

MINISTRY PAPER No.: _____

**PERFORMANCE OF THE JAMAICA INTELLECTUAL PROPERTY OFFICE (JIPO)
FOR THE FINANCIAL YEAR 2006/2007 AND FOCUS FOR THE FINANCIAL
YEAR 2007/2008**

1.0 Purpose of the Ministry Paper

The purpose of this Ministry Paper is to inform Parliament and the public about the performance of the Jamaica Intellectual Property Office (JIPO) during the Financial Year 2006/2007 and its focus for the Financial Year 2007/2008.

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 (IPR's) protection imposed by treaties, conventions, agreements and other legal instruments
- (ii) to heighten public awareness of the importance of IPR's and the implementation of the IPR laws, as well as 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 to realize the potential benefits of rights holders in Jamaica
- (v) to advise the Government in its development and implementation of intellectual property policies

- (vi) to ensure that the intellectual property legislation is consistent with national objectives
- (vii) to effectively implement Jamaica's bilateral, regional and international intellectual property obligations
- (vi) to participate in the progressive development of intellectual property law 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
- (vii) to establish, maintain and strengthen all relevant regional and international affiliations and cooperative arrangements with governments, inter-governmental agencies and other intellectual property offices and organizations.

4.0 Priority Targets/Objectives for Financial Year 2006/2007

1. to review current IP legislation and facilitate enactment of new legislation
2. to automate the Trade Marks Registration System
3. to strengthen the Patents Directorate and automate the Patents Registration System
4. to conduct public education and outreach programmes
5. to conduct a national IP assets audit
6. to increase revenue
7. to monitor regional and international IP developments, IPR negotiations and provide expert representation as required
8. to secure training opportunities for staff.

5.0 Highlights of Performance/Achievements against Targets for Financial Year 2006/2007

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 has been submitted for consideration

- (ii) Drafting instructions for the preparation of amendments to the Trade Marks Act and Regulations were completed and sent to the Chief Parliamentary Counsel (CPC). A draft amending Bill is awaited
- (iii) The new Patents and Designs Act was not enacted during the 2006/2007 Financial Year as anticipated. However, there were significant strides in this area and it is expected that the Act will be enacted during the 2007/2008 Financial Year
- (iv) Cabinet approval was received for promulgation of the law on the Protection of the Rights of Breeders of New Varieties of Plants.
- (v) Work on regulations to accompany the Protection of Geographical Indications Act will be carried out as part of a joint collaboration project between JIPO and the Swiss Federal Institute of Intellectual Property. The exploration phase of the project commenced during the period in review. It is anticipated that amendments to the Protection of Geographical Indications Act will also be effected to allow for higher levels of protection for non-wines-and-spirits products.

5.2 Automation of Trade Marks Registration System

Work on the Trade Marks Automation System continues. The System is now being utilized to conduct internal trade mark searches, preparation of certificates and preparation of office action correspondence. However, data validation is still required so as to ensure the accuracy of the information entered on the computer database.

It is expected that the system will be fully operational by the end of the Financial Year 2007/2008.

5.3 Patents Directorate and Automation of Patents Registration System

Work on the automation of the Patents Registration System commenced in December 2004, continued throughout Financial Year 2006/2007, and is progressing satisfactorily. It is anticipated that the system will be fully operational as soon as the new Patent and Designs Act is enacted.

5.4 Staff Training

- (i) Between May 9 to 12, 2006, staff training in the Nice and Vienna International Classification Systems was conducted by the World Intellectual Property Organization (WIPO)

- (ii) Between may 15 to 19, 2006, one (1) officer participated in a WIPO/Canadian Intellectual Property Office (CIPO) executive workshop on the application of management techniques in the delivery of IP services
- (iii) Between June 19 – 23, 2006, one (1) officer participated in the WIPO training course on Intellectual Property. The training was held in conjunction with the Norwegian Patent Office
- (iv) Between October to November 6, 2006, one (1) officer participated in a workshop organized by the Qingdao Municipal Intellectual Property Service Centre and sponsored by the Ministry of Commerce (MOC) of the Peoples Republic of China. The workshop was geared for officials from developing countries.

5.5 Public Education and Outreach Programmes

- (i) The annual Intellectual Property Week was observed from April 24 to 28, 2006 and the theme was “It Starts with an Idea; Intellectual Property – Think, Imagine, Create”. The activities undertaken by JIPO in commemoration of World IP Day, April 26, centered on distribution of IP books to the judiciary and the Norman Manley Law School, staging of a workshop for media practitioners and a regional workshop for officials of regional IP offices

The regional workshop involved participants from IP offices in Haiti, Belize, Trinidad and Tobago, Suriname, Guyana, Saint Lucia, Saint Vincent and the Grenadines, Barbados, and Antigua and Barbuda, as well as Jamaica. The workshop was geared towards brainstorming ideas and strategizing a regional approach to public outreach and education relating to IP. JIPO also took the opportunity of this regional event to highlight its work in the area of IP

In addition, exhibitions on IP were mounted at the libraries of the University of the West Indies (UWI), the University of Technology (UTECH) and Northern Caribbean University (NCU)

The annual JIPO IP supplement also appeared in the Daily Gleaner on World IP Day, April 26, 2006

- (ii) Throughout the review year, presentations on IP were made to students from community colleges and high schools
- (iii) JIPO collaborated with one of its sister agencies, the Jamaica Business Development Centre (JBDC), in a series of workshops entitled “Bowling for Business” which were held in April and June, 2006

and targeted the parishes of Kingston, St. Ann, St. Mary and Portland. These Workshops gave JIPO the opportunity to disseminate information about Intellectual Property Rights in the context of ICC World Cup Cricket 2007.

- (iv) JIPO presented a paper at the National Library of Jamaica Audio-Visual Information Network (AVIN) seminar on "Image Collections as Cultural Heritage". This event took place from August 22 to 24, 2006.
- (v) On October 10, 2006 JIPO participated in an Inventor's Forum staged by the Scientific Research Council (SRC). Participation involved making a presentation on "The Importance of Patenting Inventions".
- (vi) On November 7, 2006 JIPO made a presentation, "How to Register a Trade Mark", at a seminar on "Registration of Jamaican Hotels, Villas, Guest Houses and Attractions". This event was hosted by the Ministry of Tourism and Culture.
- (vii) On November 17, 2006 JIPO made a presentation on "Patenting Drugs in Jamaica", at a seminar staged by the UWI faculty of medicine.
- (viii) JIPO continued with its initiative of donating compact discs (with information on Jamaican IP industries, IP law and IP enforcement) to the police and the parish court houses.
- (ix) Over the reporting period, JIPO staged workshops with rank and file police officers in several parishes
- (x) JIPO undertook a partnership with the JBDC and Jamaica Trade and Invest (JAMPRO) to stage a series of ICC World Cup Cricket 2007 sensitization workshops geared at entrepreneurs This joint initiative began in February 2006.

5.6 Monitoring IPR Negotiations and Regional and International Developments

- (i) JIPO participated in the WIPO Standing Committee on Copyright and Related Rights from May 1 to 5, 2006
- (ii) JIPO represented Jamaica at a meeting of the WIPO General Assembly between September 26 to October 5, 2006
- (iii) JIPO participated in the WIPO meeting of Heads of Intellectual Property Offices of Caribbean Countries and the WIPO Ministerial Level Meeting on Intellectual Property for Caribbean Countries, from October 31 to November 3, 2006

- (iv) JIPO also participated in the Information Meeting on Educational Content and Copyright in the Digital Age. Both meetings from November 21 to 23, 2006.
- (v) JIPO participated in an international symposium on emerging issues in Copyright and Related Rights for Developing Countries in Transition held in Washington, D.C., November 27 – December 1, 2006
- (vi) JIPO participated in the third (3rd) session of the provisional committee on Proposals related to WIPO Developmental Agenda from February 19 to 23, 2007.

5.8 Website Upgrade

Improvement work on the JIPO website continues and the website now hosts information on several pieces of IP Legislation, as well as various practice directions. Practice directions are issued by the courts to regulate litigation. They supplement rules of court and explain in detail certain procedures which may not be fully set out in the rules of court.

6.0 Strategic Medium/Long Term Focus

- (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
- (vii) To offer on-line services to clients
- (viii) To provide an on-line Trade Marks Journal
- (iv) To participate fully in regional and international fora, particularly in the negotiation of international and regional agreements
- (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
- (viii) To conduct a national IP audit.

7.0 Summary of Main Programmes for Financial Year 2007/2008

7.1 Revision of Current Legislation and Enactment of New Legislation

- (i) The new Patents and Designs Act 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 completed

- (v) The Bill amending the Copyright Act is expected to be enacted
- (vi) The customs regulations under the Trade Marks Act will be drafted and the regulations under the Copyright Act amended
- (vi) Drafting instructions for an act to protect undisclosed information will be prepared.

7.2 Automation of Registration Processes

The Trade Marks System will be fully operational by October, 2007. The Patent System awaits the enactment of the new Patents and Designs Act.

7.3 Patents Directorate

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

7.4 Staff Training

Staff training will be ongoing.

7.5 Public Education and Outreach

Activities in this area are expected to increase in Financial Year 2007/2008.

7.6 Revenue Enhancement

A ten percent (10%) increase in revenue is projected for the 2007/2008 Financial Year, as multi-class trade mark applications continue to increase.

8.0 Budget Allocation

Approved Budget (\$M)

	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008
	27.0	34.0	30.3	38.5	52.2

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Ministry of Industry, Technology, Energy & Commerce
May 30, 2007

