

REMARKS



HON. ANTHONY HYLTON
MINISTER OF INDUSTRY, INVESTMENT
&
COMMERCE

**Launch of Intellectual Property Week & Unveiling of
the Geographical Indications Logo**

JAMPRO Business Auditorium

Monday, 20 April 2015 at 10:00am

Check against delivery

Salutations and Preamble:

- Ms. Lilyclaire Bellamy, JIPO Acting Executive Director/ Legal Counsel
- Mr. Marcus Goffe, Manager- Trademarks, Designs and Geographical Indications Directorate
- Ms. Marissa Longsworth, Manager- Copyright and Related Rights
- Heads of Agencies and Departments
- Members of the press;
- Ladies and gentlemen... Good morning

I am delighted to join you for the launch of Intellectual Property Week and the unveiling of Jamaica's Geographical Indications Logo. The international theme for the week, **“Creations of the Mind, Developing Humankind”** is, particularly fitting as we strive to modernize Jamaica's IP regime, which is a key component of leveraging the value of creative works.

Creating a Modern IP Regime

Ladies and gentlemen, I have always said that a modern intellectual property regime is critical to the development of industry and commerce, particularly for our creatives. In this regard, we have been doing much to develop this regime. Our efforts include:

- The amendment of the Copyright Act, which when passed, will effectively extend the Copyright term from 50 years to 95 years. This is an unprecedented step in the region to allow our creatives, particularly musicians, and their families to earn income from their works for longer periods. In this regard, I am pleased to inform you that this long awaited amendment was tabled in Parliament last Tuesday.
- We are also seeking the formal recognition of Reggae as an Intangible Cultural Heritage by the United Nations Educational, Scientific and Cultural Organization (UNESCO). This would better enable Jamaica to maintain control over the

definition, recognition and identification of this musical and related cultural form. Formal recognition would also ensure that more of the economic wealth, moral rights and trade mark benefits, which flow from use of the designation “Reggae”, would be retained in Jamaica and benefit Jamaicans.

- We are also in the process of amending the Trade Marks Act to protect the country name “Jamaica” from use by foreign businesses, for trademarks and domain names that do not originate in Jamaica but seek to ride on the goodwill and international recognition of the Jamaican brand.
- The amendment of the Trade Marks Act will also allow for the registration of trademarks in multiple countries through one centralized application procedure. This is essential to Jamaica’s accession to the Madrid Protocol.

All this work must be seen in the context of benefiting our creatives particularly, musicians, inventors and innovators. As citizens of Jamaica, it is your right to feel confident that your product will not be copied or marketed without your permission or ability to obtain income from its exploitation.

Geographical Indications

Ladies and gentlemen, the registration of geographic indications is another way in which the Government of Jamaica, and by extension the Jamaica Intellectual Property Office is committed to modernizing the Jamaican IP regime.

The World Intellectual Property Office (WIPO) defines a geographical indication (GI) as “a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin.”

Jamaica has previously laid the legislative framework for protection of geographical indications through the Protection of Geographical Indications Act in 2004 and the Protection of Geographical Indications Regulations in 2009. This framework has allowed, Blue Mountain Coffee, Jamaican Rum and Jamaican Jerk to become three of

the most recognised geographical indications in the country. Indeed, Jamaican Jerk was identified as one of several products included in a possible Caribbean Regional GI branding project to be funded by donor agencies and private investor partners.

In recent times, we have taken steps to amend the Protection of Geographical Indications Act to provide the higher level of GI-protection to non-wines-and-spirits. This means that all goods for which GI protection exists would be protected against the use of phrases like “Jamaican-style”, “Jamaican type” and “Jamaican kind” by foreign producers who seek to ride on the goodwill of our authentic Jamaican products.

As we look to the future, JIPO will be working with private sector producers and stakeholders in relation to several potential GIs including Jamaican Cocoa, Jamaican Pimento, Jamaican ginger, Jamaican Castor Oil, Jamaican “Roots” Wines, Jamaican Honey, and other natural products for the emerging nutraceutical industry.

In all this, the role of our micro, small and medium sized enterprises is critical. However, it will require the mobilization of the MSMEs involved in the production and trade, the facilitation of instruction of the MSMEs and other stakeholders in the processes necessary to develop origin consortia for each product, so as to enhance the chain of production, quality, reputation, value, marketing and income-generation, of the several identified products.

On the subject of medical marijuana and the proposed hemp industries, I want to highlight that through geographical indications, steps are being taken to ensure that the intellectual property of traditional ganja growers such as the Rastafarian community will be protected. This is essential as we move towards the commercialisation of the industry. This is key to facilitating a determination of ownership of strains or brands.

Conclusion

Ladies and gentlemen, our work in the creation of a modern IP regime must be seen as preparation for a new stage of growth for our country.

While on the topic of growth, I want to address a few concerns that have been expressed regarding the forthcoming Memorandum of Understanding between the Government of Jamaica and Krauck Systems, which could pave the way for an investment in excess of US\$5 billion in the Logistics Hub.

Let me be clear, an MOU is an agreement to talk! By definition, an MOU provides a non-binding framework in which due diligence questions can be posed and answered in a confidential forum. The MOU in question comes on the heels of an unsolicited Expression of Interest by Krauck Systems to utilise an integrated approach for the development of the Jamaica Logistics Hub. The signing of an MOU is, therefore, the Government's response to this level of interest and our commitment to further dialogue with Krauck in a confidential environment. Importantly, the MOU was deliberately designed to give Krauck and its consortium of financiers including Anchor Finance Group LLC, a period of 30 days in which to prove, to the satisfaction of the Government, both the legitimacy of the proposed funding and the fit and proper status of the persons involved in Krauck, failing which the MOU automatically terminates. Additionally, either party may at anytime immediately terminate the agreement by notice and without penalty.

I must stress, however, that while the media has its role to play in protecting the interest of our people, consideration must be given as well to allowing investors the time and space to demonstrate their capacities to appropriate authorities in a timely manner. I am sure there will be the opportunity for the fullest scrutiny at the end of a short 30 day period after signing the MOU.

Ladies and gentlemen, I wish to assure the public that I take the people's trust seriously and that that trust is firmly safeguarded by the terms of the MOU. In the same way that I am committed to the protection of the intellectual property rights of our people, I am committed to ensuring that the build-out of Jamaica's Logistics Hub is executed in an efficient and transparent manner.

In closing, I implore you all to learn more about patents, copyright, geographical indicators and the emerging areas of IP throughout this week of activities. I especially encourage you to participate in the observance of World Intellectual Property Day. This year, it is being celebrated under the theme, “**Get Up, Stand Up for Music**”, which is reminiscent of the lyrics of Jamaican icon Bob Marley, and whose works are registered and protected under the Copyright laws that are executed through JIPO.

Let me also use this opportunity to commend Lilyclaire and her team at the Jamaica Intellectual Property Office (JIPO) for working tirelessly in planning this week of activities.

I hereby announce IP week officially launched and the geographical indications logo officially unveiled.

I thank you!