

Bahamas Letter of Understanding on the Copyright Act and Regulations

EXECUTIVE OFFICE OF THE PRESIDENT

THE UNITED STATES TRADE REPRESENTATIVE

WASHINGTON, D.C. 20508

NOV 9, 2000

The Honorable Janet G. Bostwick

Attorney General and

Minister of Foreign Affairs

P.O. Box N 3746

Nassau, Bahamas

Dear Minister Bostwick:

I have the honor to acknowledge receipt of your letter, dated October 26, 2000, the text of which reads as follows:

"I wish to confirm the following understanding reached by the Government of the Commonwealth of the Bahamas and the Government of the United States of America with regard to The Bahamas Copyright Act, 1998 and its Regulations:

(1) The Government of the Bahamas undertakes to make amendments to the Copyright Act and Regulations so as to narrow the scope of its compulsory licensing regime for the reception and transmission of copyrighted works to permit only the compulsory licensing of copyrighted works broadcast free over-the-air. To this end the Government of the Bahamas intends to introduce such amendments into Parliament for consideration not later than the 31 December 2000;

(2) The Government of the Bahamas also undertakes through its Copyright Royalty Tribunal to begin consultations with U.S. Copyright owners and/or holders in order to provide enhanced equitable remuneration for the compulsory licensing of such free over-the-air broadcasts of copyrighted works and to amend the royalty rate structure established by the Copyright Regulations accordingly;

(3) In consequence of (1) and (2) above, the Government of the United States reciprocally undertakes to encourage U.S. Copyright owners and/or holders and premium Cable Services (such as HBO, Cinemax, Showtime, The Disney Channel, and so forth) to enter into good faith negotiations with Cable Bahamas for providing voluntary licensing on commercial terms to Cable Bahamas for the Cable transmission of copyrighted works as soon as possible.

I have the honor to propose that this letter and your letter of confirmation in reply constitute an agreement between the Government of the Bahamas and the Government of the United States of America, which will enter into force upon the date of your reply."

I have the honor to confirm that the United States agrees to the understanding set forth in your letter, and that your letter and this reply shall constitute an agreement between the Government of the Bahamas and the Government of the United States of America, which shall enter into force on the date of this reply.

Sincerely,

Charlene Barshefsky
MINISTRY OF FOREIGN AFFAIRS
P. O. Box N 3746
NASSAU, BAHAMAS
1st November, 2000

Dear Ambassador,

LETTER OF UNDERSTANDING ON THE
BAHAMAS COPYRIGHT ACT AND REGULATIONS

I refer to discussions between the Government of the Commonwealth of The Bahamas and the Government of the United States of America with respect to The Bahamas Copyright Act of 1998 and its Regulations.

Enclosed please find a copy of a letter dated 26th October, 2000, signed by the Hon. Janet G. Bostwick, Attorney General and Minister of Foreign Affairs and forwarded to our Embassy in Washington, D.C. for delivery to the Office of the United States Trade Representative (USTR).

This letter outlines the understanding reached in the meeting held on 31st August, 2000, between officials from The Bahamas and the United States.

Please accept, Excellency, the assurances of our highest consideration.

A. Missouri Sherman-Peter

Permanent Secretary

H.E. Arthur Schecter

Ambassador

Embassy of the United States of America

Mosmar Building

Queen Street

AMS-P/smw

Enc.

MINISTRY OF FOREIGN AFFAIRS

P. O. Box N 3746

NASSAU, BAHAMAS

26 October 2000

Dear Ambassador Barshefsky,

I wish to confirm the following understanding reached by the Government of the Commonwealth of The Bahamas and the Government of the United States of America with regard to The Bahamas Copyright Act, 1998 and its Regulations:

(1) The Government of The Bahamas undertakes to make amendments to the Copyright Act and Regulations so as to narrow the scope of its compulsory licensing regime for the reception and transmission of copyrighted works to permit only the compulsory licensing of copyrighted works broadcast free over-the-air. To this end the

Government of The Bahamas intends to introduce such amendments into Parliament for consideration not later than the 31 December 2000;

(2) The Government of The Bahamas also undertakes through its Copyright Royalty Tribunal to begin consultations with U.S. Copyright owners and/or holders in order to provide enhanced equitable remuneration for the compulsory licensing of such free over-the-air broadcasts of copyrighted works and to amend the royalty rate structure- established by the Copyright Regulations accordingly;

(3) In consequence of (1) and (2) above, the Government of the United States reciprocally undertakes to encourage U.S. Copyright owners and/or holders and premium Cable Services (such as HBO, Cinemax, Showtime, The Disney Channel, and so forth) to enter into good faith negotiations with Cable Bahamas for providing voluntary licensing on commercial terms to Cable Bahamas for the Cable transmission of copyrighted works as soon as possible.

I have the honour to propose that this letter and your letter of confirmation in reply constitute an agreement between the Government of The Bahamas and the Government of the United States of America, which will enter into force upon the date of your letter.

Yours sincerely,

Janet G. Bostwick

ATTORNEY GENERAL AND MINISTER OF
FOREIGN AFFAIRS

The Hon. Charlene Barshefsky

United States Trade Representative

Office of the United States Trade Representative

600 17th Street, N.W.

Washington, D.C. 20508

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