kelly(amendment and many others.

Asides.

Mr. D. St.E. KELLMAN: Sir, the persons who would make somebody popular in Barbados would not be the known stores in Barbados but would be the ones that we tend to limit. We need to correct this problem and we need to correct it fast.

Asides.

Mr. D. St.E. KELLMAN: Yes, we pay the people in Belleville for the music that we play.

I am saying that in the same way I am allowed to do that, Sir, then this Government should stop penalising the other persons, and putting me in a privileged group, that the same right which is offered to me should be offered to them.

Asides.

Mr. D. St.E. KELLMAN: Thank you for reminding me that all shops are asked to be registered and they are registered under COSCAP and CARA.

Asides.

Mr. D. St.E. KELLMAN: Two fees, right? Yes. I do not carry trade partners.

I am saying, Sir, and I want to thank the Honourable Member for Christ Church East for reminding me that even shopkeepers can register to play music. The people who are selling the music to give the persons money, we are limiting them from putting the money in the artists pocket.

Sir, if there are 1 000 illegal vendors at $1 000, you can see how much money that the artists can be getting. We allow ourselves to bring legislation to limit the growth and worth of the artists in this country. I am saying that it has to stop.

The same thing we did for the video shops, we have to do for those vendors out there. Everybody in Barbados knows that most of the video shops were not allowed to sell or rent tapes but we came to this Parliament and corrected that, Sir. I am now calling on this Parliament to also include those persons who sell the CDs, et cetera and make them pay a fee to pay their brothers. The truth is that it has not occurred and they are still selling. Therefore, it is better to make them sell and pay than to sell and do not pay. We need to correct this, Sir.

This country, Barbados, can only correct its problems with the current account deficit, the foreign debt and the foreign exchange, when we expand the economy of Barbados. We want to limit Barbadians and expect to have real growth in the economy to deal with the current account deficit, foreign exchange problem and external debt. In order for it to occur, they are things like these that must be expanded.

Calypsonians must know that not only the (too-few(shops are selling their work. They must know that large groups of persons will be selling their work. What is wrong with that? At one stage CBC was a pirate but they were given permission to be licensed. Sir, I am saying that you cannot only do it for CBC and the others and not do it for the masses of people in Barbados.

Sir, this is a very serious point because you know who will suffer, not the people selling the tapes but the artists of Barbados. Sir, all I am asking is for the artists to get some more money. It is working for Trinidad and Tobago and we cannot say that we do not know because the idea was borrowed from Barbados and taken to Trinidad and Tobago; imagine that. Sir, let us look at the combination again, Barbados/Trinidad and Tobago.

Sir, do you know what will happen? Now that it is working well in Trinidad and Tobago, we will adopt it. It is only a matter of time. We are just ashamed. It will be a TrinBar idea now. When it was BarTrin, nobody wanted to hear but now that it is TrinBar everybody would want to hear.

I am saying, Sir, that when we rush to this Parliament with amendments, not to piecemeal them. It is too important to take the piecemeal approach. This Parliament is becoming a piecemeal approach Parliament as it relates to legislation, not as it relates to rules and regulations because I know you would not do that, and this has to be corrected.

I cannot see how the Minister can go into St. Joseph and tell the persons in St. Joseph who want to have the work of the artists that they are going to be limited to certain shops in Bridgetown, Speightstown, et cetera. This music must be sold across Barbados and the opportunity must be created for this music to be sold across Barbados, with the people selling the music paying a fee for it, and that is the important thing.

Asides.

Mr. D. St.E. KELLMAN: They must pay a fee for it and do not tell me it cannot be done because in the same way, Sir, that shops and so on playing music can be governed by COSCAP and CARA, the same thing can occur.

Sir, this is what happens. A guy wants to carry out a legal business. He is not allowed. There is no way for him to do it. He is fined a fee of $100 000. Where it goes? It goes into the Treasury of Barbados. How does that help the artists of

Barbados? Sir, this is the most important thing.

Sir, this legislation is not about fees. This legislation is about the betterment of the lives of artists of Barbados and until we make these amendments, and real amendments, we are wasting time in this Parliament and, I think, the time for this should have been gone.

We should not be now following Trinidad and Tobago. Trinidad and Tobago should have been following us with this and so great was the idea, it should have been a CSME deal and it would have been the only thing that would have worked within the CSME. Sir, we would have seen some economy in it because we would have been dealing with some money.

Asides.

Mr. D. St.E. KELLMAN: Sir, we have to get serious in this Parliament and recognise why we are in this Parliament. We are in here because every election we go to the masses of people in this country and ask for their support. They give us their support and after that support is given, it seems that we do not feel we have an obligation any longer to represent their interests.

We believe that we must represent the interest of a (too-few(. I am saying this Parliament is not about that, Sir. This Parliament is about representing the interest of all persons, the (too-few(and the masses of people in Barbados. This legislation is not about the masses. This legislation is about the (too-few(.

I am saying today that we have to do something about this, Sir, and I want a commitment from the Minister who understood the importance of licensing the video shops to understand that there is no difference between licensing the video shops and those persons who sell the CDs. They are doing the same thing. We cannot say there is one rule for Paul and another one for Peter on this particular matter. We have to understand that we are limiting the local artists.

Do you know what is amazing? We do not make the videos here. They are the CDs we talk about that we find around Bridgetown that come from local people. We protect the interest of foreign owners by licensing the video shops so that they can get their rights, but the artists in Barbados who are local people, cannot get the people that are selling their music to be licensed and pay a fee so that they can get money. I hope you understand what I am saying.

Sir, it seems to me in this country that the only thing good is anything foreign. In other words, all the pirates have to do is hire a fishing boat and take it a couple miles off Barbados and come back with a new label and say it is foreign and they will be registered. Sir, as long as they are selling music that is produced here in Barbados, it is not seen as important.

Do you know what is regrettable? Sir, the same Minister is the Minister for Manufacturing and one would have thought the Minister would understand that this is also part of manufacturing and this is also a good way to increase the real growth of the economy by the expansion of sales.

Do you know why? Sir, this belongs to small people, as if all of a sudden this Parliament is about limiting the growth of small people. No, this Parliament cannot be about that, Sir.

House 89, sequence 09, 11:3012

Tuesday, January 31, 2006

Continuation of Mr. D. St.E. KELLMAN:

This Parliament is about the expansion of the economy of Barbados. Sir, until we recognise that all 266 000 persons in Barbados have a capacity to help expand this economy, this economy will not expand. We have to bring everybody on board. It is not your problem, Sir, it is not my problem and it is not his problem, it is a problem for the 266 000 people in Barbados.

Sir, we have to look at the opportunity cost of the man who sells ackees. We have to understand that the man who sells ackees is not expending any foreign exchange, but is saving foreign exchange for the country. Sir, that is how we have to start thinking. It is not the million dollars he is bringing in and taking out two millions which creates a foreign exchange loss of a million, it is the amount of money that he is saving in the country.

Sir, the man who sells coconuts cannot be seen as a criminal in this country when he is selling local produce. The man who is selling produce from the fields in St. Lucy and all over Barbados cannot be seen as a criminal when he buys them and sells them to somebody else. However, if they are stealing the ackees, that is a different case. Mr. Speaker, once he is buying those ackees and he is involved in legal business, he should be seen as an employer and an employee of Barbados who is helping to interact with the economy of Barbados.

Mr. Speaker, I have said in this Parliament already that we in Barbados need to copy a couple things from the ZR culture, not their bad behaviour but their capacity to turn around to look after their customers. Mr. Speaker, we in this country focus on too many negatives, and we do not look at the positives, and see how we could convert the negatives to the positives.

Sir, this has to change, and if this Government cannot do it, they should surrender the Government and let us over here do it because it is clear that we do not only have criticisms over here, but we have ideas too. Sir, we are not seeing the ideas to move the country forward coming from that side. It might be that they have been in Government way too long.

Asides.

Mr. D. St.E. KELLMAN: I am told, Sir, that I need new glasses.

Mr. SPEAKER: I never said that.

Mr. D. St.E. KELLMAN: I know, Sir. You would never say that because you would not be looking at me. It could only be a beautiful lady that has on some nice spectacles and wants me

to know that her spectacles has been changed. They looked lovely on her, I must admit. They even matched with the dress she is wearing. Sir, if she asks me to look at her, I will look at her, because it is not difficult.

Asides.

Mr. D. St.E. KELLMAN: Mr. Speaker, this lady is known to be gracious but she is not accepting compliments today because I am speaking about the masses of people of Barbados and not about the (too-few(.

Sir, we have to understand that this particular amendment, whether it is needed or not, is not important right now. What is needed is an amendment to expand the economy of Barbados. We have to understand that we cannot continue to bury our heads in the sand and believe that we could continue to sell all the land in Barbados and turn it into part of the traded industry. Sir, we are only 166 square miles. We do not have unlimited land like Guyana. Sir, if we were in the same position as Guyana, I could understand why we would want to sell so much land, but in Barbados we are limited.

Sir, what is regrettable is that we are selling the land and we are taking land away from the poor people who rent their land to five persons as if the land is not their intellectual property.

Asides.

Mr. D. St.E. KELLMAN: The Honourable Member cannot tell poor people that land is not intellectual property for them, that is their right, and however they see it, they see it. I see my land as my intellectual property because I had to create something to get it, and that is the important thing.

The Honourable Member for the City tells me that I have been going good, which means that she agrees that we have to include the masses of people. Sir, when she can appreciate the contribution of the masses of people in Barbados is when I love her. Sir, I now understand why the Jubilee Gardens was created, because it could be used as a venue where they could go and promote the artistes of Barbados.

I thank you very much, Sir.

Hon. R. C. EASTMOND: Mr. Speaker, insofar as the fact that the Honourable Member for St. Joseph and for some degree, the Honourable Member for St. Lucy did mentioned an economic component to this matter, I rise to contribute to this debate and begin by indicating that in a situation where intellectual property, is first property and secondly marketable property that the artist and those who have received protection by legislation, such as we are discussing, ought to ensure that where there exist a legislative framework within which they could function that they should do their utmost to optimise their operations.

Mr. Speaker, a previous Barbados Labour Party Government, of the era 1976-1986, had repeatedly floated the idea that the time had come where we should make the maximum capital out of our intellectual property.

Sir, it is of some comfort to me that indications from the Corporate Registry suggest quite clearly that in the last five years a significant number of artistes, writers, poets and such like, have been registering their property and have also been setting up foundations and companies by which they would execute their operations.

If you take it, Mr. Speaker, that those who create music and art function in a local market, then the conclusion could be reached that when they trade in the local market they generate income for themselves and have taken their work beyond mere artistic expression.

There are some of us in this Honourable House who would recognise and acknowledge that many years ago, many an artist, many a musician and many a sculptor would see their work primarily as a creation reflecting talent and for many years, many of our artists and creative people merely function to give vent an expression to their work. I am therefore saying, Sir, that I am not unaware of the fact that there used to be a time when there was very much that amateur musician, meaning, expressing creativity, having a good time and having fun, but not at all thinking about going to the market in search of an income.

Mr. Speaker, when I was a member of the Anglican Young People(s Association in the years 1964-1966, there were a veritable plethora of persons in Barbados, who would have been happy to go to a hotel or come to town and perform in Trafalgar Square or the Lower Green for free.

Sir, the question would have arisen, would it have been realistic, in a global environment where others abroad were very much making money off their talent, for our people to limit and confine themselves to making creations that were there just for the fun of making creations.

Sir, indications are that people are becoming more and more sensitive to the fact that they can use their talent as the basis for earning a livelihood.

Sir, more important is that when we have debated in here, more than once, this whole question of developing novel structures to our economy, then clearly the area of intellectual property assumes enormous magnitude. From time to time, we have heard debates in here that our economy can undergo further structure.

House 89 Sequence 10

11:40 a.m.

Tuesday, January 31, 2006

Continuation of Hon. R. C. EASTMOND:

Mr. Speaker, if we take what the Honourable Members for St. Joseph and St. Lucy were saying, it would be that clearly when our artistes, sculptors, musicians and authors, create for the overseas market, in addition to what they may have generated by way of income in the local market, when they export their talents abroad, the opportunity for foreign

exchange comes into view. Therefore, if we assume that through an evolutionary process, where, as the years go by, more and more intellectually-created material from Barbados would be exported, then it has serious implications for our foreign exchange earnings. Sir, therefore, in all of this, there is a measure of economics, finance or development.

Mr. Speaker, I know one gentleman who has come to our yard over and over again, saying that a particular institution started in his mind and that he did not do anything further with that idea. I know of another gentlemen who had a bright idea while at a bar, who saw that idea being adopted by others and felt that he should have been compensated.

Mr. Speaker, in instances where I became aware of some people in Barbados who would have only developed an idea, who would have felt that they should have been compensated for that idea. Sir, Section 6 (a) of the existing Copyright Act, 1998 states that copyright protection does not extend to an idea, concept, precept, principle, procedure, methods of operation, system or discovery of things of a similar nature, without more.

Sir, to be able to benefit from the idea of process, the person must be a protected person within the Act. Sir, within this Act that started in l998, the creator of a design work must be a protected person and must indeed observe a process by which there is legislative protection of what that person does.

Mr. Speaker, I believe that all Barbadians should know there is such a thing as the (duration of the right.(Sir, let us picture a gentleman named Eric, who authors a book and who has achieved the copyright for that book. The question would be, how long would copyright protection for Eric last? Sir, Section l0 of this Act addresses that copyright in any literary dramatic or artistic work, exists for the life of the author and for 50 calendar years following the author(s death.

Mr. Speaker, therefore, where it comes to works that have been created, where the author has died and more than 50 years have passed, the question then depends on how one interprets the right that was given to the original holder of that right.

Mr. Speaker, as an example, if somebody called Eric creates a work and lives for another 30 years, the work would last for that 30 years plus 50 years after his death. Sir, interesting legal complications could arise if, within 50 years after his death, his successors renewed the registration by assignment, which would have been first inherited from Eric and then consistently renewed over time, and including the possibility of some modifications to the original work. That would be an interesting point for posterity to be grasped with.

However, in the context of our culture, when one discusses artistic copyright, musical copyright, sculptor copyright, then one has to focus on that which is in the culture. Sir, a lot of what is created redounds or impacts on the culture, therefore, in a situation where notwithstanding our colonial experience, we have seen works of art that have lasted from generation to generation, the question arises as to what protection there is for Barbados folklore and folkways. That certainly becomes an issue.

Mr. Speaker, the reason I am raising this issue is that as a typical Barbadian of the olden variety, I like and respect our folk music. I like to hear Barbados folklore such as (Peel Head John Crow(, (Sit Down Pon Tree Top(, (Brek Off De Blossom(, (Go Down Belleplaine Outta Me.(I like to hear about a man call (King Ja Ja(, who had a resident somewhere in Two Mile Hill. Sir, if he were still alive, he would have been a constituent of the Honourable Member for St. Michael East. Therefore, in this regard, the question arises, where does our folklore lie?

Mr. Speaker, Section 22 of the instant Act under discussion, in respect of folklore, that is to say all literary and artistic works that constitute a basic element of the traditional and cultural heritage of Barbadian, which were created in Barbados by various groups of the community, and which has survived from generation to generation, that right is vested in the Crown.

Mr. Speaker, I think that in the circumstances, that is laudable. It is laudable because in a situation where one cannot find or trace the original owner of (King Ja Ja,(, the State therefore assumes ownership of that right. Sir, however, I would like to say that I want the modern 15, l6 and l7 year old Barbadians, to become sensitive to our culture. I am making a plea for more and more of our Barbadians, who are exposed to a number of things on television that are alien to our culture, to develop a sensitivity and awareness of the traditional Barbados culture.

Mr. Speaker, there was a time recently when somebody tried to revive an interest in the game of Warri. Sir, it is clear that if we are going to have any kind of cultural renaissance in Barbados, and Barbados does need one though notwithstanding the excellent works of the National Cultural Foundation, we have to go back to the origins of the music of our people, from the days of slavery. We have to see the evolution of folkways and folk culture in the context of a Third World country, is striving to assert itself and striving to regenerate its norms.

Mr. Speaker, we stand today of running the risk of our original cultural norms being subverted by alien norms from abroad. Therefore, where a people are faced with that particular dilemma, they could loose their way in this world and ultimately the original quintessence of their culture could be very badly compromised.

Mr. Speaker, as we look at this matter before us, we have to look at the question of the protection of those people who have worked hard, who do a lot of creative things, who spend many sleepless nights working out new and ingeniously creative designs; persons who spend between 3:00 and 700 a.m., while trying to make music or write songs. They are doing these things, not only to create an income for themselves but to make a contribution to national life.

Mr. Speaker, in the context of this debate, it is clear that at least one of us is going to have to address the question of piracy, which is dealt with at Section 46. Sir, if the pirate is taken before a Magistrate(s Court and is convicted summarily, he could be charged

$50 000 or could be imprisoned for two years or both. Sir, if the pirate is taken before a High Court, he can be charged $250

000 or to imprisonment for five years or both.

Mr. Speaker, as much as this Act does have a penalty clause in relation to piracy, there are other instances where new issues relevant to copyright arise outside of the context of the pure criminal law situation. Therefore, what the Honourable Member for St. Joseph is doing, is creating or expanding a mechanism by which certain rights can be adjudicated.

H:No89(11)1150 a.m.

Tuesday, January 31, 2006

Continuation Hon. R.C. EASTMOND:

I just cited Section 46 in the context of criminal acts but there are times when the person who is going to sell or assign is being (rip-off(in a civil law setting. In other words, it could happen that the author or musician, in a pure civil law dispute, might very well warrant his or her rights adjudicated and this is where the tribunal comes in.

Mr. Speaker, today we are having an expanded tribunal. The whole principle behind adjudicating by tribunals is very well-known because tribunals are supposed to operate faster, they are supposed to operate in a non-legalistic framework, reduce cost and expenses of litigation and are supposed to come to resolution very quickly. Sir, the atmosphere at a tribunal is far more relaxing and less intimidating than a court room, which may have men in black gowns or other gowns and which may have an aura not only of austerity but such an awesome aura as to be forbidding to participants.

Mr. Speaker, I welcome the decision to expand the tribunal. The Honourable Member for St. Joseph was clear when he said that in an instance where there are disputes over royalties that the tribunal would have a role to play. He also mentioned that at the Crop Over season of the year that there are times when this matter of copyright really becomes more on the front-burner, when there charges and countercharges about who is selling whose work illegally.

Mr. Speaker, the amendments are well-thought-out, are in order and will increase the efficiency of the process. Therefore, I rise to lend support to what the Honourable Member for St. Joseph has brought here. I want to commend aspects of the speech for the Honourable Member for St. Lucy, who clearly was in the mood to suggest that there is an economic dimension to all this. I am glad that the Honourable Member for St. Lucy has resumed his seat. What I am saying is that there were many talented people in Barbados in the mid 60s who were showing off their talent and earning nothing.

Mr. Speaker, in all of this, when you think of the contribution of the Draytons Two, the Opels and all those people who have brought honour to this country and who have, in the context of culture, played a developmental role, I lament that our artistes have had to struggle in tiny markets. There are international artistes and singers who are not as good as Barbadians but they have the advantage of a bigger market. Sir, in the context of Barbados(commitment to the global effort, in the context of where globalisation is, I want our artist to begin thinking that the world is their market and not just Barbados.

Mr. Speaker, I want that when we involve ourselves in things like the Burn Convention and in talks at the WIPO that we so plead our cause, as to be able to get greater opportunity for those creative people in Barbados whose intellectual property would redound to the benefit of Barbados in the right framework.

Sir, I take considerable pleasure in lending my support to this measure. I reiterate that our youth in Barbados should be provided with more opportunity to see the original folklore. I am happy to see that once again that the St. John Folk Group from Gall Hill with Miss Glasglow. There is also Mr. Davis operating from elsewhere in St. John. I am happy at the work of the Ellerslie Folk Group which has done tremendous work and which has received a measure of longevity. If we are going to achieve this cultural renaissance that I long for and which is necessary for Barbados, it is necessary of more support to be give agencies like the Israel Lovell Foundation and Pinelands Creative Workshop for the purpose of giving them the impetus by which they could help us achieve a cultural revolution in this country.

Sir, I thank you.

Mr. SPEAKER: The Honourable Member for Christ Church East Central.

Mr. R.D. JONES: Mr. Speaker, as a nation which postures that we do not have much natural resources, we therefore, have to rely on our people to boost both the social ethos and the economy of our society. Sir, when we refer to the people as a resource, we are talking about the three basis elements, be they skills manifested through the ability to use their extremities, the ability to have the correct attitude relative to anything which our people do and the ability to use the capacity of the mind in a meaningful and sensible way. Sir, out of the three of these things, attitude is extremely important and can never be shunted aside and replaced by anything else. Sir, even though you may be exercising a brilliantly learned mind, where your attitude is poor, you will find that there is some decline in your otherwise great ability to produce because you would spend a lot of time in a confused state arguing sometimes over nothing.

Mr. Speaker, the capacity of the mind is so great that, in Barbados, we need to harness the mind even more than we have been doing. Sir, I am talking about a harvesting of the mind for the development of financial resources for people and the State, by and large. Therefore, any Bill, law or protection which can be offered by the State and enacted through Parliament must always be encouraged.

Mr. Speaker, the Leader of the Opposition has already stated that there is nothing to talk about relative to the provision within these items, which we are discussing and that this side supports the general terms and conditions laid down in these amendments and provisions. Nevertheless, we have to move a step further. We can talk about intellectual property and the opportunity to develop and harvest that intellectual property and to harvest the mind and whatever comes from the mind that

is creative, novel and important.

Mr. Speaker, the Honourable Member for St. James North spoke about persons with ideas gathering in a bar, under the tree or under the street light and discussing these ideas and then the development of the idea is found in some other place and persons quarrel about it without recognising at the time that the individual can take the idea and transform it into a beautiful intellectual product or maybe into a trademark, graphic impression,a novel or an anthology of poetry, or any of those areas of activity which falls squarely under the exploitation of the mind.

Mr. Speaker, what is lacking in Barbados is that as one speaks about the notions and sub-notions associated with intellectual property that people do not truly understand what it is we speak about. It almost seems to be a lack of appreciation, lack of understanding and a disconnection even between the ideas of law and the whole notion of intellectual property. The National Cultural Foundation and all the associated entities must bring to the public of Barbados a greater understanding of what we are talking about.

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Continuation Mr. R.D. JONES: Sir, over the last two years we had innovative programmes, individuals came up with novel ideas that can make money. These are extremely good ideas which persons must be able to take to fruition for the benefit of their families and country.

Mr. Speaker, I would want, as we talk about the exploitation or the harvesting of this intellectual property, the profession, for of which we are still members, to become seriously imbedded in the exploitation of their own intellectual capacity for the development of text, literature and material that would inform the pedagogy with the school system and within the Barbadian environment.

Mr. Speaker, I know that there are persons who are writing. We have seen novels emerging on the scene, which is good. I want to encourage Barbadians to support the intellectual pursuits of those persons who believe that they have the capacity to make a living through the exploitation or the harvesting of their minds, which is the resource when we speak of the resource that we have, that is our people. That is what is important, so, encouragement must go to teachers.

Sir, I do not believe that teachers in Barbados truly understand... and I hope that the Ministry of Education, through its AVA operation ... I know that they did not get the technology that they asked for, the new press, but there are small presses in Barbados that can take some of the load off them. There are teachers who sit and do beautiful curricula every day; who write excellent short stories for the students and then there are discarded. There are not compiled. That is intellectual capacity.

Mr. Speaker, they rely simply on the State to earn money, when in fact there is a greater flow which can come from the exploitation of what they do in the classroom every day.

Sir, if you go into our bookstores to review the text that we use in our schools, those across the Caribbean, where do most of them come from? There come from the Republic of Trinidad and Tobago. The teachers in Trinidad and Tobago are different in only one respect, that is, their capacity to produce the material that they use daily. There is no reason whatsoever why... and we have some of the best teachers anywhere in the world. Do not let anybody fool you. That is a fact. There seems to be this rigidity in transferring that talent, skill, intellectual know-how into a product which can be used by the 50 000 students in our schools. Sir, Walter Philips, Jeff Broomes, Mr. Cumberbatch, the Deputy Chief Education Officer, have all thrown up some texts.

Mr. Speaker, when you look at the array of talent of teachers, which lie within the classroom, a lot more can be brought to bear. Sir, Osbert McClean, a former teacher of Princess Margaret Secondary School, who is producing short stories for sale, not only here in Barbados. I believe that he is a constituent from St. Philip South, they refer to him as (Bing Bong(. Sir, when you pass through the airport there is an array of talent. These are persons who are using their intellect. They are all former teachers but we need a lot more with their talents to be brought to bear here in Barbados.

Sir, the other area where I do not think persons are sufficiently conscious, but I believe that the Honourable Minister of Industry and International Business, who introduced the Bill, has some understanding of the technology, internet and the worldwide web and publishing via that medium. There also has to be some understanding that when you put your material on the internet, that too is in fact protected from vicious exploitation. You can also make money with intellectual capacity and property via that medium.

Mr. Speaker, I want to make a call for strong linkages, directions and purpose in relation to these particular matters relative to intellectual property, but tie the right attitude to the exploitation of the mind. There must be that linkage.

Sir, I go to Trinidad relatively often and I know what Trinidad did relative to a fee being paid.I want to be careful because as you walk up and down Frederick Street or wherever you go in Trinidad, there are these boxes, interestingly created using a car battery, where they put out this noise and they sell everything from DVDs, CDs and anything that they can get locally, out of Barbados, Antigua or the United States of America. It is not only a situation where they are looking to sell Caribbean music. You will find that they record these things themselves and sell them.

Sir, let me be honest. I do not really know if I would want to encourage a Barbadian situation, where one of the better talented comedians produces his CDs or tapes in Canada; a former Foundation School student who produces comical shows and sells his tapes, et cetera, that those persons who are on the streets selling should not go to his source, where the authentic original material is and purchase for resale. I support that mechanism. I do not only support going into the stores in town and purchasing, but I support a mechanism where they

can get it. I do not necessary support that you take it, put it in a CD burner, burn it, put a face on it and sell it. I do not support those kinds of things. I support where they have an opportunity to sell the product of the original person, so that original person gains more money, through a wider distribution pattern.

Mr. Speaker, in that context we will support these amendments to the relative Bill, but urge strongly that the momentum, the rebirth continue relative to Barbadian intellectual property, and urge the Ministry of Education and the National Cultural Foundation in ensuring that our novels, poetry and the massive amount of work that comes out of NIFCA yearly find some place and substance within Barbados.

I thank you, Mr. Speaker.

Mr. SPEAKER: The Honourable Member for St. Michael South Central.

Mr. R.L. SEALY: Mr. Speaker, of course, along with all the Honourable Members who spoke in this debate, I welcome the effort of the Government to improve the legislative framework to deal with the question of intellectual property, but I find myself inclined to reiterate, perhaps, the thrust of the presentation that I made when the Government had strengthened the sentences a few months ago, with respect to the infringement of copyright. At that time I indicated that, even with the best framework in the world, if enforcement is not looked upon as a priority, then all of our efforts in here would amount to nought. Sir, I think that it is indeed quite appropriate, because it is clear that efforts on the part of the Royal Barbados Police Force would suggest that they are attempting to deal with copyright infringement, if only by dealing with some of the pirates.

Mr. Speaker, I had a visit from a constituent who had been charged with selling a digital video disc of a movie. He came to see me and, believe it or not, he wanted a contribution from me to buy some other blank disc, to raise monies to pay the fine.

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House 89, sequence 14, 12:1006

Continuation of Mr. R.L. SEALY:

Mr. Speaker, you know that I would not associate with that at all. I just want to suggest that it is obvious that the pirates are not taking this whole question of copyright very seriously and, maybe, the Government needs to look again. The very serious point is that enforcement needs to be visited very seriously. We recognise that we do have a lot to offer, especially our exponents in the cultural realm, by way of intellectual property and it is only fair that they should have the assurance, and not only will the right legal framework be in place, but it will be properly enforced.

In that regard, Mr. Speaker, and in light of what took place yesterday in Jamaica, I should also raise some questions which, maybe, the Honourable Member for St. Joseph could deal with, in his wrap up. Sir, given the whole pan-Caribbean aspect to our cultural product, how do we plan to deal with enforcement in that case? It is entirely possible that you can have a pirate from one jurisdiction, selling a product from another jurisdiction and operating in a third jurisdiction. Remember, even though we are a single market now and hope to be a single economy, maybe sometime in the next 10, 20, 30, 40 or 50 years, we are still separate legal jurisdictions.

Indeed, there is an international precedent that I know the Honourable Member from St. Joseph will be only well aware since he carries a Blackberry, of the case involving the Canadian company, research in motion, that has been accused of infringing an US company for putting out that technology. As part of their defence, they have been raising the issue of jurisdiction, Canada versus the United States of America.

Mr. Speaker, we in the Caribbean have a real possibility of that happening, particularly with the music of choice, in terms of the production in this region, the calypso/soca/rap, whatever that is, of course, distributed throughout the Caribbean, particularly at the times of the festivals. I think there are some very real enforcement issues that have to be dealt with along with this effort. I would sincerely hope that the Government would glean the necessary lessons from what has been happening elsewhere, and we could deal with that accordingly.

I must also say before I take my seat, I am happy to see that the burden of proof has been shifted away from the creator to the pirate. This is something that was also raised during that debate and it is good to see that the Government is responding positively to contributions coming, not only from the Honourable Member for St. Lucy but from the Opposition generally.

Mr. Speaker, that is very encouraging and shows that the Government is at least responding positively to contributions from the Opposition. In fact, maybe they so much love what the Opposition has to offer that they perhaps feel they need to embrace it in their bosom in even more tangible ways, but I do not know about that, Sir.

Asides.

Mr. R.L. SEALY: Mr. Speaker, I would only say that basically, it is encouraging to see that we are going in the right direction. However, I wish to also shore up a point that was raised by the Honourable Member for St. John and that is, of course, insofar as the developing our cultural industries, the persons who will be creating the intellectual property. It is true to say that, yes, we have seen some tremendous success come to two entertainers. We already heard about Rihanna and, I daresay, Rupee is also doing very well. The reality is, Sir, that the majority of musicians in Barbados are struggling and that is the simple fact.

There was a time when there were several bands that were going up and down the Caribbean and beyond our shores and doing well. One of these bands does not even exist anymore. In fact, I had the shock in my life when I went to pay a phone bill and I saw one of the lead singers from the band working as

a security guard at Cable and Wireless.

My understanding is that the music industry is not necessarily doing very well in Barbados, or as well as one would be inclined to believe, because of the success of one or two persons. I therefore feel that the Government, in doing all of this wonderful work on intellectual property in the interest of developing tomorrow(s talent, must also work feverishly through its existing institutions, the National Cultural Foundation, the Art and Sports Promotion Fund et cetera and create the new institutions so that we can have a number of Barbadians that can earn a living in this realm and not just the highflyers.

Of course, the relevant agencies, COSCAP and so forth must also be allowed to function in a truly professional manner so that people can truly earn a living. It is okay to laud the highflyers but what about those persons working in the hotel bands, for example, the persons doing folk music that we spoke about earlier and the culinary artists, the playwrights, poets, et cetera. We have to develop that whole base so that everyone can have an opportunity to, perhaps, earn a living, on the basis of their intellectual property.

Mr. Speaker, with those few words, I would just like to say that it is encouraging to see that we are going in the right direction. I look forward to seeing significant improvements in Government(s efforts at enforcing what we are talking about here today and, no doubt, seeing that the appropriate actions will occur parallel to this, and that we develop all of our industries producing intellectual property.

I am much obliged to you, Sir.

Mr. SPEAKER: The Honourable Member for Christ Church East.

Hon. R.R. FARLEY: Thank you very much, Mr. Speaker.

I rise to make a few comments on this legislation that, of course, we all support. These amendments are part of an ongoing programme of ensuring that our intellectual property system is able to continue to achieve the results for which it was intended. Sir, you will recall that around 1998, we would have done major upgrades of the existing copyright, trademarks and patents legislation, as well as added geographical indications, protection against unfair competition and other legislation.

I am also pleased to say, Sir, in addition to the legislation that has been upgraded over time, this Government has further created an enabling framework to build capacity in this area. Lest we forget, artists, musicians, authors and other creators of intellectual property were provided with the opportunity to further strengthen the business aspects of their endeavours, when this administration made it possible for them to fully benefit from all of the export incentives that were offered to manufacturing.

It was also this administration, Sir, that recognised that as Barbadians producing intellectual property works, as opposed to physical works, they should benefit under the International Business Companies Act. Amendments were made to remove the prohibition that had previously existed against Barbadians being 100 per cent owners of IBCs. In fact, I call it the 100% Bajan Amendment.

Sir, further amendments were made to that legislation to make it clear that works produced in this area met the criteria for the Intellectual Business Companies Act. Indeed, several of the artists that have been mentioned by speakers so far, along with several others, have established IBCs to own their intellectual properties and to do the international trading and, therefore, benefit from the tax incentives.

Sir, it was only at the beginning of this year in the Economic and Financial Policies Statement of the Rt. Honourable Member for St. Peter, he further expanded the foreign currency account framework to give permission for Barbadians earning foreign currency to be able to establish foreign currency accounts.

House 89, sequence 14, 12:2014

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Continuation of Hon. R. R. FARLEY:

Sir, that policy measure will make it easier for all those persons mentioned so liberally in this Honourable House already this morning, to be able to conduct their affairs as they move from place to place and engage in travel and other expenses related to their business. Sir, because they earn, we are making it easy for them.

Sir, beyond the support for the business aspect, other efforts have been made, through the National Cultural Foundation and other agencies of Government, to help those artists to improve their ability to trade internationally.

Sir, on the artistic side of it, efforts continue within the educational system focusing on arts and culture. The performing arts has been outstanding. Indeed, whether on the classical side, the euro-classical side or the afro-cultural side, specific programmes are in place.

Sir, outside of the schools, the Ministry of Youth Affairs, through our Youth Achieving Results Programme, not only provide training for young persons in the various forms of music, guitar, drumming and otherwise, but two or three young bands, Electrix and others, have been formed out of youngsters attending that programme. The members of many of the bands that currently work in Barbados, Toni Norville and others, are products of the Barbados Community College Associate Degree in the Performing Arts Programme.

Mr. Speaker, we are therefore building and broadening the base out of which we hope would emerge our international outstanding artists.

Mention was made earlier, Sir, of the fact that we have an outstanding resource in terms of our teachers and other authors, especially our teachers. Sir, we fully support and give encouragement to those teachers who publish. Indeed, many

more of them are publishing and we are using their works in our schools. They have been working with Ian Randall Publishers, University Press, and other agencies to get their works out.

Sir, they are not only publishing in printed form, but digitally as well. The Barbados Industrial Development Corporation - and I thank the Honourable Minister - assisted a teacher, through the Innovation Fund, in producing an educational Mathematics game, which is now being marketed in the United States of America and will go beyond.

Sir, that is the kind of talent that we have, but it even goes below that. We recognise, at the level of our schools, that school children write very interesting stories and poetry. The Audio Visual Aids Department right here in Barbados has already printed six volumes of our school children works, and those outstanding poetry and short stories are being used as part of our educational process. Sir, we hope that building on that base, the publishing of children works, even from the very young, that they would become the new generation of generators of intellectual talent.

Sir, we recognise, in 1998, when we undertook to implement the TRIPS Agreement, the Trade Related Aspects of Intellectual Property, that we were not doing it merely to be compliant with any international agreements or merely to protect the intellectual property of big artists and big authors selling products into Barbados, but that we were doing it from a very clear perspective that Barbados punches above its weight with respect to the production of intellectual property. Sir, we recognise as well that in order for us to be able to benefit from the protection for our artists overseas that we had to be part of that international system.

Sir, even in relation to the question raised by the last Honourable Member who spoke, in relation to the CARICOM Single Market and Economy, there are countries all over the world, being members of the World Intellectual Property Organisation (WIPO) and the World Trade Organisation (WTO) and being signatories to the TRIPS Agreement, that have reciprocal arrangements in place. That is, that the same type of legislation, in the eight broad areas, that we have passed, they have passed as well.

Sir, what is clear is that we need to continue to work, Government and the intellectual property producing community, on aggressive mechanisms for actually searching and knowing where infringements occur because the law gives you protection but you have to seek after the law. Sir, you have to ensure that in the same way that there are investigators, whether from the United States of America Government or from the artistic community, that check here in Barbados to see whether there are persons infringing on the intellectual property of their members and constituents, that we need to evolve systems between the Government and the private sector in the intellectual property area to protect, in an aggressive way, and not just wait until the law takes its natural course.

Sir, I am satisfied that the Government has not merely rested on the success of creating a legal framework, but have looked at the tax policy and have made several injections into broadening the base of the artistic community to ensure that we are able to reap the rich dividends from intellectual property exports.

Sir, there is another area that I want to mention quickly as I close. Sir, I believe that one of the things that is lacking in Barbados, as compared to other countries, especially the developed world where intellectual property, management and exploitation are the order of the day, is that our artists, authors and creators of intellectual property generally do not have as wide a range and as many options in terms of supporting professional services.

Sir, there are not many lawyers in Barbados as yet who make it a policy and who openly, both by way of the training that they seek, as well as the type of business they prefer to offer, who make intellectual property one of their areas of specialisation. Sir, I am not even sure if enough emphasis is given to it in terms of the preparation and professional training of our lawyers that we graduate.

Sir, I salute those who on their own were the pioneers and who have gone off and have done very solid work in helping our business class to understand their intellectual property rights and to help them to protect it.

Sir, I am making the point that I believe that those skills now need to be more widely defused. We have, mercifully, in the area of tax and intellectual estate planning, many tax lawyers and tax accountants who can advise them. Sir, apart from the advisory capacity, what we do not have, which many other countries have, is a core of aggressive business persons, the promoters and persons who are in distribution who could make the international financial deals and who have the connection with the big distributors, whether it be in art, music or otherwise.

Sir, I trust that the recent examples of promoters putting on very successful international shows in Barbados, would cause them to look the other way because I believe that the same skills or similar skills that are required to attract people to Barbados to put on big shows are those skills which would allow them to look outside and to go elsewhere to do what they are doing.

Sir, I believe, given that we have a base of talent spread across our authors of books, educational games, web sites and other digital material, software and music, that we have something to sell.

Sir, I believe that we have a solid legal framework to provide protection for the owners of this intellectual property. We now need to further build on the institutional capacity, especially to build a core of private sector exporters who will aggressively and strategically place our product in the various marketplaces of the world so that our artists and other creators can truly benefit not just from protection but from the benefits to be made by marketing the works of their minds.

Mr. Speaker, I salute the Honourable Member for St. Joseph for further upgrading the protection available to the creative spirit in Barbados, and I solidly support these amendments.

I thank you, Mr. Speaker.

SUSPENSION OF SITTING

Hon. R. C. EASTMOND: Mr. Speaker, I beg to move that this Sitting be suspended until 130 p.m. today.

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

The question that the Sitting do now suspend until 1:30 p.m. today was put and resolved in the affirmative without division and Mr. SPEAKER suspended the Sitting accordingly.

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12:30 p.m.

Tuesday, January 31, 2006

RESUMPTION

MR. SPEAKER: This Sitting is resumed. The Honourable Member for St. James North.

ORDER NO. 11 (RESUMED)

Hon. R. C. EASTMOND: Mr. Speaker, I would like to express a debt of gratitude to all Honourable Members who have taken part in this debate, and beg to move that this Bill be read a second time.

Hon. G. A. CLARKE: I beg to second that, Sir.

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

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

COMMITTEE OF SUPPLY

Mr. CHAIRMAN: This House is now in Committee of Supply.

Clauses 1 - 3 inclusive, were called and passed.

On the motion of Hon. R. C. EASTMOND, seconded by Hon. G. A. CLARKE, Mr. CHAIRMAN reported to His Honour the SPEAKER, the passing of one Bill in Committee, and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motion of Hon. R. C. EASTMOND, seconded by Hon. G. A. CLARKE, the Bill was read a third time and passed and cited as the Copyright (Amendment) Bill, 2006.

H:No.89(17)140 p.m.

Tuesday, January 31, 2006

ORDER No. 12

Hon. R.C. EASTMOND: Mr. Speaker, as you are aware, debate on this matter was consolidated into the preceding matter. In the circumstances, procedurally, this Bill will have to go to Committee.

I beg to move that this Bill be read a second time.

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

Hon. G. A. CLARKE: I beg to second that, Sir.

On the motion of Hon. R.C. EASTMOND seconded by Dr. W.F. DUGUID, the House resolved into Committee, Mr. R.D. MARSHALL, Chairman of Committee, in the Chair.

COMMITTEE

Mr. R.D. MARSHALL: This House is once again in Committee.

Clause 1 - 4 were called and passed.

The Schedule became the Schedule to the Bill.

On the motion of Hon. R.C. EASTMOND, seconded by Dr. W.F. DUGUID, Mr. Chairman reported to His Honour, the SPEAKER, the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. R.C. EASTMOND, seconded by Dr. W.F. DUGUID the Bill was read a third time, passed and cited as the Intellectual Property (Miscellaneous Provisions) Act, 2006.

ADJOURNMENT

Hon. R.C. EASTMOND: Mr. Deputy Speaker, this brings us to the end of Government Business for today. In the circumstances, I beg to move that this House be adjourned until Tuesday, February 7, 2006, 2006, at 1000 a.m.

DR. W.F. DUGID: I beg to second that.

The question that the House be adjourned until Tuesday, February 7, 2006 at 10:00 a.m. was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.

H89/13:47Sequence 18