



# CARIFORUM Intellectual Property Rights and Innovation

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**Faculty of Law, UWI, Mona Campus**

*Redefining Boundaries in the Context of Global Justice*



CARIFORUM



EU-CARIFORUM Regional project, funded by the European Union and implemented by the European Union Intellectual Property Office (EUIPO)

[www.caripi-hub.com](http://www.caripi-hub.com)

# Cooperation Strategies for Regional OLP Producers



**CARIFORUM**



# About CarIPI

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# Geographical Indications (GIs)

# Definition

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## WTO- TRIPs Agreement

Indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin (Article 22.1)

# Geographical Indications in The Region

## Focus and context

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- Need to build resilience in regional producers of origin-linked products in existing and new markets
- Need for a legal framework to address the specific needs of each producer group
  - IP – TMs (individual); TM – certification and collective marks and GIs
- Need for relevant agencies to support the requirement for control systems associated with GIs – CROSQ, NBS
- Need for producers to implement appropriate business models

# Geographical Indications in The Region

## Treaty & legal framework

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- National Legislation
- EU-CARIFORUM Economic Partnership Agreement (“EPA”- EU) - Articles 144 (TMs) & 145 (GIs)
- Paris Convention for the Protection of Industrial Property (“Paris Convention”- WIPO)
- Agreement on Trade-related Aspects of Intellectual Property Rights (“TRIPS Agreement”- WTO)
- Revised Treaty Of Chaguaramas Establishing the Caribbean Community Including the CARICOM Single Market And Economy – Article 64 (2-d)
- Revised Treaty of Basseterre Establishing the Organisation of Eastern Caribbean States Economic Union – Article 4.2 (n)
- Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (and the follow-up Geneva Act of 2015) (“Lisbon Agreement”)
- Draft Inter-CARIFORUM GI Agreement



# Geographical Indications in The Region

## Legal framework in MS

<b>COUNTRY</b>	<b>GI LEGISLATION</b>
Antigua and Barbuda	✓
Bahamas	✓
Barbados	✓
Belize	In progress
Dominica	✓
Dominican Republic	✓
Grenada	In progress
Guyana	
Haiti	In progress
Jamaica	✓
St. Kitts-Nevis	✓
St. Lucia	✓
St. Vincent and the Grenadines	✓
Suriname	NO
Trinidad and Tobago	✓

# Geographical Indications in The Region

## Opportunities

What are the opportunities for regional producers to use the suite of tools – treaties, legislation, multi/bilateral agreements, technical cooperation agreements etc.?

- Unique products – potential to add value for producers & consumers
- Some products already obtain premium prices
  - Jamaica Blue Mountain Coffee
  - St. Lucia sun dried sea moss
  - Fine or flavoured cocoa (100%) – TT, SVG, Grenada, St. Lucia, Dominica
- **If:** consumers are aware, standards are high, collective action, appropriate business models

# Geographical Indications in The Region

## Challenges

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- Old business models
- IP not viewed as a strategic business tool
- Collective action required
- Others – financial, market access etc.

# Geographical Indications in The Region

Addressing these issues using IP tools - GI

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## CarIPI Actions

- Draft model GI law, regulations, forms
- Draft GI manual for producers, IPOs and control bodies
- Training – IPOs and producers
- GI eLearning Modules - [Protecting origin-linked products using Geographical Indications | EU Funded IP Projects \(internationalipcooperation.eu\)](https://internationalipcooperation.eu)

[GI model law and GI manual | EU Funded IP Projects \(internationalipcooperation.eu\)](https://internationalipcooperation.eu)

# Geographical Indications in The Region

Addressing these issues using IP tools - GI

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## CarIPI Actions – OLP mentorship programme

- Started in 2021
- 3 key areas
  - Building out specifications
  - Strengthening capacity of producer groups to manage a GI system
  - Marketing strategies around a specific IP tool

# Geographical Indications in The Region

Addressing these issues using IP tools - GI

## CarIPI Actions – OLP mentorship programme

- **First cohort**
- **9 producer groups + 1 individual producer**
- **8 countries**

	Marketing	Specifications	Organization & Controls
1	Kalinago Crafts	Kalinago Crafts	Kalinago Crafts
2	St. Lucia Sea Moss	Grenada nutmeg	St. Lucia Sea Moss
3	Trinitario Cocoa	Trinitario Cocoa	Jamaica Honey
4	Moruga Hill Rice	Moruga Hill Rice	Moruga Hill Rice
5	Products by Os	Jamaica Black Castor Oil	Jamaica Black Castor Oil
6	Toledo Cacao	Toledo Cacao	Haiti – Rhum

# Geographical Indications in The Region

Addressing these issues using IP tools - GI

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## CarIPI Actions – OLP mentorship programme

- Expectation
  - Collective marks
  - GIs
  - Individual trade mark

# Geographical Indications In The Region

Other TC partners

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- Mona Law
- Intellectual Property Offices (IPO)
- Food and Agriculture Organisation – UN (FAO)
- CARICOM Regional Organization for Standards and Quality (CROSQ)
- National Bureaus of Standard (NBS)
- Business development organisations (BDOs)
- Caribbean Export Development Agency (CEDA)



# Geographical Indications in The Region

On the horizon – Resilience

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- Business models built on collective action to ensure market prominence, brand recognition and increased brand value
- Integration of knowledge - trading is more than the physical assets (commodity/product) but also the intangible assets (IP, brands, the right customer mix)
- Advocacy by producer groups for appropriate legislative and fiscal framework to enable their product development & export strategies

# Thank you \* Gracias \* Merci \* Bedankt

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