



**Statement by Jamaica to the 49th Session of the WIPO General Assembly
2-11 October 2017**

Mr. Chairman,

Allow me to congratulate you on your appointment to preside over this session of the WIPO General Assembly. We look forward to an engaging and productive session under your chairmanship. We wish to place on record our support for the statement by the distinguished delegate from Costa Rica on behalf of GRULAC.

Mr. Chairman,

The past year has been very active for Jamaica and the Jamaica Intellectual Property Office (JIPO).

Intellectual property legislation

Mr. Chairman,

As always, Jamaica continues to strive for the right legislative balance regarding intellectual property rights.

At present, we are working on a new Patent and Designs Bill, which is in its final stages and is to be tabled in Parliament before the legislative year is complete.

Amendments are also being made to the Copyright Act to provide for cross-border copyright transactions and to add to the list of authorised bodies which can make accessible formats for visually and print disabled persons. We are also in the process of finalizing regulations to regulate the Collective Management Organisations (CMOs).

We are currently also amending the Trade Marks Act and the Trade Marks Rules to generally update the Act and Rules including the fees and forms and to provide for the international registration of trade marks under the Madrid Protocol.

The Protection of Geographical Indications Act and Regulations are also being amended at present to provide the higher level of protection to all goods including wines and spirits, as well as to establish a Geographical Indications Advisory Committee.

In addition, Jamaica is currently drafting new legislation for the protection of new varieties of plants and also recently started the process to develop legislation for the protection of traditional knowledge, traditional cultural expressions and genetic resources.

Standing Committee on Trademarks, Industrial Designs and Geographical Indications

At the WIPO Standing Committee on Trademarks, Industrial Designs and Geographical Indications, held in October 2016 and March 2017, member states continued deliberation of Document SCT/35/4, which usefully outlines possible areas of convergence in relation to the examination of trademarks which consist of or contain a country name. We note however that, while there are broad areas of convergence, there still remains many areas of divergence between member state practices in relation to the treatment of trade marks that contain a country name.

In the vast majority of WIPO member states, a trade mark applicant who wants to register a trade mark which comprises or contains a country name and thereby unfairly free-ride on the goodwill and reputation of a country's name, can simply stylize the country name or add other words and/or figurative elements in the trade mark.

The case of *Iceland v Iceland*, raised by *Iceland* at SCT 37, brings home clearly the threat which is posed to the sovereignty and autonomy of States by the continuing problem of lack of adequate protection of country names. The problem of lack of protection of country names internationally is exacerbated now by the threat of the registration of new top level domain names which comprise country names, country adjectives or country codes.

Mr. Chairman,

We reiterate that the aim of the proposed Draft Joint Recommendation we have on the table at the SCT is to establish a coherent and consistent framework to guide IP offices and other competent authorities and international traders, in their use of trade marks, domain names and business identifiers which consist of or contain a country name.

WIPO-related activities

Mr. Chairman,

In the past year, Jamaica has benefitted much from cooperation with WIPO in several areas.

1. In June 2017 we facilitated a WIPO Mission from the Director of the Legal Division of the Madrid Registry, to assess Jamaica's readiness for the Madrid Protocol.

2. Jamaica is also proud that we will be establishing the first set of Technology and Innovation Support Centres (TISCs) in the English-speaking Caribbean in the near future. To that end, we recently hosted with WIPO a Workshop on Access to Technology for Innovation and Establishing a Technology and Innovation Support Center (TISC) Network in Jamaica. The TISC centres in Jamaica are being established at the University of the West Indies, Mona and the University of Technology, Jamaica and it is anticipated that they will be able to contribute to stimulating innovation and economic growth by facilitating access to technology information and by strengthening capacity to effectively exploit this information.

3. WIPO has also been supportive of Jamaica's push to increase the level of proficiency in the country in patent drafting. Hence we collaborated with WIPO to host a Sub-Regional Patent Drafting Course earlier this year, which was attended by a wide cross-section of science experts from the private and public sector.

4. As a small island developing state we recognise that our economy is comprised mainly of small and medium-sized enterprises (SMEs) and so much of our focus is on raising the level of understanding of intellectual property by such enterprises. We again had the opportunity to jointly organise with WIPO a

National Workshop on the Effective Management of Intellectual Property Assets for Small and Medium-Sized Enterprises, which focused on practical and useful intellectual property management strategies.

5. Indeed, one of our most important and pioneering areas of collaboration with WIPO over several years is deepening the examination of the relationship between intellectual property and sports. Just last month in September we co-organised an Inter-Regional Seminar on the Strategic use of Intellectual Property in Sports in Jamaica. The seminar saw delegates from across the varied sporting disciplines in Jamaica as well as from Latin America and Caribbean countries, assembled to explore the different aspects of that relationship.

6. We are also currently working with WIPO to plan a National Consultative Workshop on issues and Options in Developing a National Policy and Legislation on Intellectual Property and the Protection of Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources, which will be held in Jamaica later this month. This as we seek to establish a national law that will protect Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources in Jamaica, guided by the ongoing deliberations and text-based negotiations at the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).

We thank WIPO for its continuing support of the development of intellectual property rights in Jamaica. We look forward to progress being made in the SCT in relation to the protection of country names against the registration and use of trademarks which consist of or contain a country name.

We also wish to assure our fellow member states of Jamaica's continued support for the work of the WIPO

Thank You