

# Industrial Design Protection in Jamaica

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# Jamaica Intellectual Property Office

- ▶ Statutory Body, established in 2001
- ▶ Government agency responsible for administering Intellectual Property laws in Jamaica
- ▶ JIPO is an agency of the Ministry of Industry, Investment & Commerce.
- ▶ Public Education, including promotion of IP in business development, the Creative Industries, MSMEs, & Educational Institutions
- ▶ IP Registration -Trademarks, Designs, Patents, GIs, ©
- ▶ Policy development and updating laws
- ▶ Liaising with interest groups

# Industrial Design

The definition of design:

- ▶ Designs Act, 1937 - “design” means any design applicable to any article of manufacture, or to any substance artificial or natural, or partly artificial and partly natural, whether the design is applicable for the pattern, or for the shape or configuration or for the ornament thereof or for any two or more such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or any other means whatever, manual, mechanical or chemical, separate or combined.

# Usefulness of Industrial Designs

- ▶ Industrial designs can apply to a variety of articles of manufacture, products of industry and handicraft
  - Textiles, appliances, jewellery, architectural designs, shoes, vehicles, packaging . . . Etc.
- ▶ Design applicable by whatever means
  - Printing, painting, embroidering, painting, modelling , embossing . . . Etc. (S. 2 The Designs Act-1937)

# Design registration procedures

## Application:

- ▶ Form Design No. 2
- ▶ Applicants, name, address and nationality
- ▶ The nature of the design.
- ▶ Class or Classes of Goods that the design is to be registered.
- ▶ Same design may be registered in more than one class.
- ▶ A separate application is needed per class.

# Design registration procedures

## Application:

- ▶ Drawings, tracings or photographs of the design, showing different views (3 copies).
- ▶ Drawings should be sufficient to enable the office to identify the design, and suitable for the official records.
- ▶ Statement of novelty (not previously published in Ja.)
- ▶ Cost \$1,500.00 JMD

## Term of Protection:

- ▶ Valid for 15 years

# Design registration procedures

1. On receipt of the application & fee, the application is received on the Intellectual Property Administration System (IPAS) and a pending number is generated automatically.
2. Letter of acknowledgement is generated automatically.
3. A search of the Designs Register is done.
4. The application is examined.
5. Either accepted or refused based on lack of local novelty or originality.

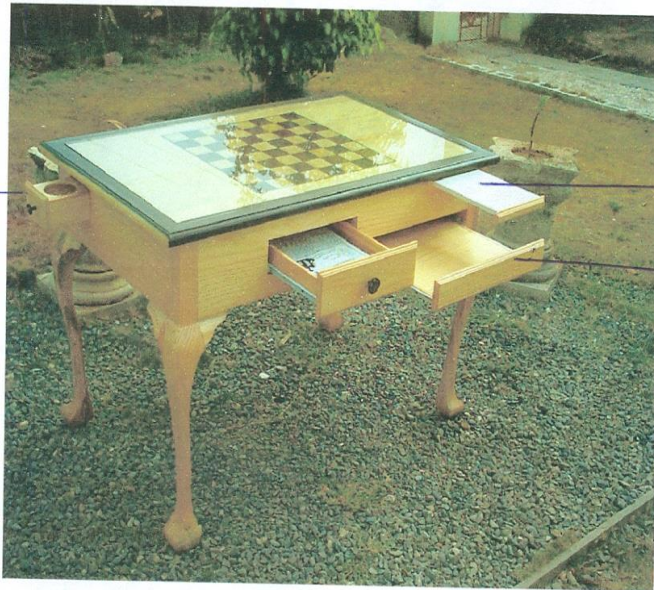
# Conditions for Acceptance

1. New - not known or used in Jamaica before; and
2. Original - not substantially copied.
3. Not scandalous or contrary to law or morality



# Examples: - Registered Designs

## ► Chess Table



PIECE HOLDER  
(open)

WRITING PAD (EXTENDED)

SPACE FOR LAP TOP  
NOTE BOOKS (OPENED)

PIECE HOLDER  
(CLOSED)



DRAWER FOR PIECES  
(open)

# Examples: - Registered Designs

## ► Pillar candle with cinnamon sticks



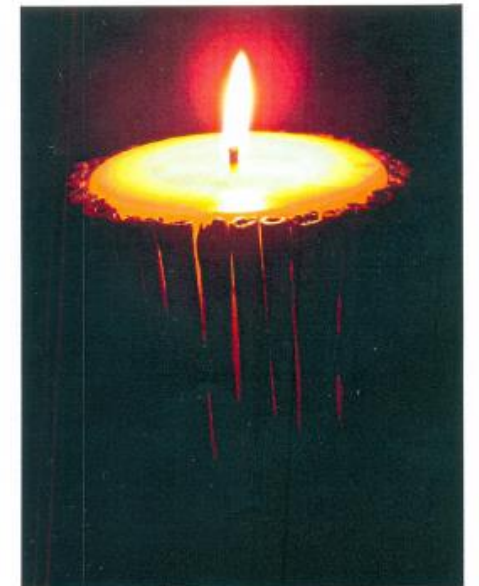
**1. Side angle view:** the unique feature of this candle is the use of cinnamon sticks on the outer core.



**2. Side & Top angle view:** the unique feature of this candle is the use of cinnamon sticks on the outer core. The inner core alone will burn without burning the outer core.



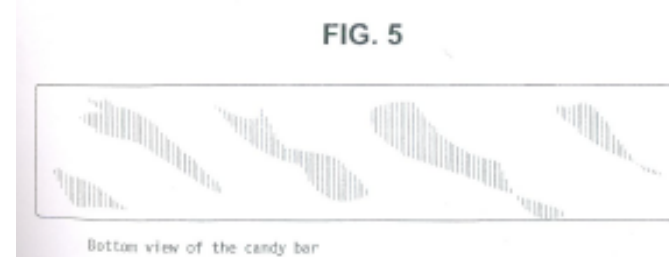
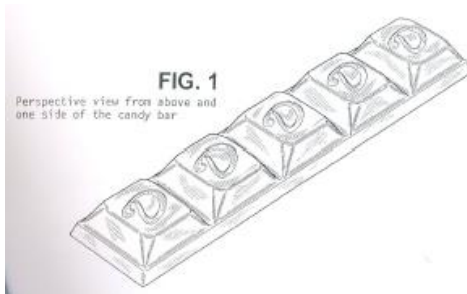
**3. Top angle view:** the unique feature of this candle is the use of cinnamon sticks on the outer core. The inner core alone will burn without burning the outer core.



**4. Illuminated Candle:** the unique feature of this candle is the use of cinnamon sticks which add to the illumination when the inner core is burning.

# Examples: Registered Designs

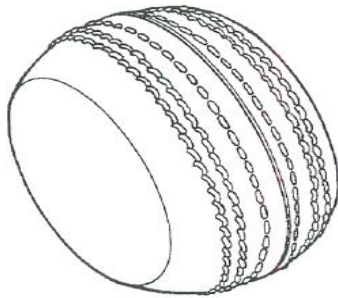
## ► Candy Bar



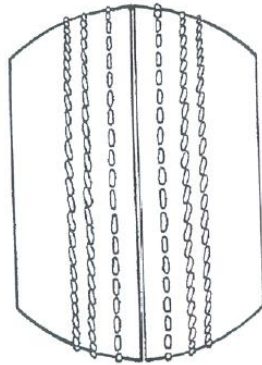


# Examples: Registered Designs

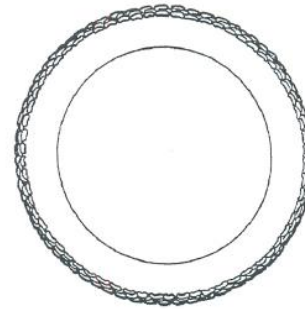
## ► Sports training ball



Perspective View



Front View



Side View

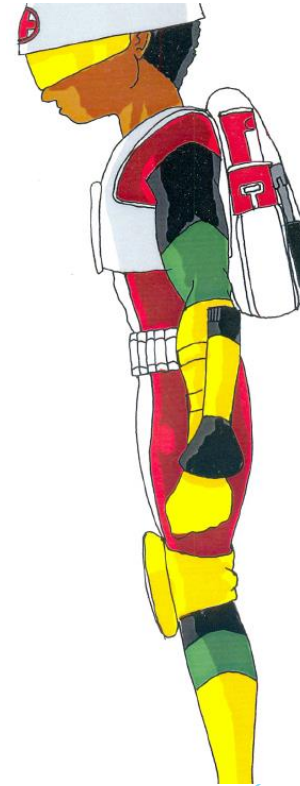
## ► Football



Figure 1  
Front Plan View

# Examples: Registered Designs

- ▶ Toy Mascot



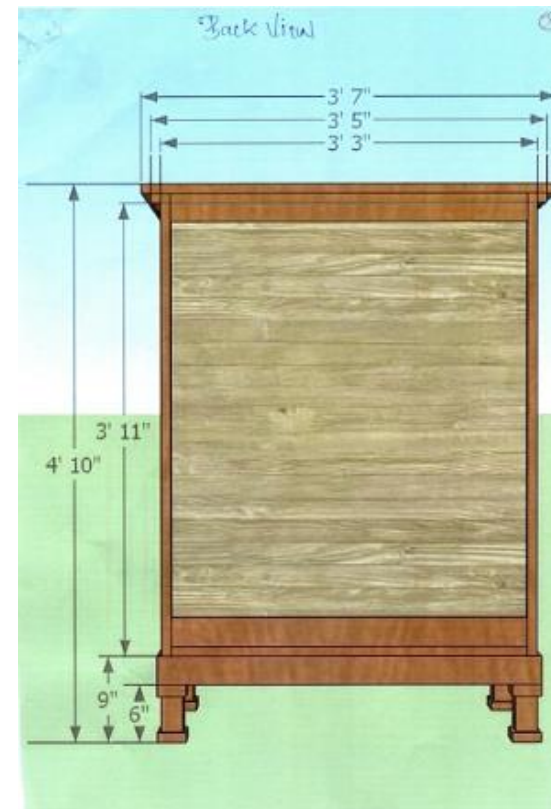
# Examples: Refused Designs

- ▶ Buckle Sandals



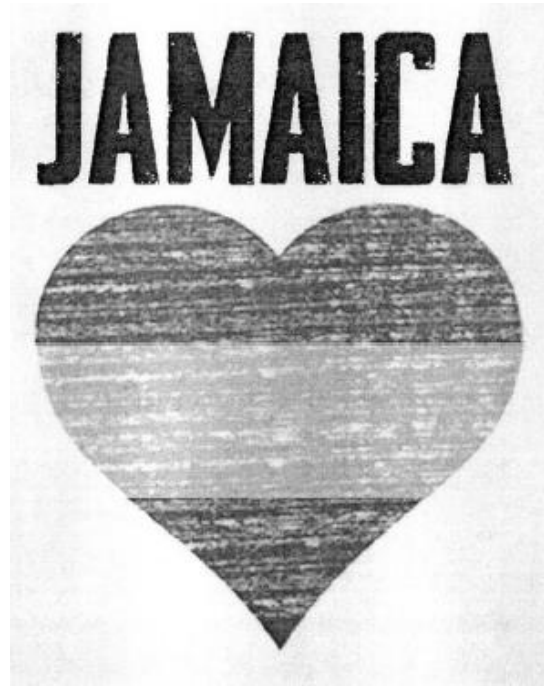
# Examples: Refused Designs

## ► Chest of Drawers



# Examples: Refused Designs

- ▶ T-shirt design





# Examples: Refused Designs

- ▶ T-Shirt (Irie Mon Jamaica)



# Introducing The New Design Law

## Patent and Designs Act:

- ▶ Repeal and Replace The Designs Act ,1937
- ▶ Modern law
- ▶ Locarno classification system
- ▶ The Hague System
- ▶ Priority claims
- ▶ Deferment of publication

# What Are Some Of The Changes?

- The design registration criteria.
- What is the new criteria?
- To be registered, the Design must:
  - be new
  - have individual character
  - Not be contrary to public order or morality

# What Are Some Of The Changes?

- ❖ **New** - before the filing date or priority date, the design has not been made available to the public anywhere or at any time
  - Worldwide novelty examination
- ❖ **Exceptions:** if made available within 12 months prior to filing the application, due to unlawful disclosure, breach of confidence, display at local, regional or international exhibition (provided applicant states that on the application)

# Non-registrable Designs

- Coat of Arms, Natl Flag, armorial bearings, Natl Emblems & Symbols, unless GOJ consent
- Country Name, map or colours of Jamaica
- Names or abbreviations of other countries
- Natl Flag, armorial bearings, Natl Emblems & Symbols of other countries, unless consent
- Emblems, abbreviations & names of IOs
- Regd or Unregistered TMs, unless consent
- Copyright works, unless consent
- Individual's images/ likenesses, unless consent
- TK or TCEs of ILCs

# What Are Some Of The Changes?

- Whereas now designs are granted for 15 years, designs registered under the new law will be valid for 5 years, with the right to renew the design registration twice consecutively.
- Applicant can defer publication for 12 months
- Any interested person can file an opposition within 2 months of publication
- Any interested person can file an application for revocation of a registered design



# Thank You!

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**Kingston 10.**

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