

Experience of CARIFORUM Businesses Trading Across the Region

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Goddard Enterprises Ltd.

- I spent 12 years as one of the in-house legal counsel at Goddard Enterprises Ltd., ('GEL').
- GEL is a publicly traded Barbadian company which was founded in 1921.
- GEL was originally a meat and grocery store which operated in Bridgetown, the capital city of Barbados. Today it has interests across several industries, including airline and industrial catering, real estate, packaging, biotechnology, property rentals, meat processing, bakery operations, the manufacture of aerosols and liquid detergents and the retail of automobiles and building supplies. It also provides shipping agent and stevedoring services.



- Through its subsidiary and affiliated companies GEL operates in 25 countries (listed below).

Aruba, Antigua, Barbados, Bermuda, Bonaire/St. Maarten/Curaçao, Canada, Cayman Islands, Colombia, Costa Rica, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Honduras, Jamaica, Paraguay, St. Lucia, St. Thomas U.S.V.I., St. Vincent, Trinidad & Tobago, United Kingdom, United States of America, Uruguay, Venezuela

- At GEL I provided advice and services primarily to its subsidiary and affiliated companies operating within CARIFORUM and exporting products to CARIFORUM member states.



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Trade Marks

- Typically a large Barbadian company will have a number of trade marks which are registered throughout CARIFORUM. Trade Marks may be registered in as many as 10 to 12 member states.
- Often trade marks are also registered throughout Central and South America and in the United States, (the 'US').
- The most convenient and cost-effective way to register these trade marks would likely be to file a single international application under the Madrid Protocol for each trade mark. Such an application would designate the member countries where the trade marks are to be registered and one set of fees would be paid. However, Barbados is not a signatory to the Madrid Protocol so this is not an option.



Trade Mark Registration Process

- One option for a large Barbadian company is to instruct a global intellectual property law firm overseas to register its trade marks in Central and South America, the Dominican Republic and the US. These global intellectual property law firms have relationships with other intellectual property law firms around the world and can instruct these other law firms on behalf of the various companies which own the trade marks to be registered.
- This approach addresses:
 - the large volume of the work to be undertaken coupled with limited resources locally;
 - the language barrier in some of the territories where the marks are to be registered; and
 - a lack of knowledge of the requirements in each of the territories where the trade marks are to be registered.
- Hiring such a law firm would, however, add a significant layer to the cost of each trade mark registration.



- For other trade marks to be registered within the Caribbean, relationships can be established with law firms in each territory and these firms instructed to make the applications.
- In most of the Caribbean territories:
 - there is no language barrier;
 - there is a basic understanding of the application requirements; and
 - the information needed to make the applications and the forms to be completed are very similar.
- There are, however, several challenges and these are outlined in the following slides.



Challenges

1. A different law firm must be instructed in each CARIFORUM territory where an application is to be made to register a trade mark.
2. The requirements to register a trade mark vary between each territory.
3. In order to apply to register a trade mark you are typically required to authorise an attorney to act as the Agent of the owner of the trade mark and to complete an Application Form. Although the information which must be provided is very similar across most of the territories, the Application and Authorisation of Agent Forms are all different.



4. There are differences in the signature requirements (who can sign and who must witness) the Forms between some of the territories.
5. When the trade marks are registered there are invariably differences in what was intended to be a single trade mark registered across several territories.
6. There are significant differences in the length of time that the various territories take to register trade marks. In most territories a registered trade mark will be valid for 10 years. However, having widely disparate registration dates for a single trade mark registered across several territories can make it difficult to keep track of the renewal dates.



Experience of Smaller Entities

- As discussed, large companies will have challenges with registering trade marks throughout CARIFORUM. Smaller entities with more limited resources are likely to experience even greater challenges.
- Prior to joining GEL, I spent two years as an Acting Deputy Registrar/Consultant at the Corporate Affairs and Intellectual Property Office, ('CAIPO'). CAIPO is the Government Department where applications to register trade marks in Barbados are made.



- In my capacity as Acting Deputy Registrar, I met and advised several small business owners on the registration of their trade marks. With guidance from CAIPO's staff these persons were often able to themselves make applications to register their trade marks locally.
- If, however, they wished to export their products and have trade marks registered outside of Barbados, they were often deterred to learn that they would have to engage attorneys in these territories to act on their behalf.



Thank You