

Ministry Paper No: _____

**PERFORMANCE OF THE JAMAICA INTELLECTUAL PROPERTY OFFICE (JIPO)
FOR THE FINANCIAL YEAR 2005/2006 AND FOCUS FOR THE FINANCIAL YEAR
2006/2007**

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 2005/2006 and to outline the priority focus of JIPO and its targets for the Financial Year 2006/2007. This is in keeping with the efforts of the Ministry to provide to the general public, detailed information on the operations, achievements and strategic direction of this agency.

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 national development.

3.0 Role and Functions

The main role and functions of JIPO are:

- (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 (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 2005/2006

- (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 conduct public education and outreach programmes
- (v) To conduct a national IP assets audit
- (vi) To increase revenue
- (vii) To monitor regional and international IP developments, IPR negotiations and provide expert representation as required.
- (viii) To secure training opportunities for staff

5.0 Highlights of Performance/Achievements against Targets for Financial Year 2005/2006

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) Work has commenced on drafting instructions for the preparation of amendments to the Trade Marks Act and Regulations to correct deficiencies in the existing legislation.

- (iii) The new Patents and Designs Law was not enacted during the 2005/2006 financial year as anticipated. Efforts to accomplish this most important task during the 2006/2007 financial year will be redoubled.
- (iv) 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 Ministry, the Ministry of Agriculture and JIPO, will commence working on the drafting instructions.
- (v) Work on regulations to accompany the Protection of Geographical Indications Act will be carried out as part of a joint collaboration project between the JIPO and the Swiss Federal Institute of Intellectual Property. The exploration phase of the project commenced in early 2006.

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 October, 2006.

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 as soon as the new Patent and Designs law is enacted.

5.4 Staff Training

- (i) One JIPO officer successfully completed the World Intellectual Property Organization (WIPO) general course on Intellectual Property (DL 101), which is an on-line distance learning programme.
- (ii) One member of JIPO's staff participated in WIPO's Interregional Intermediate Seminar on IP held in Geneva, Switzerland from June 1-3, 2005 which also included practical training at the Austrian Patent Office in Vienna, Austria from June 6-17, 2005.
- (iii) A WIPO representative conducted a half-day day Workshop with all JIPO Staff on November 29, 2005. It was intended as an opportunity for personnel at all levels of responsibility and in all substantive areas, to be involved in an assessment of JIPO's current outreach efforts, desired levels of impact, potential partners, opportunities for action, and individual

roles, in the task of raising awareness of IP through each officer's professional activity.

- (iv) JIPO participated in the United States Patent and Trademarks Office (USPTO) Visiting Scholars Program in Virginia, USA from October 17– 28, 2005.
- (v) JIPO participated in a Training Workshop from October 11 -14, 2005. The Workshop, conducted in Antigua and Barbuda, was entitled "Regional Workshop on Certain Topical Issues in Regard to Intellectual Property for Countries of the Caribbean".
- (vi) JIPO participated in the WIPO Regional Training Workshop on Industrial Designs and Geographical Indications which was held in Saint Lucia from December 5 -9, 2005.
- (vii) JIPO in co-operation with other partners hosted a regional workshop on trade marks, for officers of regional intellectual property offices. This was held at the Hilton Hotel in Kingston from June 6-10, 2005.

5.5 Public Education and Outreach Programmes

- (i) The annual Intellectual Property Week was observed from April 25-30, 2005. The theme was "Intellectual Property – Think, Imagine, Create". JIPO partnered with the Jamaica National Commission for UNESCO, the University of the West Indies (UWI), the University of Technology (UTECH), Northern Caribbean University (NCU), the Institute of Jamaica, Kingston and Saint Andrew Parish Library, and Jamaica Promotions Corporation (JAMPRO), in organizing and carrying out various activities to observe the week. There was also a two-page feature in the Gleaner newspaper during the week.
- (ii) Throughout the review year, presentations on IP were made to students of:
 - (a) Northern Caribbean University (NCU)
 - (b) Papine High
 - (c) Saint Hugh's High School
 - (d) Knox College
 - (e) Titchfield High
 - (f) The University of Technology (UTECH)
- (iii) On August 8, 2005 JIPO in co-operation with WIPO conducted a consultation on the Madrid System for the International Registration of

Trade Marks. Members of the private sector and the legal fraternity were invited to attend and participate.

- (iv) On August 30, 2005, JIPO and the United States Embassy Office of Public Affairs (USE-OPA) conducted a training session for one hundred (100) police officers, prosecutors, customs officers and clerks of the court on “Case Studies in Effective Anti-Piracy Strategies: Practical Solutions & Techniques”.
- (v) JIPO presented a paper entitled “Legal Aspects of Intellectual Property” at the Institute of Chartered Accountants Seminar on Protecting your Identity and Intellectual Assets, which took place on October 8, 2005.
- (vi) On November 17 and 18, 2005, JIPO in cooperation with the World Intellectual Property Office (WIPO) conducted workshops on “The roles of the Public Prosecutor, Customs, Police and Rights Holders in the Enforcement of Intellectual Property Rights”. Over the two (2) days one hundred and seventy (170) customs officers, clerks of the court, prosecutors and police officers and rights holders benefited from presentations.
- (vii) Over the reporting period, JIPO staged workshops with rank and file police officers in eight (8) parishes viz. Westmoreland, Clarendon, Manchester, Saint Elizabeth, Saint Thomas, Saint Catherine, Kingston and Saint Andrew.
- (viii) JIPO donated to the police and parish court houses, compact discs containing Jamaica’s IP Law in its entirety, as well as information on IP enforcement and IP industries in Jamaica.
- (ix) As of February, 2006, JIPO is partnering with Jamaica Business Development Centre (JBDC) and JAMPRO to stage a series of ICC World CUP Cricket 2007 sensitization workshops geared at entrepreneurs.
- (x) On October 13, 2005 JIPO made a presentation at a workshop hosted at the University of Technology, Jamaica, on “Technology Transfer and Commercialisation”. JIPO’s presentation entailed an overview of Intellectual Property, and the procedures for filing patents in Jamaica.
- (xi) JIPO co-hosted with WIPO and JAMCOPY the International Federation of Reproduction Rights Organization’s (IFRRO) conference held on September 14-16, 2005 at the Sunset Jamaica Grande. The meeting resulted in the recommendation of a regional entity for the management of reproduction rights.

5.6 Monitoring IPR Negotiations and Regional and International Developments

- (i) JIPO participated in a WIPO seminar on “Collective Management of Copyright Related Rights in the Digital Era: Trends, Problems and Prospects”. The seminar was held in New, Delhi, India from September 12 -14, 2005.
- (ii) JIPO participated in the WIPO General Assembly held in Geneva, Switzerland between September 26 – October 5, 2005.
- (iii) JIPO represented Jamaica at the WIPO 13th Session of the Standing Committee on Copyright and Related Rights. JIPO also participated in the Information Meeting on Educational Content and Copyright in the Digital Age. Both meetings were held in Geneva, Switzerland from November 21 - 23, 2005.
- (iii) In January 2006, JIPO represented Jamaica at the WIPO High Level Forum on IP Policy and Strategy held in Tokyo, Japan.

5.8 Website Upgrade

Improvement work on the JIPO website continues and the website now hosts information on various IP Legislations.

5.9 Accounts

In accordance with the mandate of the JIPO Act, JIPO commenced operation of its own accounting function with the employment of an accountant on August 2, 2005. The Accounting Unit commenced operations on a phased basis with the transfer of all accounting functions excluding payroll, effective October 1, 2005. Approval was granted by the Ministry of Finance to establish and operate three bank accounts at the National Commercial Bank; these accounts were opened on November 9, 2005. On December 1, 2005 JIPO commenced the collection and deposit of revenue funds, as well as accounting for all expenditure. This will enable the organization greater level of control over the administration its financial affairs.

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;
- (iv) To offer on-line services to clients;

- (v) To provide an on-line Trade Marks Journal;
- (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 Financial Year 2006/2007

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 commence;
- (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 System will be fully operational by October, 2006. The Patent System awaits the enactment of the new Patents and Designs Law.

7.3 Patents Directorate

This Directorate will be fully established with the passage of the new Patents and Designs Law.

7.4 Staff Training

Staff training will be ongoing.

7.5 Public Education and Outreach

Activities in this area are expected to increase in 2006/2007. In November 2005, WIPO conducted a mission to Jamaica; the purpose of the mission was to formulate a comprehensive public education and outreach plan in respect of IP for Jamaica. Such a plan has now been drafted by WIPO in collaboration with JIPO. It is hoped that the

successful implementation of this plan will serve as a blue print for other Caribbean territories.

7.6 Revenue Enhancement

A ten percent (10%) increase in revenue is projected for the 2006/2007 Financial Year, as multi-class trade mark applications continue to increase.

8.0 Budget Allocation

Approved Budget (\$M)

2002/2003	2003/2004	2004/2005	2005/2006	2006/2007
11.0	27.0	34.0	30.3	38.5*

* Proposed budget

Phillip Paulwell
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