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**Public Works for a Better Government**

January 28, 2014

Mr. Winston Bennett  
Chief Executive Officer  
CARICOM Regional Organisation for Standards and Quality (CROSQ)  
2nd Floor, Baobab Building  
Warrens St. Michael  
Barbados

Dear Mr. Bennett:

I am in receipt of your [letter of January 23, 2014](#), regarding the “copying, distribution, reproduction and public display of the CROSQ Standards for the period 2008 to 2011.” Our stated purpose for this [noncommercial posting](#) of these edicts of government is listed in the HTML header for each file as follows: “In order to promote public education and public safety, equal justice for all, a better informed citizenry, the rule of law, world trade and world peace, this legal document is hereby made available on a noncommercial basis, as it is the right of all humans to know and speak the laws that govern them.”

The standards created by CROSQ play an important role the legally-mandated laws and regulations of member states, promoting consumer welfare and safety, preservation of the environment, and the facilitation of trade. For example, [CARICOM Regional Code of Practice 1](#) (Packaged Water) and [CARICOM Regional Standard 1](#) (Specification for Packaged Water) contain important protection governing the microbiological requirements, health-related limits for chemical and radiological substances, contaminants, and the addition of minerals.

These packaged water standards have been implemented and incorporated into law in Jamaica as [Jamaica Code of Practice CRCP 1](#) and [Jamaica Standard CRS 1](#). Likewise, the standards have been [adopted in Guyana](#) by the Government Analyst Food and Drug Department in cooperation with the Guyana National Bureau of Standards and have mandatory status in Belize. In addition to packaged water, the standards in question cover a number of important safety issues, such as food hygiene, fish and fishery products, botanical cosmetics, rum, insecticides, and other important issues crucial to health and welfare.

In addition to protecting the public safety and public welfare, promulgation of edicts of government such as mandated safety codes is an integral part of the efforts in organizations such as the World Trade Organization to “minimize obstacles to trade” as specified in the Code of Good Practice for the Preparation, Adoption and Application of Standards in Annex 3 of the [Uruguay Round Agreement on Technical Barriers to Trade](#). Standards form the basis on which international trade becomes possible by

making the rules under which such trade occurs known to all and are an important goal in the [Chaguaramas Treaty](#) which established the Caribbean Community.

The right to know and to promulgate the technical regulations and other edicts of government that guarantee our public safety has long been an integral part of the rule of law, a principle that is fundamental to the operation of the governments of our modern society, including all of the members of the Caribbean Community. This principle was enshrined in Article 19 of the [Universal Declaration of Human Rights](#) which states “everyone has the right to freedom of opinion and expression; this right includes ... to seek, receive and impart information and ideas through any media and regardless of frontiers.” If this provision did not encompass crucial public safety standards such as the important work published by CROSQ and adopted by the member states, it would have no meaning. The law is perhaps the clearest example of “information and ideas” that must be known to all.

In the United States, edicts of government have long been held to have no copyright. This principle is firmly enshrined in U.S. Copyright policy, which states in Section 206.01, Compendium of Office Practices II, U.S. Copyright Office (1984) that “edicts of government, such as judicial opinions, administrative rulings, legislative enactments, public ordinances, and similar official legal documents are not copyrightable for reasons of public policy. This applies to such works whether they are Federal, State, or local **as well as to those of foreign governments.**” (Emphasis Added.)

As the U.S. Court of Appeals for the Fifth Circuit held in considering the issue of copyright in technical standards enacted into law, such as building codes, “public ownership of the law means precisely that ‘the law’ is in the ‘public domain’ for whatever use the citizens choose to make of it. Citizens may reproduce copies of the law for many purposes, not only to guide their actions but to influence future legislation, educate their neighborhood association, or simply to amuse.” [Veeck v. Southern Building Code Congress International, Inc.](#), 293 F.3d 791 (5th Cir. 2002).

For these reasons, we respectfully decline your request to remove the named standards from our web site. However, I would be more than happy to discuss this matter with you further. I believe we share a common goal of promoting the health, welfare, and safety of people and the promotion of free trade throughout the region and the world, and I would thus welcome further dialogue on this important topic.

Respectfully yours,



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