



Trade in The Bahamas 101 **Intellectual Property Rights**

What are Intellectual Property Rights?

Intellectual property rights are exclusive rights given to persons over things which they have created. They usually give the creator a right over the use of his/her creation for a specific period of time.

What sorts of things are eligible for intellectual property rights?

There are many creations which are eligible to receive IP protection, and this can vary from one country to the next, however trade agreements usually require a particular minimum level of protection. Protected inventions fall into specific categories, and here are a few examples:

1. Copyright protection can be granted to the following items:

Music – both to the artist who is singing it, and the person who wrote the lyrics and music

Paintings or Photographs

Films

Copyright protection in The Bahamas is granted for life of the right-holder and additional 70 years after death.

2. Trademarks commonly provide protection to **Slogans**. Ever notice the ® next to the logo of your favourite brands or companies? What these symbols mean is the slogan or logo has been registered as the intellectual property of the company and no one can use the image/logo without the company's permission.

2. Patents are granted to inventions which are new, the process for creation contains an inventive step and have economic value. One of the most commonly patented items is pharmaceutical drugs. Because patents are usually granted on products which have strong economic value, and may contribute to the public good, the length of time for which protection is granted is substantially shorter than copyrights. In The Bahamas, patented goods are afforded protection for only 16 years.

What do you mean by 'property rights'?

Property rights means you cannot use another person's intellectual property without their permission and/or compensation. When popular songs are used in commercials, the artists of those songs must be contacted and permission must be negotiated/paid before the commercials are aired.

Why should someone get paid repeatedly for one thing?

Imagine spending 8 months painting Nassau Harbour, selling it and then weeks later walk into a hotel and see your painting reproduced several times over. You would probably feel cheated! This is how inventors and artists feel when their work is reproduced (and often sold) without their consent and/or compensation.

What happens if someone uses something protected without the consent of the right holder?

It is against the law to do so, and legal action can be taken. Individuals who infringe on another's rights are typically fined heavy charges to compensate any losses suffered by the rights holder. In some countries, infringement can lead to jail time.

What do intellectual property rights have to do with trade?

Intellectual property and trade are intrinsically linked. Country X and Y enter into a trade agreement, and country X's number 1 export is the iPad. Imagine if country Y permitted a company to produce a pirated version of the iPad, the 'ePad'. It would be difficult for country Y to export their number 1 product to country X as all local consumers are purchasing the fake version. Further, companies are often reluctant to sell their items to countries which are known to allow persons within their borders to pirate products.

If I want IP protection on something I've created how do I register it in The Bahamas?

Our Registrar General's Office has an intellectual property registry and can be contacted at:

Registrar General Department
Shirley House
PO Box N 532
Nassau, The Bahamas
(242) 322-3316
(242) 322-5553

For more information on Trade in The Bahamas please contact:

Economics Unit
Ministry of Finance
Cecil Wallace Whitfield Centre
PO Box N 3017
Nassau, The Bahamas
(242) 327-1530
(242) 327-6673