

**PERFORMANCE OF THE JAMAICA INTELLECTUAL PROPERTY OFFICE (JIPO)
FOR THE FINANCIAL YEAR 2004/2005 AND FOCUS FOR THE FINANCIAL YEAR
2005/2006**

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 2004/2005 and to outline the priority focus of JIPO and its targets for the Financial Year 2005/2006. This is 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, facilitating economic growth and development.

3.0 Role and Functions

These include:

- (i) to administer intellectual property laws now in force and to be in force in the future, in accordance with national policies and Jamaica's bilateral, multilateral and international obligations on Intellectual Property Rights (IPRs) protection imposed by treaties, conventions, agreements and other legal instruments;
- (ii) to heighten public awareness of the importance of IPRs, the implementation of the laws and the workings of the intellectual property system in Jamaica;
- (iii) to encourage and facilitate compliance with IPR laws through voluntary means and/or enforcement measures;
- (iv) to ensure that the intellectual property laws and system contribute to national economic growth and development and also to realize the potential benefits of rights holders in Jamaica;

- (v) to guide the Government in its development and implementation of intellectual property policies; to ensure that the laws are relevant to the national context and fully operational; and to adequately implement Jamaica's international intellectual property obligations;
- (vi) 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
- (vii) 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 2004/2005

- (i) To review current IP legislation and facilitate enactment of new legislation
- (ii) To automate the Trade Marks Registration System
- (iii) To strengthen the Patents Directorate and automate the Patents Registration System
- (iv) To secure training opportunities for staff
- (v) To conduct public education and outreach programmes
- (vi) To conduct a national IP assets audit
- (vii) To increase revenue
- (viii) To monitor regional and international IP developments, IPR negotiations and provide expert representation as required.

5.0 Highlights of Performance/Achievements against targets for Financial Year 2004/2005

5.1 IP Legislation

- (i) Drafting instructions for the preparation of amendments to the Copyright Act arising out of Jamaica's accession to the WIPO Internet Treaties were completed and sent to the Chief Parliamentary Counsel (CPC). A draft amending Bill is awaited.
- (ii) The new Patents and Designs Law was not enacted during the 2004/2005 financial year as anticipated. Efforts will be redoubled to accomplish this most important task during the 2005/2006 financial year.

- (iii) Cabinet approval was received for promulgation of the law on the Protection of the Rights of Breeders of New Varieties of Plants. A working committee comprising representatives from the Legal Departments of the Ministries of Commerce, Science & Technology (MCST), the Ministry of Agriculture and JIPO will commence working on the drafting instructions in early 2005.

5.2 Automation of Trade Marks Registration System

Work on the Trade Marks System continues. The projection is that the system will be fully operational by the end of June, 2005.

5.3 Patents Directorate and Automation of the Patents Registration System

Work on the automation of the Patents Registration System commenced in December 2004 and is progressing satisfactorily. It is anticipated that the System will be fully operational at the end of March, 2006.

5.4 Staff Training

- (i) Another member of staff has successfully completed the World Intellectual Property Organization (WIPO) general course on Intellectual Property (DL 101), which is an on-line distance learning programme.
- (ii) Mr. Jorgen Blomqvist, Director, Copyright Law Division, WIPO, made a presentation on the WIPO Internet Treaties and the proposed amendments to the Copyright Act to senior members of staff on October 13, 2004.
- (iii) JIPO participated in the Advanced Training Course on "Copyright and Related Rights in Global Trade" in Sweden from August 16 – September 3, 2004 and the follow-up meeting in Egypt from February 14-18, 2005.
- (iv) JIPO participated in a Training Workshop from November 3-5, 2004. The Workshop was entitled "Regional Workshop on Certain Topical Issues in Regard to Intellectual Property for Countries of the Caribbean," and was held in St. Lucia from November 3-5, 2004.
- (v) In-house training in basic IP and telephone techniques was conducted in January, 2005 for the telephone operators and receptionists.

5.5 Public Education and Outreach Programmes

- (i) The annual Intellectual Property Week was observed from April 23-30, 2004. The theme was "Intellectual Property – Paving the Way to Wealth

Creation”. JIPO partnered with the Jamaica National Commission for UNESCO, the Jamaica Copyright Licensing Agency (JAMCOPY), the Songwriters Guild and the Library and Information Association of Jamaica. There was also a five-page feature in the Gleaner newspaper during the week;

- (ii) The Private Sector Organization of Jamaica (PSOJ)/Jamaica Exporters Association (JEA) in association with WIPO and JIPO staged a seminar on Geographical Indications on May 17, 2004;
- (iii) On June 23, 2004 JIPO in collaboration with the Intellectual Property Branch of the Organized Crime Division of the Police, staged a public destruction of copyright materials confiscated in connection with copyright infringement cases;
- (iv) Throughout the review year, presentations on IP were made to students of:
 - (a) the Norman Manley Law School
 - (b) the Northern Caribbean University (NCU)
 - (c) UWI Library & Information Studies Department
 - (d) UWI Management Studies Department
 - (e) St. Joseph’s Teachers College
- (v) On October 13, 2004, the Director of the Copyright Law Division of WIPO, participated in a meeting with local copyright organizations to discuss recent development in copyright and related rights;
- (vi) On November 11 and 12, 2004, JIPO in cooperation with the International Union for the Protection of New Varieties of Plants (UPOV) staged a two-day seminar on Protection of New Varieties of Plants under the 1991 Act of the UPOV Convention. Participants were drawn from the MCST , Ministry of Agriculture, the University of the West Indies, the Scientific Research Council, the Coffee Industry Board, the Sugar Industry Authority, the herbal industry, the National Consumers League, and law firms;
- (vii) From November 17 to 19, 2004, JIPO staged an exhibition and provided information on IP at the Jamaica Business Development Centre’s Conference entitled “Bowling for Business”;
- (viii) An introductory course on IP and IP Enforcement was given to new police officers at the Police Training School on November 22, 2004;
- (ix) JIPO presented a paper entitled “Innovations and Intellectual Property Rights” at the Annual Scientific Research Council Conference on Science and Technology, which took place from November 24-26, 2004.

- (x) JIPO in cooperation with WIPO staged a Workshop on “Intellectual Property as a Tool for Developing National Branding Strategies” on December 6-7, 2004.
- (xi) JIPO participated in several activities to celebrate Dennis Brown Day on February 1, 2005.
- (xii) JIPO assisted in the planning of the Bob Marley concert, which was held February 6, 2005.
- (xiii) On March 20, 2005, JIPO will partner with JAMPRO, the Bureau of Standards and Myers, Fletcher & Gordon to stage an Intellectual Property Workshop for Jamaican exporters.

5.6 National Intellectual Property Assets Audit

Work on the national IP assets audit, which will be conducted with the support and assistance of WIPO, commenced in March 2005.

5.7 Revenue Enhancement

Indications are that JIPO will meet its revenue target of \$25m.

5.8 Monitoring IPR Negotiations and Regional and International Developments

- (i) JIPO participated in a conference to commemorate the 10th Anniversary of the Agreement on Trade-Related Aspects of Intellectual Property (TRIPs) in Brussels. The Conference took place on June 24-25, 2004.
- (ii) In July, 2004 JIPO participated in the meeting of the Caribbean Copyright Link in St. Lucia;
- (iii) In November, 2004 JIPO represented Jamaica at the meeting of the WIPO Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore, in Geneva, Switzerland.

5.9 Website Upgrade

Improvement work on the JIPO website continues.

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 play a more active role in regional and international IP fora;
- (v) To increase general public awareness of existing and emerging IP issues;
- (vi) To offer IP advisory services to the public.
- (vii) To educate the public about the work of JIPO and the services it offers

7.0 Summary of Main Programmes for 2005/2006

7.1 Revision of Current Legislation and Enactment of New Legislation

- (i) The new Patents and Designs Law and Rules will be enacted;
- (ii) Drafting instructions for the Protection of Breeders of New Varieties of Plants will be completed;
- (iii) Drafting instructions for Regulations under the Protection of Geographical Indications Act will be prepared;
- (iv) The Bill amending the Copyright Act is expected to be received from the CPC;
- (v) Customs Regulations under the Trade Marks Act will be drafted and the Regulations under the Copyright Act amended;
- (vi) Drafting instructions for a law to protect Undisclosed Information will be prepared.

7.2 Automation of Registration Processes

The Trade Marks and Patent Systems will be fully operational by June, 2005 and March, 2006 respectively.

7.3 Patents Directorate

This Directorate will be fully established with the employment of early in the 2005/2006 Fiscal Year.

7.4 Staff Training

Staff training will be ongoing.

7.5 Public Education and Outreach

Activities in this area are expected to increase.

7.6 National IP Assets Audit

Completion of the audit is anticipated.

7.7 Revenue Enhancement

A fifteen percent (15%) increase in revenue is projected for the 2005/2006 Financial Year, as some trade mark fees will be increased.

8.0 Relocation of Office

Effective October 1, 2004, JIPO relocated its offices to the PCJ Building, 4th Floor, 36 Trafalgar Road, Kingston 10. Telephone and fax numbers remain the same.

9.0 Budget Allocation

For the Financial Years 2002/2003, 2003/2004 and 2004/2005 JIPO was allocated \$11 M, \$27 M and \$34 M respectively. For 2005/2006, the approved budget is \$30.3.

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