

## WHAT IS ECCLA?

**ECCLA** is a national non-profit organization set up by Eastern Caribbean authors and publishers to manage their copyright in the reprographic reproduction of their printed works. (Reprographic reproduction includes photocopying, facsimile, xerography, database storage and retrieval, microfilm and duplication by stencil.) By establishing the agency, authors and publishers are in a much better position to control the widespread illegal photocopying that jeopardises their income from the sale of published editions. They also receive compensation from the authorised photocopying of specified portions of their printed works. The public is also able to obtain photocopies legally, conveniently and on reasonable terms.

**ECCLA** was legally incorporated in 2011. Its main functions are:

- to negotiate licenses with users who wish to photocopy specified portions of printed works
- to collect royalties from these users
- to distribute these royalties to members

**ECCLA** will be working with other copyright organizations to promote public awareness and understanding of copyright in general and compliance with copyright laws in particular. The agency will also keep its members and the general public informed about developments in copyright legislation and administration. **ECCLA** will assist members in lobbying for any changes to the Copyright Act they

feel are necessary to better protect their interests. It will also initiate litigation against infringers of copyrighted works of members.

**ECCLA's** administration of members' rights will extend beyond the Eastern Caribbean to the global community through bilateral agreements with similar agencies in other countries. **ECCLA** will offer reciprocal management to those agencies for the reprographic reproduction of their members' works in the Eastern Caribbean. This is facilitated through **ECCLA's** membership of the International Federation of Reproduction Rights Organisations (**IFRRO**), a global network of Reproduction Rights Organisations working together to provide the most efficient licensing services to authors and users worldwide.

## WHAT IS COPYRIGHT?

Copyright, simply means the right to copy, is a collective term for a bundle of economic and moral rights granted by law to authors (or creators) of original 'works of the mind' in literature, drama, art and music. The *Antigua & Barbuda Copyright Act 2003*, *The Dominica Copyright Act 2003*, *The Grenada Copyright Act 1989*, *St. Kitts & Nevis Copyright Act 2002*, *Saint Lucia Copyright Act 2000* and *The St. Vincent & the Grenadines Copyright Act 2003* all give these authors sole right to publish, distribute, reproduce or authorise the reproduction of their works in any form. This is in recognition of the importance of their intellectual property to the development of society. Without protection and financial reward, there

would be little incentive for creators to produce new works.

For printed publications, the law recognises two forms of copyright: authors' and publishers'. The author, as creator of the content, must give permission to the publisher (by way of contract) to publish the work. The publishers' own copyright is in the typographical arrangement of the published edition. For a literary work, the author is the writer. For a photograph, the author is the person taking the photograph; for a musical work the author is the person who is the composer of the score or of the lyrics; and for an artistic work, the author is the artist.

The importance of copyright is recognised internationally and many countries, including the Eastern Caribbean, subscribe to a number of international conventions and trade agreements, which establish minimum standards of protection for, copyrighted works.

The most important of these are the *Berne Convention* for the Protection of Literary and Artistic Works administered by the World Intellectual Property Organization (**WIPO**) and the *TRIPS Agreement* for the management of global trade in intellectual property administered by the World Trade Organisation (**WTO**).

## WHO CAN BECOME A MEMBER OF ECCLA?

Membership of **ECCLA** is open to all authors and publishers who have had at least one original work published in printed form. Both individual authors and publishers and associations of authors and publishers are eligible for membership. Some examples of authors are writers, journalists, translators, songwriters, composers, painters, sculptors, graphic designers, photographers and cartographers. Publishing categories include books, magazines, journals, newspapers, and music.

Authors and publishers become members by signing a membership agreement, which gives **ECCLA** the mandate to manage their reprographic reproduction rights. Membership enables authors and publishers to administer their rights more efficiently and confers several additional benefits:

- authors can better monitor and control the amount of photocopying done
- authors are assured of remuneration from licence fees
- authors obtain international protection of their works
- authors can have legal action taken by **ECCLA** on their behalf
- authors are better able to educate users of their works about the need to respect copyright and comply with the law
- users needing licences can obtain them conveniently and on reasonable terms

## WHO NEEDS A LICENCE?

The photocopier has made it easy for everyone to have instant access to printed information - whether it is a chapter from a book or an article from a magazine or newspaper. But, by law, only the author or publisher has the right to photocopy that work, or to authorise others to photocopy. Persons wishing to photocopy published works must therefore obtain permission from ECCLA, which has the mandate from local and international authors and publishers to manage their photocopying rights in the Eastern Caribbean.

In certain limited circumstances, the *Antigua & Barbuda Copyright Act 2003*, *The Dominica Copyright Act 2003*, *The Grenada Copyright Act 1989*, *St. Kitts & Nevis Copyright Act 2002*, *Saint Lucia Copyright Act 2000* and *The St. Vincent & the Grenadines Copyright Act 2003*, all allow users to copy without the permission of the copyright owner. These include copying:

- for teaching, instruction and examination purposes
- by educational institutions of not more than 5% of a published work every three months
- for private study and research on the basis of 'fair dealing' (as determined by the author)
- by librarians and archivists under specific conditions
- for other specific purposes like parliamentary and judicial proceedings, public records, news reporting, etc.

Outside of these exceptions, photocopying without permission is illegal. The law provides both civil remedies (including damages, legal costs and injunctions) and criminal sanctions (including seizure of infringing copies, imposition of fines and imprisonment).

ECCLA will negotiate blanket licences with large user sectors like Government, educational institutions, copyshops and commercial establishments. In return for licence fees permission will be granted to copy specified portions of works for use within the organisation licensed. Copies made cannot be sold. The licences do not permit photocopying as a substitute for purchase of the published edition, hence limits are set on the portion of a work that may be photocopied.

ECCLA will also issue transactional licences to persons or organisations that wish to make multiple copies of portions of published works for sale to a specific clientele. For example, a lecturer may wish to produce a course pack or anthology containing excerpts from several publications for sale to his or her students. Each transactional licence will be valid for one specific use only.

Except when expressly authorised by rights holders, ECCLA will not issue licences for copies of:

- unpublished works or original artistic works
- Workbooks, instructional manuals and teachers guides
- Commercial newsletters

- Print music

ECCLA acts as a bridge between creators and users offering an efficient and convenient service whereby the society can benefit from the works of creators via photocopying, while respecting copyright and complying with the *Antigua & Barbuda Copyright Act 2003*, *The Dominica Copyright Act 2003*, *The Grenada Copyright Act 1989*, *St. Kitts & Nevis Copyright Act 2002*, *Saint Lucia Copyright Act 2000* and *The St. Vincent & the Grenadines Copyright Act 2003*.

## FURTHER INFORMATION

To find out more about ECCLA's membership or licences, please contact:

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*Introducing*

ECCLA

# EASTERN CARIBBEAN COPYRIGHT LICENSING ASSOCIATION

*A member of the International Federation  
of Reproduction Rights Organisations  
(IFRRO)*