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Copyright Economy

Protecting Works of Mas in Trinidad and Tobago's Culture Industry

Winning essay of the 2012 graduate-level Baptista Essay Prize
by

Terrine Friday
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This is an excerpt of the major research paper written in partial fulfillment of the LLM at
Osgoode Hall Law School, York University.

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Baptista Prizewinning Essay

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This project developed out of an interest about intellectual property rights (IPRs) in the Global South and their negotiation at the local level. I wanted to know how the colonial roots of Trinidad and Tobago, a Commonwealth country, re-emerge through its disposition as a global “policy taker” – meaning a country that adheres to international standards because it lacks the resources and political influence to be a “policy maker.” I use works of mas as my case study due to emerging calls for its copyright protection. My research is therefore guided by the following question: what is mas, and what is its copyright economy? The purpose of investigating this area is to consider the opportunity that lies ahead for Trinidad where it can perhaps contribute to the development of an indigenous cultural copyright model as a global policy maker.

My study therefore problematizes the concept of jurisdiction by examining where law comes from: is it from above such that any deviation that falls outside of it exists outside of the law, or is it from below such that appropriate measures relevant to a people (whether *sui generis* legislation or cultural practice) are enacted? A specific area for intellectual property (IP) protection such as works of mas exists outside of the “global” IP regime. Even so, this does not undercut the legitimacy of a policy that could serve to protect of works of mas as a cultural product with commercial value. This means that an effective copyright policy can perhaps serve as cultural security. I therefore consider how the Caribbean Community (CARICOM) can expand its mandate to secure the interests of its members with the Trinidad and Tobago Carnival arts¹ as my case study. I do not examine directives of the World Intellectual Property Organization (WIPO) or the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in-depth. This is satisfied by my methodological approach which has at its very core the notion that institutions governed

¹ Throughout this report, I will use “Carnival” when referring specifically to the Trinidad Carnival and “carnival” when referring to the general art form in the abstract.

by international legal mandates do little to satisfy the economic interests of the Global South nor do they address chronic underdevelopment in these countries. I posit that a regional strategy with regional economic integration at its core can serve to protect its culture via preservation and commercialization. Thus, the point of contention in top-down international IP trade flows becomes the disjuncture between culture and law.

In this study, a deficit in effective policy for the Trinidad Carnival is laid bare. This is not inherently a cultural flaw; rather it is an opportunity for the expansion of culturally sustainable IP infrastructure. I will therefore discuss policy proposals put forth in the relevant literature, highlight current debates and suggest an alternative approach to its assessment.

Works of Mas: Unique Complexities

First it would be worthwhile to define a work of mas, the pith of the Trinidad Carnival culture. “Mas” is colloquial and short form for masquerade. Trinidad and Tobago’s Copyright Act² defines a work of mas as

an original production intended to be performed by a person or a group of persons in which an artistic work in the form of an adornment or image presented by the person or persons is the primary element of the production, and in which such adornment or image may be accompanied by words, music, choreography or other works, regardless of whether the production is intended to be performed on stage, platform, street or other venue.³

It is the festive display of grand costumes, seasonal music and throngs of revellers as

² Trinidad and Tobago Copyright Act, Chap. 82:80, Act 8 of 1997.

³ Copyright Act, s 3.

both spectators and participants (even those spectating can be argued to constitute an important mass in the production of Trinidad Carnival). Analysis of the Trinidad Carnival departed from a Caribbean Quarterly special issue of 1956 which featured “the first systematic study of the festival.”⁴ Preeminent Carnival historian Errol Hill has done much to situate works of mas within the colonial context of Trinidad and Tobago by studying the traditional characters of Carnival as well as their promotion and preservation.⁵ Daniel Crowley, cultural anthropologist, defines carnival as an “intragroup [festival] [...] originally introduced by French planters but for the last century primarily a lower-class Creole activity”;⁶ descendants of African slaves mimicked these settlers with a more grotesque interpretation of French masquerade costumes. Mikhail Bakhtin describes carnival as “both a populist utopian vision of the world seen from below and a festive critique, through the inversion of hierarchy, of the high culture.”⁷ It has therefore evolved out of a social critique of class distinctions. Thus the carnival is presented by Bakhtin “as a world of topsy-turvy, where all is mixed, hybrid, ritually degraded and defiled” and has the ability to highlight the “political difference between the dominant and subordinate culture.”⁸ In the Trinidad Carnival there are approximately forty traditional masquerades “which might be referred to as *original creations*.”⁹ Therefore mas creations “are a part of a cultural heritage

⁴ Errol Hill, “Traditional Figures in Carnival: Their Preservation, Development and Interpretation” (1985) 31 Caribbean Quarterly 14.

⁵ Errol Hill, *supra* note 4; Errol Hill, *The Trinidad Carnival: Mandate for a National Theatre* (Austin: University of Texas Press, 1972).

⁶ Daniel Crowley, “Plural and Differential Acculturation in Trinidad,” (1957) 59 American Anthropologist 817 at 823.

⁷ Valeria Sterzi, *Deconstructing Gender in Carnival: A Cross Cultural Investigation of a Social Ritual* (New York: transcript, 2010) at 135.

⁸ *Ibid.*

⁹ Hill, *supra* note 4; emphasis mine.

collectively derived, and *ipso facto* collectively owned.”¹⁰ In order to protect these original creations Hill proposes a preservationist approach which includes the replication of “artistic consciousness” through cultural products.¹¹ This is later echoed in the work of Sharon Le Gall who finds that “[i]t may be too late in the day to question whether folklore should be commercially exploited at *all*, and the best that one can hope for is ‘exploitation with integrity’.”¹²

Robin Balliger discusses the cultural politics of IP exploitation through contemporary debates about authorship, property and individualism.¹³ Balliger’s critique can be summarized into three main arguments. First, she argues that international IP law is modeled after the policies of supranational organizations that impose upon the sovereignty of the state thereby promoting the privatization and commodification of cultural products. Second, she notes the specificity of international IP law means that local interpretations based on collectivity do not always fit neatly into the international IP paradigm where privatization and individualism are instrumental. Third, she states, “‘Carnival’ is identified as the export that will give Trinidad competitive advantage in the neoliberal marketplace” where the “nostalgic discourse of ‘our culture’ generates national solidarity to combat increasing economic, racial, and generational fragmentation in the context of globalization.”¹⁴ In other words, “culture” for Trinidadians bears notions of ownership that can translate into the global marketplace for its value. By examining who *defines* culture,

¹⁰ Sharon Le Gall, “Preserving One’s Narrative: Implications of Intellectual Property Protection of Folklore and Steel Pan in Trinidad and Tobago” (1994) unpublished master’s thesis (Osgoode Hall Law School) at 109.

¹¹ Hill, *supra* note 4 at 16.

¹² Le Gall, *supra* note 10 at 157.

¹³ Robin Balliger, “The Politics of Cultural Value and the Value of Cultural Politics: International Intellectual Property Legislation in Trinidad” in Garth L. Green and Philip W. Scher, eds, *Trinidad Carnival: The Cultural Politics of a Transnational Festival* (Bloomington: Indiana University Press, 2007) 198.

¹⁴ *Ibid.* at 211.

and the inability to “fit” products of the Carnival arts neatly into pre-existing “constructions of culture and authorship,”¹⁵ we can read the discourse about national identity in Trinidad.

The specificity of a work of mas poses a particular complication for normative copyright claims in Trinidad. This is because a work of mas is not tangible. It is a performance that brings together the costume designer, bandleader, sound recording, choreographer and performers to produce an original creation. A work of mas is a performance which, although featuring original artwork, has a low threshold for certain criteria (such as originality and fixation, “two of the core requirements for securing copyright”¹⁶). Le Gall’s exploration of the steel pan, “considered the most important acoustic instrument of the twentieth century, arising from an urban, black underclass,”¹⁷ presents a parallel discussion. It contemplates how the philosophies underpinning global IP practices can be challenged; “the justificatory bases for the grant of patents, particularly utilitarian theories for the encouragement of inventive activity, do not jibe with the origins of the steel pan.”¹⁸ Carnival stakeholders are now grappling with how to create a copyright policy that understands the complexity of works of mas and which can duly reward its creators.

Trade policy analyst Keith Nurse widens the scope of analysis by examining how an export strategy can preserve a national image with a focus on capital in-flows tied to international trade.¹⁹ He explains that “[i]n the historical development of the Caribbean the dominant strategies in economic development (e.g. plantation production resource-based,

¹⁵ *Ibid.* at 206; also 207-8.

¹⁶ Keith Nurse, *Copyright and Music in the Digital Age: Prospects and Implications for the Caribbean* (2000) 49 *Social and Economic Studies* 53 at 54.

¹⁷ *Ibid.* at 200.

¹⁸ Le Gall, *supra* note 10 at 7.

¹⁹ Keith Nurse, *The Trinidad and Tobago Carnival: Towards an Export Strategy* (1996) 5 *Caribbean Labour Journal* 5.

import-substitution and export-oriented industries) have been based on facilitating externally-propelled and inspired development models.”²⁰ Since these strategies are dependent upon foreign direct investment “and thus have led to high levels of external dependency,” Nurse calls this approach “essentially reactive.”²¹ However, he posits, a “cultural industries strategy could possibly facilitate a shift in the development paradigm to allow for greater attention to indigenous sources upon which a competitive trade strategy can be fostered”; as “[a]lmost every major city in North America and England has a Caribbean-style carnival that is in large part modeled after the one found in Trinidad and Tobago,”²² a strategy for the IP protection of the Trinidad Carnival would expand its industrial and export development where it already has currency in a global market.

Nurse develops two key ideas in his paper. The first is utilitarian: Trinidad needs to develop an export strategy for the Trinidad Carnival in order to benefit from the global IP industry. The second is culturally relative: commodification of the culture industry is tied to its protection and preservation. It would therefore be advantageous for Caribbean nations to take on a trade-related strategy in the protection of cultural works. Therefore an export strategy is suggested not only as a means to protect the Caribbean culture industry, but also as a strategy to develop it and profit from it. As a means to develop an export strategy, Nurse suggests five methods.²³ Of particular interest to me is his call for “domestic rivalry.” This point I will come back to in my analysis. But what I find meaningful here is Nurse’s ability to use a pan-Caribbean analysis in his argument for a Trinidadian IP policy that simultaneously preserves and promotes its culture. He notes the

²⁰ *Ibid.* at 5.

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.* at 7. These methods are, briefly, as follows: industrial deepening through regional development; the encouragement of domestic rivalry; the development of specialized skills and training; the development of a marketing strategy; and the establishment of a research and training institute.

market impact of Bob Marley and the Wailers on the international recording industry as the “emergence of the Caribbean” into the global culture industry, where reggae music became “one of the first musical artforms from the Third World to be fully commodified in the West.”²⁴ He thus attributes Trinidad’s lag in configuring a trade-related approach to promoting yet preserving its culture to its relatively late integration into the international narrative of *commodifying* culture.

A recent report published by the Caribbean Development Bank attributed increased interest in IP to “the continued movement of countries to an information-based economy.”²⁵ However, the report states, there is a lack of education in the Caribbean culture industries about the translation of IPRs into economic gains. The author notes that, “[g]iven the Caribbean Single Market and Economy, [CARICOM] will have to concentrate more on the acquisition and sale of intellectual property to sustain the member countries.”²⁶ In order to take advantage of this expanding industry – echoing Nurse – the revenues generated from the culture industries are advised to be tied to trade-related aspects of IP. Similarly in his report on the contribution of copyright policy to Jamaica, economist and WIPO consultant Vanus James concludes that a stronger IP regime would potentially advance legal rights. He highlights enforcement and education as two areas worthy of focus with regard to “the widespread copying of creative works, which can undermine the returns on investment in innovation if such copying is not channeled to

²⁴ *Ibid.* at 6.

²⁵ Warren M. Cassell, *The Creation and Commercialization of Caribbean Copyright*, online: Caribbean Development Bank <<http://www.caribank.org/uploads/publications-reports/research/conference-papers/intellectual-property-debate/COPYRIGHTpresentationCassell.pdf>> at 1.

²⁶ *Ibid* at 1, citing a symposium by the International Intellectual Property Institute, *Establishment of the Caribbean Court of Justice: The Effect on Intellectual Property and International Trade*, online: IIPi <<http://iipi.org/2004/04/experts-discuss-economic-impact-of-new-caribbean-court-of-justice-at-international-symposium/>>.

favor the innovation process itself.”²⁷ In another report, James considers the contribution of copyright and related rights in the protection of works of mas to industry.²⁸ He uses works of mas as a case study to consider how either *sui generis* legislation or expanded legal infrastructure can support the unique demands of Trinidad. He also explains in plain language the particularities of Trinidadian culture that do not easily translate into the fixed Anglo-American copyright regime, since neither UK nor US copyright law expressly protect works of mas.

The purpose of protecting works of mas was twofold. The first rationale was to provide a financial incentive to the band leaders and thereby ensure some return for their significant investments in the production of mas bands. For this reason, the first owner of copyright in the work of mas is the ‘producer’ who in essence is the band leader. The other reason was that it was recognised by the legislative drafters that copyright protection does exist in the various underlying artistic works that make up a mas band: the designs and costumes themselves are protected as artistic works, the accompanying music of live performances by musicians and singers on music trucks or playing of music by disc jockeys are protected as musical works and the sometimes utilized effect of drama and/or dance are protected as dramatic and choreographic works respectively. Indeed for this reason the ‘copyright purists’ might argue that there is no need for statutory protection of works of mas. However, the band leader (except if the same person is the designer) is not the first owner of copyright in the artistic work and is not the owner of rights in the underlying literary, musical, dramatic and choreographic works.²⁹

²⁷ Vanus James, *The Economic Contribution of Copyright-Based Industries in Jamaica: Final Report*, online: World Intellectual Property Organization <http://www.wipo.int/export/sites/www/copyright/en/performance/pdf/econ_contribution_cr_ja.pdf>.

²⁸ Vanus James, *The Contribution of Copyright and Related Rights-Based Industries to GDP, Employment and Trade in Trinidad and Tobago* (forthcoming).

²⁹ *Ibid.* at s 2.1.3.

Since ‘works of mas’ as a domain for copyright protection is expressly recognized in Trinidad’s legislation as a derivative work, what James offers here is a look forward to what the potential is for Trinidad in claiming it as a product with commercial value. Trinidad, which boasts one of the largest economies in the Caribbean yet still struggles with poverty, crime and high child mortality, has the potential to extract commercial value from its cultural product for social benefit. Its inability to adequately protect the steel is a lesson Trinidad can learn from for the betterment of its heritage preservation and commercialization. However protecting works of mas is not just a utilitarian exploit. Most importantly it “promotes a national asset that contributes to the cultural identity of the country based on its unique heritage and traditions.”³⁰

Furthering this discussion, anthropologist Philip Scher poses the following question: who gets to define Carnival? He points out that “the state, in positioning itself to protect folklore, has in fact positioned itself to define folklore.”³¹ In trying to define culture, the relationship between state and non-state actors is framed within the discourse of copyright protection for the Carnival arts. This equally brings into question how national jurisdiction of IPRs is ill-negotiated with the discourse on Trinidad’s culture industry; multiple carnivals in European and North American cities are modeled after the Trinidad Carnival and are most often developed by its diaspora. That is, works of mas travel with the Trinidadian diaspora while legislation does not.

Here I have presented two distinct strategies proposed for the protection of works of mas: a preservationist strategy and a trade-related strategy. What these strategies indicate is the potential for a comprehensive copyright policy for protecting works of mas in Trinidad. One thing is for certain: its copyright economy continues to evolve regardless of legal

³⁰ *Ibid.*

³¹ Philip W. Scher, *Copyright Heritage: Preservation, Carnival and the State in Trinidad* (2002) 75 *Anthropological Quarterly* 453 at 466.

measures for added protections. Thus a legal infrastructure for protecting works of mas has the potential to set a framework for protecting culturally-specific folkloric expressions across other jurisdictions.

Towards a TWAIL Analysis

Third World Approaches to International Law (TWAIL) can be debated as a theory, a method, a school of thought or some combination of the three.³² Generally speaking, it is a critique of international law which orders Third World bodies within hegemonic constructs according to Anglo-American normative ideals (or, according to the literature, a recolonization of the Third World by means of liberal policymaking). Therefore a critique of international norms in this paper serves as social commentary to the opportunities that lay ahead for an alternative method of studying regional trends that are not always compatible with the international.

B.S. Chimni, preeminent TWAIL scholar, begins his manifesto with an evocative edict: “[t]he threat of recolonisation is haunting the third world.”³³ He then qualifies his statement with the following:

The word ‘recolonisation’ is being *inter alia* used to indicate first, the reconstitution of the relationship between State and international law so as to undermine the autonomy of third world States and to the disadvantage of its peoples. Second, the expansion of *international* property rights which are to be enforced by third world States without possessing the authority to undertake the task of redistribution of incomes and resources. Third, the relocation of sovereign economic powers in international trade and financial institutions. Fourth, the inability of third world states to resist the

³² B.S. Chimni, “Third World Approaches to International Law: A Manifesto” (2006) 8 *International Community Law Review* 3 at 3; Obiora Okafor, “Critical Third World Approaches to International Law (TWAIL): Theory, Methodology, or Both?” (2008) 10 *International Community Law Review* 371 at 373; Makau Mutua, “What is TWAIL?” (2000) 94 *Am Soc’y Int’l L Proc* 31 at 31-33.

³³ Chimni, *supra* note 32 at 3.

overwhelming ideological and military dominance of the first world.³⁴

The four points that Chimni outlines informs my theoretical lens from which I digest the data contained herein. Meaning, I am concerned with how Trinidad and Tobago, a nation in the Global South/Third World, is constructed within the international IP regime by means of a liberal recolonization. A main critique of TWAIL is that despite its harsh judgment of the institution of international law, it does not offer a viable alternative to it. However, TWAIL remains a useful tool to deconstruct how the Third World enters into IP discourse within a globalized/globalizing context. I believe this is so because “much TWAIL scholarship tends to offer windows into international law’s tomorrow.”³⁵

We cannot ignore the problem of international law. The policies governing IP trade “required drastic reforms” in the late twentieth century due to the “emerging flexible regime of accumulation that was increasingly organized on an international level.”³⁶ However the porosity of borders highlights the problems that can arise from hierarchical law-making and the concept of jurisdiction. IP as an institution emerged with a focus on the individual where “intellectual property owners established organizations to govern global trade in intellectual and artistic works in the nineteenth century.”³⁷ Meaning, copyright was framed with Anglo-American norms for the purposes of creating a cohesive IP policy. In trying to decipher how Trinidad fits into the global IP paradigm, I problematize the very idea that it should. I therefore consider the vacillations between international law as a globalizing corpus and IP policy as a regional strategy. This interdisciplinary analysis is not only a means to uncover what works of mas is or how it can be understood conceptually within a

³⁴ *Ibid.*

³⁵ Okafor, *supra* note 32 at 373.

³⁶ Ronald V. Bettig, *Copyrighting Culture: The Political Economy of Intellectual Property* (Oxford: Westview Press, 1996) at 226.

³⁷ *Ibid.*

legal context; it uncovers how works of mas is constructed as a paradigm. This is the difference between theory and praxis, the latter of which I am concerned with. The fact that IP policy is shaped by international norms means a study about the copyright infrastructure of works of mas requires a wider analytical scope. I will therefore critically analyze the IP infrastructure in the Caribbean and its economic community as a means to situate the discourse on the protection of works of mas within a dialectic. The story of copyright protecting works of mas paints an illustrative picture of how regionalizing an international policy can result in one fraught with ambiguities and incongruities.

Trinidad Vis-à-Vis the Caribbean Economy

The aim of CARICOM is to increase its power via regional integration. In theory, this could have a positive effect on the copyright commercialization of goods within the regional culture industry for trade purposes. However, while the Revised Treaty of Chaguaramas³⁸ calls for its members to “harmonise their laws and administrative practices”³⁹ in respect of IPRs, it expressly excludes copyright from its mandate. In part, this is due to its members’ obligation to international conventions such as the Berne Convention⁴⁰ and the TRIPS agreement. However these two policies have their shortcomings for Caribbean member states: “[t]he Berne Convention emphasizes the rights of authors and does not acknowledge the rights of other contributors to the creative

³⁸ Caribbean Community (CARICOM) Secretariat, “Revised Treaty of Chaguaramas Establishing the Caribbean Community Including the CARICOM Single Market and Economy,” online: CARICOM <http://www.caricom.org/jsp/community/revised_treaty-text.pdf>; hereinafter the Revised Treaty of Chaguaramas.

³⁹ Revised Treaty of Chaguaramas, s 74.2b.

⁴⁰ *Berne Convention for the Protection of Literary and Artistic Works 1886, amended 1979*, online: WIPO <http://www.wipo.int/export/sites/www/treaties/en/ip/berne/pdf/trtdocs_wo001.pdf>; hereinafter the Berne Convention.

process”⁴¹; and signatories to TRIPS, “the most significant international undertaking on IPRs in history,”⁴² could have lacked foresight about the economic potential of IP protections for its regional trade agreement (RTA) members.

The international focus on trade-related aspects of IPRs has been “[t]he development and commercialization of IP in connection with government-funded R&D.”⁴³ This means that IPRs within the Caribbean community are most often framed within the context of foreign direct investment and little on the protection of its indigenous culture. The result is that microeconomic dilemmas arising from the inability to compete economically balloon at a macroeconomic level “due to the negative effect that the competition by companies of the newly industrialized countries has on the balance of payments of the developed countries.”⁴⁴ While the purpose of TRIPS was to account for “these companies [that] take advantage of the weak protection”⁴⁵ and the trade imbalance of developed countries, the reality is that it does not “establish a wholly new regulation *ex novo* but to use as a starting point the already existing conventions.”⁴⁶ IP protection “tilts the global balance toward stronger rights for information developers” and therefore “promises to effect a short-term distribution of income in their favor from information users, in both developed and developing countries.”⁴⁷ I hereby question how greater IP protections for smaller Caribbean economies can possibly be extracted from a policy that has, at its basis, competitive (and

⁴¹ Nurse, *supra* note 16 at 57.

⁴² Keith E. Maskus, *Intellectual Property Rights in the Global Economy* (Washington: Institute for International Economics, 2000) at 26.

⁴³ World Trade Organization, Minutes from TRIPS Council meeting IP/C/M/71 (2012) at para. 257.

⁴⁴ Alberto Bercovitz, “Copyright and Related Rights” in Carlos M. Corea and Abdulqawi A. Yusuf, eds, *Intellectual Property and International Trade: The TRIPS Agreement* (London: Kluwer Law International, 2008) 127 at 129.

⁴⁵ *Ibid.* at 129.

⁴⁶ *Ibid.* at 130.

⁴⁷ Maskus, *supra* note 42 at 26.

exclusionary) elements.

There is no question that with Trinidad's liberal economy there is irony in the words of Caribbean nationalist Eric Williams: colonialism – or economic exploitation – “was the source of the Caribbean's problems.”⁴⁸ Trinidad, signatory to the TRIPS agreement, engages IP policies that therefore have implications for its cultural integrity. Take the steel pan for example, an integral component of Trinidad's Carnival arts. Unable to identify a single inventor of the steel pan, the instrument has gone unpatented for nearly 80 years (and is *de facto* under the aegis of the government). The result is that “greater resources in nations such as Switzerland have enabled superior pan production” while many skilled pannists and tuners have found relevant opportunities abroad.⁴⁹ Therefore there is a cultural perception “that Trinidad is ‘losing’ pan to the world, a perception that the lack of patent reinforces.”⁵⁰ The question of cultural identity thus becomes a political question where, “[i]n parliament, the importance of pan in relation to cultural struggle was quickly subsumed by the rush to conform to internationally established definitions of invention.”⁵¹

While Trinidad has focused its efforts most recently to limited policy, the reality is that an effective configuring of IP for the purposes of economic gain from trade and industry must be long-term in its view. Shorter term trade developments, though they play a part in laying the foundation for a copyright economy, do little to actually protect the interests of the culture industry. With the explosion of new technologies that decrease the barriers for the exchange of cultural products comes a call for increased copyright protections of its fruits. In his report on the export capabilities of the Caribbean music

⁴⁸ Colin A. Palmer, *Eric Williams and the Making of the Modern Caribbean* (Chapel Hill: University of North Carolina Press, 2009) at 12.

⁴⁹ Balliger, *supra* note 13 at 209.

⁵⁰ *Ibid.* at 209

⁵¹ *Ibid.*

industry, Nurse summarized its potential by stating “the Caribbean has a window of opportunity in the new global economy, where copyright, cultural and media industries are among the fastest growth sectors.”⁵² As such, it would be fair to state that the Caribbean culture industry is “viewed as a prime target for private investment and institutional support in the regional diversification initiative.”⁵³ In other words, the development of Trinidadian culture as an export commodity is a comparative advantage for Trinidad’s economic diversification because “‘culture’ is one area that does not require significant foreign investment.”⁵⁴ We must, of course, keep in mind Trinidad’s dual position as a large local economy and a small international economy. Despite this, “[n]o country has unlimited human, financial and natural resources. All countries therefore have to make some decisions as to how best to deploy their limited resources in order to generate wealth.”⁵⁵

The Question of Jurisdiction

The Revised Treaty of Chaguaramas set out jurisdiction for IP under the Council for Trade and Economic Development (COTED).⁵⁶ The document explicitly states that the Caribbean Court of Justice (CCJ) is its regional court and mandates it to ensure “the preservation of indigenous Caribbean culture; and the legal protection of the expressions of folklore, other traditional knowledge and national heritage, particularly of indigenous

⁵² Keith Nurse, “The Caribbean Music Industry: Enhancing Export Capabilities and Industrial Deepening,” online: Caribbean Export Development Agency <http://www.acpcultures.eu/_upload/ocr_document/CEDA-Nurse_CaribbeanMusicIndustry_2001.pdf> at 2.

⁵³ *Ibid.*

⁵⁴ Garth L. Green, “‘Authenticity’ and the Construction of Identity in Trinidad Carnival,” in Christine G.T. Ho and Keith Nurse, eds, *Globalisation, Diaspora and Caribbean Popular Culture* (Kingston: Ian Randle Publishers, 2005) 297 at 305-6.

⁵⁵ Anthony Clayton, “Globalisation, Technology, Trade and Development” in Nikolaos Karagiannis and Michael Witter, eds, *The Caribbean Economies in an Era of Free Trade* (Surrey: Ashgate Publishing, 2004) 71 at 78.

⁵⁶ Revised Treaty of Chaguaramas, s. 64.2d.

populations in the [CARICOM] Community.”⁵⁷ However it also calls for “the establishment of a regional administration for intellectual property rights except copyright.”⁵⁸ It appears, then, that the CCJ does not have jurisdiction over copyright. Thus the potential for cohesive copyright policymaking for the sake of consistency in application and interpretation becomes apparent. The Caribbean Copyright Link (CCL) is a Caribbean-wide organization made up of national copyright societies. Its purpose is to allow for greater information-sharing and the management of works in the Caribbean region. While the CCL plays a considerable role in filling a gap in regional copyright integration, it does not have legislative mandate. Whether or not this is pertinent to progressive policy measures is unclear. For example the Copyright Organization of Trinidad and Tobago (COTT), one of the CCL’s founding members and the first national collections management organization in the Caribbean, often acts as an intervener in the enforcement of IPRs. Despite this, there remains a rift between copyright collections policy and regional copyright policy. A recent report on the contribution of the creative industries to GDP showed that only 61% of CARIFORUM countries⁵⁹ “include data in their national balance of payments on royalties.”⁶⁰

In the spirit of Williams, a pan-Caribbean approach to copyright could profit the economic region as well as preserve the specificities each country has to offer the region’s common culture. Such rigid terms as “traditional cultural expressions” and “folklore” can dilute the specificities of a particular copyright policy. These terms can become politically

⁵⁷ *Ibid.*, s. 66c.

⁵⁸ *Ibid.*, s. 66b.

⁵⁹ CARIFORUM is a regional group operating under the frameworks of the Cotonou Agreement and the CARIFORUM-EU Economic Partnership Agreement. It includes CARICOM countries, except Montserrat, plus Cuba and the Dominican Republic.

⁶⁰ Keith Nurse and Alicia Nicholls, “Enhancing Data Collection in the Creative Industries Sector in CARIFORUM,” an inter-agency report for the International Trade Centre, UNCTAD, WTO and WIPO at the 32nd COTED Meeting on May 16, 2011 (Georgetown, Guyana) 15.

charged and sway the discourse to one that resounds political ideas about national identity in lieu of economic ideas about regional viability. Perhaps copyright integration has remained a taboo area for policy because each individual country in the Caribbean has competing ideals about its enforcement as bound by varying trade agreements. Not to mention the adoption of a regional copyright policy via the Treaty of Chaguaramas could set a new (and perhaps risky) example for *stare decisis*. It is also quite plausible that CARICOM did not anticipate the potential added benefits from a more progressive approach to IP policy. Even so, we cannot ignore the role trade plays in IPRs and the information economy; “implementation of the TRIPS Agreement into the WTO framework is indicative of the economic importance of intellectual property rights and copyrights in the expanding information and knowledge-intensive world-economy.”⁶¹

Debating Works of Mas

Policy for the copyright protection of works of mas is informed by current debates in the wider IP discourse. Some of these debates can be satisfied by case law, such as *Barrett v Universal Island Records Ltd.*⁶² which defined the parameters of collective authorship, or *Griggs Group LTD v Evans*,⁶³ which set out who owns copyright in a logo if it is an assignment. Others are argued in the court of public opinion, which nonetheless has implications for how the copyright infrastructure in Trinidad is configured. The first of these is IP literacy and enforcement where effective policy is tantamount to effective education – or, getting people to understand that commercial gain typically comes from effective policy. There currently exists no specific legal framework for artists or other

⁶¹ Nurse, *supra* note 16 at 60.

⁶² *Barrett v Universal Island Records Ltd. & Ors* [2006] EWHC 1009 (Ch).

⁶³ *Griggs Group Ltd. v Evans* [2003] EWHC 2914 (Ch).

Carnival arts stakeholders to exploit the creative sector. Thus there is a turn towards ad hoc schemes to increase profit, such as artists pirating their own works. Since live performances are of immense value to artists, the distribution of their work in major cities through an organized network of pirates contributes to increased popularity and, hence, ticket sales. In response to this, Ali uses *TWAIL* to situate the “underclass” in her work on piracy and the framing of the Caribbean subject within international law. She underlines the tension existing “between the legal criminalization and social and cultural valorization of piracy” rooted in the colonial history of the Caribbean that “masks the other more dominant systems of economic and political power.”⁶⁴ She thereby uses Jamaican contemporary discourses as a window to the wider Caribbean to show how the “pirate story” has been embraced so as to conceptualize gross social and economic inequalities.

The dialectic between the pirate as hero in popular culture and pirate as the enemy of all mankind frames Jamaican ‘rude boy’ subjectivity. The rude boys, shottas, gangstas, drug dealers and smugglers are the pirates, corsairs and outlaws of the present. Slavery, colonization and piracy are remembered and symbolically memorialized. It is the slippage however, that asserts the lawfulness or lawlessness of the identity.⁶⁵

The result is that piracy, a dense topic for further engagement, can arguably “be theorized beyond the law, beyond the state, and beyond the common tropes that perpetuate a discipline where ‘legal dualism [equates to] Europe possess[ing] the law [and] the rest of the world [as] lawless’.”⁶⁶ Pirates and freeloaders can thus be said to constitute a necessary component of post-colonial Caribbean identity. This is especially so in the marketing of

⁶⁴ Jerusa Ali, “Pirates & Corsairs Between International Law and Literary Imagination” (2013) unpublished paper presented at *Law, Culture, Critique* (Osgoode Hall Law School) at 5.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.* at 6, quoting Lauren Benton, “Legal Spaces of Empire: Piracy and the Origins of Ocean Regionalism” (2005) 47 *Comparative Studies in Society and History* 700 at 701-2.

soca, popular music in Carnival mas, where the artists *fuel* piracy – a practice that is effectively “one area in the value chain undercutting another.”⁶⁷

The WIPO advisory committee on enforcement produced the 2007 report “A Comparative Analysis of the Legal Enforcement of Intellectual Property Offences in Barbados and Trinidad and Tobago.”⁶⁸ The report’s take-home point is that Trinidad, while having a meaty copyright policy on paper, suffers when it comes to enforcing its own rules. For example Trinidad *appears* to extend stiff penalties for IP infringement. Though we can deduce from analysis a dearth in substantive law, the real question of IP enforcement in practice remains unanswered. Meaning that, even with this level of legislation, prosecution is rare. As is explained,

There is a dearth of information regarding IP related prosecutions in Trinidad and this may be due to the fact that there appears to be a greater focus on what are believed to be more serious crimes, those being kidnappings and murders.⁶⁹

The conclusion of the WIPO report on IP enforcement is that “greater enforcement of IP rights is essential.”⁷⁰ However, with a focus on more serious crimes, it is perhaps a normative claim that Trinidad *ought* to have greater IP enforcement. This suggests a disjuncture between the discourse on IP policy – its enforcement – and its cultural relevance. Either way, the take-home point is that Trinidad, while a benefactor of the CCJ, does not use the CCJ’s resources to its potential. If Trinidad were to expand its copyright

⁶⁷ Interview on Feb. 20, 2013 with Suzanne Burke, Professor of Cultural Studies at the University of the West Indies (St. Augustine, Trinidad).

⁶⁸ Charles Leacock, “A Comparative Analysis of the Legal Enforcement of Intellectual Property Offences in Barbados and Trinidad and Tobago,” online: WIPO <http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=87363>.

⁶⁹ *Ibid.* at 11.

⁷⁰ *Ibid.*

infrastructure, it could be in their interest to seek an alternative approach to copyright jurisdiction.

The originality threshold remains an important issue as well. In order for designs to be copyright protected, they must be original creations. The originality threshold, however, is low. This means that while the works of such reputable designers as Peter Minshall and Brian Mac Farlane fulfill this requirement, the ability for less stylistic “bikinis and beads” mas designers to fulfill the originality requirement can be disputed. As outlined in *National Theme Productions Inc. v. Jerry B. Beck Inc.*,⁷¹ separability of utilitarian function from original design allows for the copyright protection of a costume. Thus “[t]he Policy Direction further elucidated that costumes, by their very nature, exist at the boundary between works of imagination and works of utility.”⁷² The Chairman of Trinidad’s National Carnival Commission states the basis for allowing protection is that, though the originality threshold may be low, the costume “must have a creative spark.”⁷³ This low requirement appears sufficient for a theoretical exercise. Working “outwards” and placing this level of creativity into a larger IP paradigm, we can see how it may bring the very definition of originality into disrepute. It therefore furthers my analysis by noting the relationship between originality at the local and/or regional level and the preservationist strategy for protecting works of mas via copyright law. It is by means of copyright that the Trinidad Carnival promulgates nationalist ideologies “through recourse to international organizations.”⁷⁴

⁷¹ *National Theme Productions, Inc. v. Jerry B. Beck, Inc.*, 696 F.Supp. 1348 (S.D. Cal. 1988).

⁷² James, *supra* note 28 at s. 2.1.3.

⁷³ Interview with Allison Demas, attorney-at-law and Chairman of the National Carnival Commission on Feb. 26, 2013 in Port of Spain, Trinidad.

⁷⁴ Scher, *supra* note 31 at 455.

Nationalist ideologies also resonate from the creation of new technologies. In 2007, Brian Copeland created the Genesis Pan, or G-Pan, “wherein the orchestra comprises a plurality of at least four instruments and is capable of covering the entire musical spectrum of G1 to B6, a plurality of at least eight additional semitones” compared to the original steel pan.⁷⁵ Four years later the Attorney General threatened to sue Copeland for illegally “trying to own” the pan and confusion arose as to who could benefit from the commercialization of it under government grants. This is a prime example of how a policy must be sensitive toward ownership rights in practice and not just rhetoric as it can serve the unintended purpose of restricting innovation. The key to incentivizing original works is for a balance to be sought between innovation and protection whereby protection does not stifle innovation.

The same can be said for the reproduction of Carnival art via broadcast and social media platforms. Discord over broadcast rights – contradictory to the culture of a “free Carnival” – came to the fore in Carnival 2013 when exclusive rights were given to state-owned Caribbean New Media Group (CNMG). The inability for CNMG to reach a tentative agreement with a major cultural group before one of its events meant the competition went unaired. It was also a hot topic when the Trinidad and Tobago Copyright Collections Organisation (TTCO), disputed for its legitimacy,⁷⁶ lobbied for an end to live streaming of the Carnival parade. If we take the conversation about technology a bit further, a spotlight shines on data security in an age where Carnival images float around Facebook, the twitterverse and other social media platforms. Although it is ideal to compensate creators for the reproduction of their works, the reality is that technology is precisely *why* Carnival continues today: “[n]ew technology made it possible for masquerade bands to bring such

⁷⁵ U.S. Classification 84411.R and 84421; assignee of the Republic of Trinidad and Tobago.

⁷⁶ The Copyright Organisation of Trinidad and Tobago (COTT) has been the leading licensing body until the TTCO’s recent emergence.

amplified music on the road with them.”⁷⁷ The reinvention of the steel pan after its “virtual disappearance” from the streets during Carnival also illustrates the ability for the Carnival arts to be moved by innovation.

Opacities in works of mas are also cause for new approaches to its cultural policy. For example, is the original creator of a work of mas the bandleader or designer? There are some ambiguities existing between these two groups. It is clear that “the original owner of copyright is the author who has created the work.”⁷⁸ However both the bandleader and designer can be argued to have original copyright of a work. Within the confines of the Carnival arts, a designer is one who creates a work of art to be presented as mas – an original artistic design which, when combined with other original creations, becomes a work of mas. A bandleader is essentially the producer who makes a significant financial investment and brings the specific band’s creations to life. They make “the arrangements necessary for the creation of the work and [are] therefore [...] owner of the work of mas under the act.”⁷⁹ Meaning the disagreement (in legislation) really comes down to who the producer is (in practice). They are not always one and the same.

Stemming from this bandleader/designer question is whether a work is under licence or assignment. This contention is further highlighted when we think about how mas is created. If a designer signs a contract of employment with a bandleader stating that anything created by them is also their property, is this a licence or an assignment? To further complicate the matter, “band leaders do not usually formally acquire rights (by assignment or exclusive licence in writing).”⁸⁰ The difference between the two is exclusivity, a pretty

⁷⁷ Scher, *supra* note 31 at 473.

⁷⁸ Copyright Act, s. 26.1.

⁷⁹ James, *supra* note 28 at s. 2.1.3

⁸⁰ *Ibid.*

significant factor in the creation of *original* works unlike those of competitors in a given year. Consider the following on ownership and assignment:

In respect of a work created by an author employed by a natural person or legal entity in the course of his employment, the original owner of copyright shall be, unless provided otherwise by agreement, the employer.⁸¹

This is in line with *Robin Ray v Classic FM*⁸² where it was determined that “an assignment of copyright is not to be implied where a licence will do.”⁸³ However the decision does not satisfy the inability to clearly distinguish a licence from an assignment in the creation of a work of mas. Trinidad’s Copyright Act states that for a work of mas “the original owner of copyright shall be the producer, unless provided otherwise by agreement.”⁸⁴

However, it also states the following:

- i. “[c]opyright and neighbouring rights shall be transmissible in whole or in part by assignment”;⁸⁵ and
- ii. “[a]n assignment of copyright or neighbouring rights is not effective unless it is in writing and signed by or on behalf of the assignor.”⁸⁶

This means that while the bandleader may presumably be the employer, the designer may be the original author and protected by copyright. It must be noted here that works of mas are derivative works with collective authorship. When read alongside policy on collective authorship, it becomes conceivable for a plethora of permutations for original

⁸¹ Copyright Act, s. 26.4.

⁸² *Robin Ray v. Classic FM* [1998] FSR 622.

⁸³ *Barrett*, *supra* note 62 at para. 359.

⁸⁴ Copyright Act, s. 26.5.

⁸⁵ *Ibid.*, s. 28.1.

⁸⁶ *Ibid.*, s. 28.2.

authorship and copyright under current law – making it either “fluid” for ease of judicial interpretation or theoretical and removed from the reality of damages. Alas, the practice of collaboration has real consequences. If the winner of Soca Monarch, the nation’s top prize in soca competitions, is not the original creator of a song, should the writer be entitled to prize money? We now see the relationship between an IP dispute and a contracts dispute, testament to the fact that copyright law does not always answer all copyright questions.

A Pan-Caribbean Approach to Copyright Policy

I now return to the specific problem of copyright protecting works of mas. With the above analysis on the socio-legal infrastructure of IP policy in Trinidad and the CARICOM region, it becomes apparent that what currently exists is a normative framework for adhering to current global IP policy. The result is a lack of continuity and effective policy in the interests of the Caribbean Community – meaning its economy as well as its people. The main point of contention stems from the attempt to rectify the slippage between normative claims. Meaning, a barrier to improving Trinidad’s copyright policy lies in the inability to negotiate its moral right to “secure” its culture with the internationally centralized IP policy. While multilateral treaties such as the TRIPS agreement and the Berne Convention serve to dually preserve and protect, they do little to enhance the position of countries in the South. It is therefore useful to consider whether modelling the legal infrastructure for the protection of works of mas in Trinidad after TRIPS requirements is even relevant as it pertains to its aims; while the TRIPS framework can facilitate the export of indigenous culture from the South, TRIPS does little to protect it.⁸⁷ By evaluating the inconsistencies in national policies for the protection of indigenous culture and its practices, a scheme for the participation of Trinidad’s works of mas in the global IP market

⁸⁷ Interview with Allison Demas, *supra* note 68; interview with Suzanne Burke, *supra* note 62; interview with Sharon Le Gall, *supra* note 82.

thus becomes plausible. This means that there exists an opportunity for effective policy on how to negotiate international IP trade flows with the local nature of culture and regional law. It also means that this policy analysis extends beyond Trinidad alone and other CARICOM members. For example there are many non-signatories to CARICOM that have a rich cultural heritage – St. Martin, Curaçao, the Virgin Islands and Puerto Rico to name a few. But the colonial legacy for many of these nations means their political and economic realities hamper harmonization of regional policymaking.

A relevant point for further discussion is the fact that COTED, under the CCJ, has not been given jurisdiction to govern copyright. Trinidad alone may not have the infrastructure to effectively enforce copyright – nor may other CARICOM members. The result is that copyright enforcement is fractured according to nationhood. If the enforcement of copyright is fractured, it has less potential to compete globally – and key resources lie in its ability to be competitive within the global trade industry. The Carnival contributed an estimated TT\$1 billion⁸⁸ to the world economy in 2007.⁸⁹ As noted, “the Trinidad carnival economy can be divided into two discrete areas – the core and the secondary economy, which both have overflows in the overseas carnival economy.”⁹⁰

My purpose for choosing works of mas as my case study was to highlight a complex issue that may not be able to subscribe to traditional notions of copyright, licensing and authorship in IP law without its current and historical context. Although I use works of mas as a case study, my analysis does not end there. Rather works of mas is an entry point into discussing the possibilities for Caribbean IP policy with a view to a more comprehensive

⁸⁸ US\$100 = TT\$642. XE online: <<http://www.xe.com>>.

⁸⁹ Suzanne Burke, “Reinventing Inequality: State Policy and the Trinidad Carnival Complex” in Christopher Innes, ed, *Carnival: Theory and Practice* (Trenton: Africa World Press, 2012) at 5-6, quoting Clarence Jagroopsingh, “Carniomics: The New Economics of Carnival,” online: Caribbean Development Strategies <<http://www.cdsonline.biz/pdf/Carniomics06-02-2007.pdf>>.

⁹⁰ *Ibid.* at 6.

policy rooted in a slightly protectionist economic approach. The goal of this proposal is not to argue for a retraction of the Caribbean economy but rather to consider the opportunities that lay ahead with a clear policy mandate. Trinidad, through its unique position as a major Caribbean economic hub and policy taker, has the opportunity to become a policy maker. Considering Trinidad is in the midst of drafting works of mas into WIPO's definition of traditional cultural expressions subject to protection,⁹¹ what is to say it cannot become a policy maker for the protection of works unique to the Global South? This is where TWAIL analysis becomes useful: out of the inability for international conventions to successfully adopt methods from the South, we can critically analyze how a local conception of copyright "is driven by three basic, interrelated and purposeful objectives."⁹²

First, international law has been used as a normative institutional mechanism with the power to (re)create colonial hierarchies of power. Meaning it is possible that international norms serve as the roadblock to implementing policy that is applicable to the specificities of the Caribbean culture. Second, in the current political and economic climate, the protection of works of mas will undoubtedly need to be tied to its economic potential on the world stage. Thus it is from here I consider the socio-economic context from which I base my analysis and from which we can extract the preservationist and trade-related strategies. Third, in order to address underdevelopment in the Global South, I consider the role of a pan-Caribbean policy for IPRs which could perhaps allow better leverage to CARICOM members in negotiating copyright on the international stage. Herein lies the opportunity to connect the mandate of the CCL with regional policy objectives. A pan-Caribbean approach to protecting works of mas – and, more generally, its copyright policy – could

⁹¹ Correspondence with Tene Reece, Intellectual Property Office of the Ministry of Legal Affairs (Port of Spain, Trinidad) on Feb. 20, 2013. The draft version of Article 1(c) includes works of mas in its definition of traditional cultural expressions subject to protection.

⁹² *Mutua*, *supra* note 32 at 31.

reinforce the strength of this bloc.

It would be unlikely for Trinidad, or any individual Caribbean nation, to successfully challenge “entrenched international and political economic interests.”⁹³ Alluding to its moral rights would also serve to strengthen its case for a trade-based approach to protections where the objective is, as stated by Le Gall, exploitation with integrity. This is why a regional approach could serve to harmonize the region in terms of economic *and* cultural policy beneficial to developing states. The Tunis Model Law on Copyright⁹⁴ adopts “provisions to prevent the improper exploitation of folklore.”⁹⁵ Though the Tunis Model’s focus on developing countries is well-intentioned for its commitment to preserving folklore and tradition indigenous to the Global South, it is wide in its purview; the ability for *all* countries of the Global South to subscribe to its principles suggests that all have the same economic and cultural interests. The inability for the Tunis Model to translate into the current global economic climate leaves an opportunity for Trinidad. The reality is that, in order to be competitive in today’s global economy, strategic integration of regional economies has the ability to further its position. This still satisfies Nurse’s call for domestic rivalry to encourage the diversification of products for commercial gain. It also fulfills the call for cultural protectionism, or what I will call cultural enclosure. While enclosure has been argued to stifle creation,⁹⁶ this claim does not outweigh the benefits that

⁹³ Le Gall, *supra* note 10 at 7.

⁹⁴ United Nations Educational, Scientific and Cultural Organization and World Intellectual Property Organization, “Tunis Model Law on Copyright for Developing Countries,” online: UNESCO <http://portal.unesco.org/culture/es/files/31318/11866635053tunis_model_law_en-web.pdf/tunis_model_law_en-web.pdf>; hereinafter the Tunis Model.

⁹⁵ Le Gall, *supra* note 10 at 9-11.

⁹⁶ Anupam Chander and Madhavi Sunder, “The Romance of the Public Domain” (2004) 92 California Law Review 1331, 1334-5; as per Chander and Sunder, see also Yochai Benkler, “Free as the Air to Common Use: First Amendment Constraints on Enclosure of the Public Domain” (1999) 74 NYU L Rev 354, 364-86; James Boyle, “The Second Enclosure Movement and the Construction of the Public Domain (2003) 66 Law & Contemp Probs 33.

cultural enclosure could offer. CARICOM serves a greater purpose than one that is purely economic: it is committed to the “enhanced levels of international competitiveness”⁹⁷ and the organization among Caribbean member states “for increased production and productivity.”⁹⁸

Potential benefits for the adoption of a pan-Caribbean copyright policy under CARICOM include the following:

- i. Protection of works of mas under the Caribbean Court of Justice and greater consistency in its IP policies
- ii. Fair distribution of resources for copyright enforcement within the regional justice system
- iii. Comprehensive policy for IP protections that are specific to CARICOM members’ unique complexities
- iv. Continued orientation of wealth within CARICOM
- v. Greater opportunity for further empirical research based on increased data from the region
- vi. Depending on its success, a model which can be replicated in other regional jurisdictions in the Global South

Conclusion

The purpose of this paper was to use works of mas in Trinidad and Tobago as a case study in copyright policy. This pointed to a slippage between centralized copyright policy under an international normative framework and the unique circumstances of Trinidad and Tobago’s cultural tradition. Through analysis of its cultural and socio-economic position, I was able to consider how a preservationist strategy and trade-related strategy could further its economic aims. I therefore placed these two strategies under an umbrella pan-Caribbean approach to copyright. Using TWAIL as my method of analysis worked to extend my wider

⁹⁷ Revised Treaty of Chaguaramas, s. 6e.

⁹⁸ *Ibid.*, s. 6f.

social critique about the global copyright paradigm. With this in mind I questioned, by examining various policy proposals, the usefulness of Trinidad's current copyright law from a national standpoint. This helped to inform a proposal for regional integration of copyright policy under CARICOM which echoes regional integration of the Caribbean economy according to the Revised Treaty of Chaguaramas. The dearth in effective copyright policy for works of mas is brought to light. However, this also highlights the opportunities that lie ahead for Trinidad's culture industry.

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