

UNESCO
WORLD ANTI PIRACY OBSERVATORY

SEYCHELLES

| | |
|--|----------|
| I. LEGISLATION | 3 |
| 1. Copyright laws | 3 |
| 2. Other laws | 3 |
| 3. Latest developments and perspectives | 3 |
| 4. Summary of legislation | 3 |
| 5. International Conventions and Treaties | 5 |
| II. MEASURES AND REMEDIES | 6 |
| 1. Copyright infringement | 6 |
| 2. Remedies to protect copyright holders | 6 |
| 3. Provisional measures | 6 |
| 4. Penalties for copyright infringement | 7 |
| 5. Requirements for foreign persons | 7 |
| III. ENFORCEMENT | 7 |
| 1. Enforcement authorities | 7 |
| 2. Enforcement at the border | 7 |
| IV. PUBLIC AWARENESS | 8 |
| 1. Awareness campaigns and actions | 8 |
| 2. Promotion of legal exploitation | 8 |
| 3. Associations and organizations with awareness-raising purpose | 8 |
| 4. Best practices | 8 |
| V. CAPACITY-BUILDING | 9 |
| 1. Training | 9 |
| 2. Establishment of specialized units and intersectoral group | 9 |

| | |
|-----------------------------|----------|
| 3. Best practices | 9 |
| VI. OTHER | 9 |
| 1. TPM/DRM | 9 |
| 2. Licensing schemes | 9 |
| 3. Optical discs | 9 |
| 4. Hotlines | 9 |
| 5. Contact details | 9 |

I. Legislation

1. Copyright laws

The main copyright legislation is the [Laws of Seychelles, Copyright Act Cap 51](#), enacted in 1984, revised in 1991.

2. Other laws

The other laws pertaining to anti-piracy measures and copyright enforcement are:

- The Penal Code of Seychelles and
- The Police Force Act.

3. Latest developments and perspectives

The Seychelles Copyright legislation came into force in 1984 and was revised in 1991. There are no planned amendments.

4. Summary of legislation

The Copyright Act does not allow any use of work without the permission of the owner. It is divided into 8 parts and a schedule, covering the following works: Artistic works, Films, Literary works, Musical works, Performance of literary or musical work, Sound recordings and Broadcasting.

- *Exclusive rights of the authors and of the owners of neighboring rights*

Exclusive Rights of the authors

Copyright in a literary, musical or artistic work or in a film is the exclusive right, subject to this Act and any other written law, to control in Seychelles: the reproduction or adaptation of the work in any material form; communication of the work to the public; and the broadcasting of the whole work or a substantial part of the work, either in its original form or in any form recognizably derived from the original (Article 10(1)).

Copyright in a work of architecture also includes the exclusive right to control the erection of any building which reproduces the whole or substantial part of the work either in its original form or any form recognizably derived from the original, but does not include the right to control the reconstruction of the building in the same style as the original (Article 10(3) (a)(b)).

Exclusive right of the owners of neighboring rights

Neighboring rights are protected under Article 11 of the Copyright Act.

Copyright in a **performance** of a literary or musical work is the exclusive right to control in Seychelles (Article 11(1)):

- the making of a film or recording;
- the reproduction or adaptation;
- the communication to the public;
- the broadcasting and

- the use of a record for the purpose of giving a public performance of the whole performance or a substantial part of the performance, either in its original form or in any form recognizably derived from the original, without the consent in writing of the performers.

Copyright in a **sound recording** is the exclusive right to control in Seychelles the direct or indirect reproduction or adaptation of the whole or substantial part of the recording, either in its original form or recognizably derived from the original (Article 12(1)).

Copyright in a **broadcast** is the exclusive right to control in Seychelles (Article 13(1)):

- the recording and the re-broadcasting;
- the reproduction or adaptation ; o
- the communication to the public in places where an admission fee is charged: and
- in relation to a television broadcast, the taking of still photographs from the whole broadcast or a substantial part of the broadcast, either in its original form or in any form recognizably derived from the original.

- *Exceptions and limitations to copyright*

Limitations to exclusive rights are provided in Schedule 1 of the Copyright Act. These limitations include:

- fair dealing for the purpose of private use, research, review or criticism, and reporting current events, as long as any public use of the work is accompanied by an acknowledgment of its title and authorship;
- parody, caricature or pastiche;
- use for the purpose of judicial proceedings or of any report of a judicial proceeding;
- the reproduction, distribution of copies or inclusion in a film or broadcast of an artistic work permanently on public display;
- the incidental inclusion of an artistic work in a film or broadcast, including in a collection of literary or musical works, of not more than two short passages from the work in question, if the collection is designed for use in educational institutions and includes an acknowledgment of the title and authorship of the work;
- the reading or recitation in public by one person of any reasonable extract from a published literary work, if accompanied by an acknowledgement of its title and authorship;
- communication to the public by or under the direction or control of the Government; if it is in the public interest, no revenue is derived, and no admission fee is charged;
- the making or importing of a sound recording of a literary or musical work and the reproduction of that sound recording if intended for sale in Seychelles, if fair compensation is paid to the owner of the relevant part of the copyright; and
- the broadcasting of work already lawfully made accessible to the public, if fair compensation is paid to the owner of the relevant part of the copyright.

- *Protection of foreign works*

The Copyright Act does not cover foreign works (Articles 6 and 7 of the Copyright Act), unless they are first made, performed or published in Seychelles, depending on the type of work. Foreign works are protected in conformity with the international treaties to which the Seychelles is party to.

- *Period of copyright protection*

Copyright in Seychelles subsists in a work until the expiration of 25 years after the end of the year in which the following takes place (Article 9 of the Copyright Act):

| Type of Work | Event |
|--|--|
| Literary, musical or artistic work other than a photograph | Death of the author or, for an anonymous or pseudonymous work, the first publication |
| Photograph or film | First publication |
| Performance of literary or musical work | First performance |
| Sound Recording | Making of recording |
| Broadcast | First Broadcast |

- *Registration*

The registration of a work in Seychelles is not mandatory. However, the copyright owner may apply to the Registrar for the registration of the copyright (Article 15(2) of the Copyright Act). No agreement, contract, assignment, licence or document relating to or dealing with a registered copyright is admissible as evidence in any civil matter or proceeding unless it has been registered (Article 16(2) (3)).

5. International treaties

Seychelles is a member of the following International Convention and Treaties on Copyright and Related Rights:-

- [Berne Convention on the Protection of Literary and Artistic Works](#)
- [Universal Copyright Convention](#)
- [Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations](#)
- [WTO Agreement on Trade Related Aspects of Intellectual Property Rights](#) (TRIPS)
- [WIPO Copyright Treaty](#) (WCT)
- [WIPO Performances and Phonograms Treaty](#) (WPPT)
- [Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms](#)
- WIPO Convention;
- Patent Cooperation Treaty (PCT); and
- Paris Convention for the Protection of Industrial Property.

Measures and Remedies

6. Copyright infringement

The Copyright Act does not provide a definition of copyright infringement, but it does describe the types of offences that might constitute copyright infringement (Article 21 (1)). Accordingly, a commits an offence when:

- makes for sale or hire, or sells or lets for hire a copyrighted work;
- imports into Seychelles, otherwise than for his private and domestic use;
- distributes infringing goods for purposes of trade;
- causes a literary or musical work to be performed in public, knowing that copyright subsists in the work and that the performance constitutes copyright infringement; and
- infringes a performance of a literary or musical work, sound recording or broadcast.

There is no provision concerning internet copyright infringement so far.

7. Remedies to protect copyright holders

Civil Remedies

Infringements of copyright are actionable by way of damages, injunction, accounting for profits or other corresponding remedies (Article 19(1)).

Criminal Remedies

Any person found guilty of infringing the provisions of the copyright law can be imprisoned for a period not exceeding 5 years and fined R. 30,000 (Article 21(6) of the Copyright Act). Without prejudice to section 21, a person who, for the purposes of trade or business, has in his possession any infringing copy of a work in which copyright subsists is, unless he proves to the satisfaction of the court that he did not know and that he had no reason to believe that it was an infringing copy of any such work, guilty of an offence and is liable to a fine of R. 1000 with respect to each such infringing copy and to imprisonment for 1 year (Article 22(1)). The Court before which a person is charged with an offence under this section may, whether he is convicted of the offence or not, order that any article in his possession which appears to the Court to be an infringing copy, or to be used or intended to be used for making infringing copies, be: destroyed, delivered to the person who appears to the court to be the owner of the copyright in question or disposed of in such other way as the court thinks fit (Article 21(7)).

8. Provisional measures

A police officer or a copyright inspector may seize, remove or detain any article which appears to be or likely to be an infringing copy of a work in which copyright subsists under this Act (Article 26(1) (b)).

A police officer of the rank of inspector or above or a copyright inspector may: break open an outer or inner door of any premises or place to enter and search; forcibly board a vessel, aircraft or vehicle to stop, board and search; remove by force any person or thing obstructing him in the exercise of any power conferred to him by the Act (Article 26(2)). A warrant, however, first needs to be issued (Article 27(2)).

9. Penalties for copyright infringement

Civil Penalties

Civil Penalties may amount to damages, injunction, accountings for profits (Article 19(1)).

Criminal Sanctions

The criminal sanctions are:

- imprisonment for a 5 years and a fine of R. 30,000 (Article 21(6) of the Copyright Act) for a direct breach of copyright;
- imprisonment for 1 year and fine of R. 1000 with respect to each infringing article traded; and
- destruction of the items.

Provisional Measures

Provisional measures include injunction and seizure.

10. Requirements for foreign persons

Foreigners may apply for copyright protection in Seychelles through a licensed Agent living in Seychelles and as recommended by the Registrar General.

II. Enforcement

1. Enforcement authorities

a) Authorities responsible for enforcing the copyright law

The Cultural Property and Copyright Unit of the Seychelles Police Department, the Customs Department and Collecting Society engage in copyright enforcement.

b) Enforcement bodies entitles to act ex-officio in copyright infringement cases

The enforcement bodies are not entitled to act ex-officio in copyright infringement cases.

c) Courts dealing with copyright cases

There are no specialized courts for Copyright or Intellectual Property Rights. The Magistrate court deals with copyright cases in Seychelles.

2. Enforcement at the border

There are no specific measures for enforcing copyright at the border.

III. Public Awareness

1. Awareness campaigns and actions

The initiatives and actions undertaken locally to fight against piracy and infringement of Intellectual Property Rights are: Public Awareness Campaign and other sensitization programs, such as TV spots and advertisements, a forum on national TV and radio, the SACS Jingle (Stop Piracy - Be original and buy original), pamphlets, and posters etc. The activities are organized by the Copyright Registration office and by the Seychelles Collecting Society, namely the Seychelles Authors and Composers Society (SACS).

2. Promotion of legal exploitation

Information not available

3. Associations and organizations with awareness-raising purpose

Seychelles Authors and Composers Society (SACS).

4. Best practices

Information not available

IV. Capacity-building

1. Training

Information not available

2. Establishment of specialized units and intersectoral group

In Seychelles, copyright matters are also handled by the Ministry of Community Development, Youth, Sports and Culture and the Copyright Registration Office, based within the Culture Division.

3. Best practices

Information not available

V. Other

1. TPM/DRM

The Copyright Act does not provide for Technological Protection Measures (TPM).

2. Licensing schemes

Information not available

3. Optical discs

Information not available

4. Hotlines

Information not available

5. Contact details

Ministry of Arts, Sports and Culture
PO Box 1383
Victoria Mahé
(+248) 321 333

Copyright and Registration Office
La Bastille
Mahé
Seychelles

National Arts Council.
Tel: (+248) 29 52 00. Fax: (+248) 22 46 21.
E-mail: nacs@seychelles.net