



## **Statement by Jamaica**

### **To the**

**51<sup>st</sup> Series of Meeting of the Assemblies of WIPO Member States,  
23 September – 2 October, 2013**

#### **Madame Chair,**

Please allow me to join other speakers before me, in congratulating you as well as your vice Chairmen on your election to preside over this 51<sup>st</sup> meeting of the WIPO General Assemblies. I wish to also extend the commendations of my delegation to the Director General, Dr. Francis Gurry, for his commitment and dedication to advancing WIPO's agenda.

#### **Madame Chair,**

Jamaica has long recognised the important role that IP must play in national development. Creativity and innovation are the drivers of growth in the modern knowledge based economy and we are seeking to advance our work in Intellectual Property as one of the pillars of Jamaica's national development plans. We also recognise our shared responsibility to advance a global IP agenda that further stimulates innovation and creativity for the benefit of all societies – large and small. In pursuing these goals, we are embarked on a number of practical steps to further strengthen our IP systems at the national level as well as deepen our linkages with the Global IP systems.

## Copyright

In the area of Copyright, work is progressing on the drafting of amendments to The Copyright Act, 1999. These amendments will create several important changes to the administration of copyright and the recognition of rights not previously included. The Amendments seek to take account of the requirements of a number of WIPO treaties and provide for the expansion of services offered by the Jamaica Intellectual Property Office. The amendments to the Copyright Act 1999 will be taken to Parliament this year.

Some of the amendments include provisions:

1. allowing for the adaptation of copyrighted works into formats accessible to the visually impaired by specifically named entities including the Jamaica Society for the Blind. These provisions have been in the draft amendments even prior to Jamaica's signing of the Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities (Marrakesh/"VIP" treaty) in June 2013;
2. in recognition of the moral and economic rights of creative contributions of parties involved in presenting works to the public, such as performers, phonogram producers, and broadcasters in line with Jamaica's obligations as signatory to the Beijing Treaty on Audiovisual Performances 2012;

3. establishing the Voluntary Copyright Registration Management System (o/c “GDA”) which will operate as a fully digital system capable of receiving deposits files of any size, with clients receiving a certificate issued by JIPO confirming deposit.

### **Trademarks - Protection of Country Names**

#### **Madame Chair,**

In the area of Trademarks Jamaica remains convinced of the need to improve the IP related protection of country names and thereby support efforts by member countries to promote and protect values and value attached to the use of Country Names. Jamaica continues to work with members of the SCT to explore suitable approaches for the Protection of Names of States against Registration and Use as Trademarks. The most recent Study prepared by the Secretariat, (WIPO SCT Document SCT/29/5), shows that although protection is available for country names through several alternative means, the protection that currently exists internationally for country names is limited to particular circumstances and is therefore incomprehensive and as such inadequate.

In relation to nation branding schemes, not only does the Study confirm that the country name is an essential element of any nation branding campaign, the Study also confirms that the country name is the strongest association with a country. However the Study did not go far enough, in assessing the real and/or potential impact of weak country name protection on nation branding schemes.

We remain of the view that in order for the names of States to be adequately protected , protection within national laws, policies and procedures, should be facilitated through a joint recommendation of the WIPO General Assembly, as has been done in relation to other trade mark areas of common importance and convergence.

At the last SCT (SCT29) Jamaica therefore requested the Secretariat to use the Study to update the original Reference Document (SCT/25/4) for circulation to member states ahead of the next SCT, which course of action was agreed by SCT29. We are in the process of reviewing and analysing the Study in detail and intend to present an up dated Proposal to the next session of the SCT as to the way forward.

### **Madrid Protocol**

The Government of Jamaica officially announced in 2012 that Jamaica will accede to the Madrid Protocol. Our Government has decided that we will proceed firstly with the necessary amendments to our Trade Marks Act and Rules before signing the Instrument of Accession. To that end we have formed a Madrid Protocol Working Group comprised of representatives from several different arms of Government to expedite the legislative reform process.

**Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)**

**Madame Chair,**

Jamaica continues to actively participate in the meetings of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). We note that the IGC has made substantial progress.

It is our fervent hope that the work that has been done to date will be allowed to conclude in a timely manner and that the General Assembly will support the recommendation for the continuation of the process, with the hope that following on the success of the Marrakesh Treaty a Diplomatic Conference on GR,TKF, can also be convened on this subject matter.

**Conclusion**

In conclusion **Madame Chair**, Jamaica remains committed to the effective promotion and protection of Intellectual Property Rights and to the positive work programme of the various intergovernmental bodies within WIPO. Jamaica also wishes to place on record our sincere thanks to WIPO for the development support extended to our country.

**Thank you Madame Chair.**