

MINISTRY PAPER NO: \_\_\_\_\_

## **PERFORMANCE OF THE JAMAICA INTELLECTUAL PROPERTY OFFICE (JIPO) FOR FINANCIAL YEAR 2003/2004 AND FOCUS FOR FINANCIAL YEAR 2004/2005**

### **1.0 Purpose of the Ministry Paper**

The purpose of this Ministry Paper is to report on the performance of the Jamaica Intellectual Property Office (JIPO) during the Financial Year 2003/2004 and to outline the priority focus of JIPO and its targets for Financial Year 2004/2005. This is done as a part of the Ministry's effort to provide detailed information on the workings of the agency to the public so that the public can be kept fully informed.

### **2.0 Mission**

The mission of JIPO is to establish and administer a modern and effective intellectual property system, which will act as a catalyst for international competitiveness, growth and development.

### **3.0 Role and Functions**

These include:

- i) to administer intellectual property laws now in force and to be enforced in future, in accordance with national policies and Jamaica's bilateral, multilateral and international obligations on Intellectual Property Rights (IPR) protection imposed by treaties, conventions, agreements and other legal instruments;
- ii) to develop as a modern model intellectual property office with efficient procedures and facilities for the acquisition and maintenance of IPR and first class service to local and foreign creators, inventors and commercial enterprises;
- iii) to heighten public awareness of the importance of IPR, the implementation of the laws and the workings of the intellectual property system in Jamaica;
- iv) to encourage and facilitate compliance with IPR laws through voluntary means and/or enforcement;

- v) to ensure that the intellectual property laws and system contribute to national economic growth and development and also to realize the potential benefit of rights holders in Jamaica;
- vi) to guide the Government in its development and implementation of intellectual property policies; to ensure that the laws are fully operational and relevant to the national context; and to adequately implement Jamaica's international intellectual property obligations;
- vii) to participate in the progressive development of intellectual property at the international level in light of new technologies, globalization of trade, intellectual property co-operation and the emergence of new issues impacting the intellectual property system, such as e-commerce, protection of folklore and traditional knowledge, biodiversity and gene patenting; and
- viii) to establish, maintain and strengthen all relevant international affiliations and cooperation with governments, inter-governmental agencies and foreign intellectual property offices and organizations.

#### **4.0 Priority Targets/Objectives and Budgetary Allocation for the Financial Year 2003/2004**

The targets were as follows:

- i) Automation of procedures in the Trade Marks and Designs Directorate
- ii) Staffing and streamlining of the Patents Directorate
- iii) Enactment of Patents and Designs and Geographical Indications Laws
- iv) Enhancement of copyright compliance and anti-piracy systems
- v) Collaboration with public and private sector interests in IPR development issues and public education
- vi) Monitoring regional/international developments and IPR negotiations and providing expert representation at negotiating fora
- vii) Training of staff

## **5.0 Highlights of Performance/Achievements against targets for Financial Year 2003/2004.**

### **5.1 Automation - Trade Marks/Designs Directorate**

Work on the automated Trade Marks Registration System continues. The data entry exercise was completed and the logos are being scanned into the database. The correction of data entry errors is ongoing.

### **5.2 Patents**

No progress was made in establishing the Patents Directorate, as the required legislation is not yet in place. With the anticipated introduction of the law early in the new legislative year, greater emphasis will now be placed on this area.

The preliminary data entry exercise has commenced in anticipation of the World Intellectual Property Organization (WIPO) expert mission early in the Financial Year 2004/2005 to install the automated Patents Registration System.

### **5.3 Copyright Compliance and Anti-Piracy Systems**

Jamaica became party to the WIPO Internet Treaties, the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) which provide for the protection of copyright material over digital networks. Drafting instructions for the amendments to the Copyright Act have been prepared and submitted to the Chief Parliamentary Counsel.

JIPO has been taking an active interest in the copyright infringement cases before the Courts, offering assistance and expertise where necessary.

### **5.4 Public Education/Collaboration with Stakeholders**

The public education programme continued with the collaboration of various interest groups in hosting seminars, making presentations, participating in radio interviews, mounting exhibitions for the public and taking part in various activities involving special interest groups.

Of particular note was the number of Government bodies and ministries with which JIPO has strengthened collaboration. These are:

- Jamaica Cultural Development Commission (JCDC)

- Jamaica Business Development Centre (JBDC)
- Consumer Affairs Commission (CAC)
- Scientific Research Council (SRC)
- Planning Institute of Jamaica (PIOJ)
- Jamaica Promotions Corporation (JAMPRO)
- National Commission on Science and Technology (NCST)
- Ministry of Education, Youth and Culture
- Ministry of Foreign Affairs and Foreign Trade
- Ministry of Health.

JIPO is an active member of the Interagency Cultural Committee.

A close working relationship was maintained with the Collective Management Societies, in particular the Jamaica Copyright Licensing Society (JAMCOPY) and the Jamaica Association of Composers, Authors and Publishers (JACAP).

## **5.5 Website**

JIPO launched its website in December 2003 with the assistance of the Social and Economic Support Programme (SESP). Work on the website continues.

## **5.6 Monitoring IPR Negotiations and Regional and International Developments**

- i. In June 2003, Jamaica was represented at an inter-regional meeting on Traditional Knowledge, Folklore and Genetic Resources, held in Isfahan, Iran.
- ii. In June 2003, Jamaica was represented at the meeting of the Standing Committee on Copyright and Related Rights at WIPO, in Geneva.
- iii. In November 2003, Jamaica participated in the regional meeting of the Heads of Intellectual Property Offices and Ministerial Meeting held in Antigua.
- iv. In November 2003, Jamaica participated in a CARICOM Technical Working Group meeting on IPR, held in Guyana.

## **5.7 Revision of Current Legislation/Enactment of New Legislation**

The Geographical Indications Act was passed. A great deal of work has been done on the Patents and Designs Bill, which should be passed in the new legislative year.

A Cabinet Submission has been prepared seeking approval for the enactment of a new Plant Varieties Law. The submission has been circulated for comments.

## **5.8 Staff Training**

- i) JIPO has embarked on a programme of staff training. Members of staff are required to complete the WIPO general course on Intellectual Property (DL101), which is an on-line distance-learning programme. So far six (6) members of staff have successfully completed the course and obtained certificates.
- ii) In May 2003, the Executive Director participated in a two-week training programme at the United States Patent and Trademark Office (USPTO) in Virginia, USA.
- iii) In June 2003, WIPO in cooperation with the Government of Jamaica organized the following in Kingston, Jamaica:
  - (a) A regional seminar on the Patent Cooperation Treaty (PCT) for Caribbean Countries
  - (b) A regional training course in Trademarks for Caribbean Countries.
- iv) In June 2003, a member of the Trade Marks Directorate participated in a WIPO inter-regional intermediate training course on Industrial Property, held in Switzerland and Denmark.
- v) In July, September and October 2003 members of staff participated in a series of seminars organized by the Fair Trading Commission (FTC) in association with the New Economy Project on competition law issues.
- vi) In November 2003, JIPO hosted the Mission of WIPO Consultant to hold preliminary discussions on an IP strategy for Jamaica. The actual project is slated to begin in this new legislative year.

## **6.0 Strategic Focus for the Medium to Long Term**

- i) To develop an educated multi-skilled staff familiar with all areas of intellectual property.
- ii) To ensure that the Trade Marks and Patent Registration systems are fully automated.
- iii) To offer on-line services to clients.
- iv) To educate the public about the work of JIPO and the services it offers.
- v) To play a more active role in regional and international fora.

- vi) To increase general public awareness of existing and emerging IP issues.

## **7.0 Summary of Main Programmes of Work for 2004/2005**

### **7.1 Revision of Current Legislation and Enactment of New Legislation**

- i) It is anticipated that the new Patents and Designs Law will be passed in this legislative year.
- ii) Work is expected to begin on the New Plant Varieties Law.
- iii) The amendments to the Copyright Act, arising out of Jamaica's accession to the WIPO Internet Treaties are expected to be passed in this legislative year.
- iv) Customs regulations under the Trade Marks Act are expected to come into effect in this legislative year.

### **7.2 Automation of the Trade Marks System**

The automation of the Trade Marks System is expected to be completed by September 2004 at which time, it is anticipated that the system should be fully operational.

### **7.3 The Patents Directorate**

With the expected passage of the new Patents and Designs Law and the consequent accession to the Patent Cooperation Treaty, work will begin on the full establishment of this Directorate.

The automated patents system will be installed by WIPO early in the 2004/2005 Financial Year.

### **7.4 Specialized Training and Public Education**

- I. In November 2003, WIPO signed a cooperation development agreement with member countries of CARICOM. The agreement establishes a project, which "aims at supporting a more effective integration of the region into the global economy by fostering technological innovations, creativity and competitiveness through the intensive and effective mobilization and use of IP." Two (2) major components of the project are specialized training for IP professionals and a public outreach programme. The first annual plan under this agreement is being finalized and implementation will commence shortly. This agreement represents

a turning point in the development of intellectual property rights and assets in the region as it seeks to guide and accelerate the process.

- II. A seminar on Geographical Indications will be held in May 2004.
- III. A seminar on the WIPO Internet Treaties is scheduled for July 2004.

### **7.5 Special Project**

During the 2004/2005 Financial Year, Jamaica in cooperation with WIPO will conduct a national intellectual property assets audit, the results of which will form the basis for a national strategic Intellectual Property Plan.

### **7.6 Revenue Enhancement**

For the Financial Year 2003/2004, JIPO earned approximately \$24 M. The revenue projection for Financial Year 2004/2005 is \$25 M.

### **8.0 Budgetary Allocations for 2002/2003 and 2003/2004 and proposed Budget for 2004/2005**

For the Financial Years 2002/2003 and 2003/2004 JIPO was allocated \$11 M and \$27M respectively. For 2004/2005 the proposed budget, at \$32.3 M is approximately nineteen percent (19%) above that for the preceding year.

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