

## COLLECTIVE MARK

This is a mark distinguishing the goods or services of members of an association which is the proprietor of the mark, from those of other undertakings (i.e. any person, company or business entity)

The main purpose of this mark is to indicate that those using it, belong to a specific association, which usually has regulations with which its members must comply.

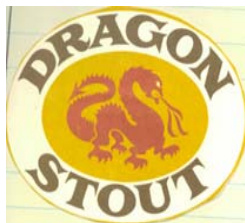
Examples of such associations are Chartered Institutes, Trade Associations, Educational Institutes, Hotel Chains, or those representing Accountants, Engineers, or Architects.

## CERTIFICATION MARK

This is a mark indicating that the goods or services in connection with which it is used are certified by the proprietor of the mark in respect of origin, material, mode of manufacture of goods or performance services, quality, accuracy or other characteristics.

The main purpose of this mark is to certify that the goods or services covered by the mark meet certain established standards, as set out by the Certifying Body.

A prime example of this mark is The Jamaica Coffee Board, which acts as a Certifying Body for coffee producers wishing to use the Trade Mark "Blue Mountain Coffee".



## HOW IS A TRADE MARK REGISTERED?

- 1) Firstly, an application to register a **Trade Mark** must be filed at the **Trade Marks & Designs Directorate**, of the Jamaica Intellectual Property Office (JIPO), on a specific form called TM1.
- ii) The application must contain a clear reproduction of the mark being filed for registration, including any colours, forms, or three-dimensional features.
- iii) The application must also contain a list of the goods and/or services to which the mark will apply.
- iv) The Mark must fulfill all the requirements under the Trade Marks Act, 1999, and Trade Marks Rules, 2001, in order for it to be protected as a Trade Mark.
- V) It is recommended that an applicant conduct a preliminary search and examination at JIPO, to ensure that the mark for the goods and/or services which for he/she is applying, is not the same as, or similar to a registered mark for the same or similar goods or services, which would prevent the applicant's mark from being registered.

There is a fee charged by the office for conducting a preliminary search and examination; which is \$500 per hour or for any fraction of an hour.

## TRADE MARK FEES

The Trade Mark fee is payable in two stages:-

- 1) Upon an application to register: \$3,500 (plus \$1,000 for every additional class).
- 2) Upon acceptance of the mark for registration:  
  
\$1,320.00 for advertising the mark in the Jamaica Gazette, and \$3,500.00 for registration.
- 3) N.B. For a Certification or Collective Mark, an additional fee of \$5,000.00 is required to file regulations governing the use of the mark.

# REGISTRATION OF A TRADE MARK



**PAVING THE WAY TO GROWTH  
AND DEVELOPMENT  
THROUGH THE PROTECTION  
OF INTELLECTUAL PROPERTY  
RIGHTS**

**Jamaica Intellectual Property Office**

**36 Trafalgar Road**

**PCJ Building 4th Floor**

**Kingston 10**

**Phone: (876) 754-6360 / (876) 754-6350**

**(876) 960-1852 / (876) 960-5588**

**Fax: (876) 929-1190**

## WHAT IS A TRADEMARK?

The Trade Marks Act, 1999, defines a **Trade Mark** as:-

Any sign that is capable of being graphically represented and capable of distinguishing the goods or services of one undertaking (i.e. any person, company or business entity) from those of another undertaking.

A **SIGN** includes a word, (including a personal name), design, letter, numeral, colour, combination of colours or a combination of the foregoing or the shape of goods or their packaging.

The sign must be distinctive and capable of identifying certain goods or services as those produced or provided by a specific person or business entity, for example; Red Stripe, Grace, Island Grill, Mothers, Walkers Wood, Reggae Boyz, Ting.



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## SERVICE MARK

The definition of a Trade Mark is inclusive of the definition of a Service Mark. A Service Mark is actually a Trade Mark used to identify "services" instead of "goods".

Therefore, a **Service Mark** can be defined as:- "Any sign that is capable of being graphically represented, and capable of distinguishing the services of one undertaking (i.e. any person, company or business entity) from those of another undertaking.

## HOW ARE GOODS AND SERVICES CLASSIFIED?

There is an international classification of goods and services, which is used for the purpose of registering **Trade Marks**, known as the NICE CLASSIFICATION

Under the latest edition (8<sup>th</sup> Edition), goods are classified under thirty-four (34) classes, and services are classified under eleven (11) classes. Each class has a different range or category of goods and services from which the proprietor of the mark must select when making his application.



## WHAT DOES A TRADE MARK DO?

- 1) The most critical role of a Trade Mark is that it provides protection for the proprietor's right of ownership and interest in the mark, by ensuring that the proprietor has the exclusive right to use the mark to identify his/her goods and/or services, or to authorize another to use it in return for payment.
- 2) The period of protection of a Trade Mark is for ten (10) years upon registration, and this period can be renewed indefinitely, that is, for every ten (10) years, thereafter.
- 3) Trade Mark protection is enforceable by the courts of law, which under the Act have authority to block **Trade Mark** infringement.
- 4) The Trade Marks' system helps consumers to identify or purchase a product or service because its nature and quality, which is indicated by the unique Trade Mark, meet their needs.
- 5) Trade Mark protection also restricts the efforts of unfair competitors, such as counterfeiters, from using similar distinctive signs to market or promote goods or services of inferior quality, or different goods or services.

## WHAT KINDS OF TRADE MARKS CAN BE REGISTERED?

In addition to an ordinary Trade Mark which distinguishes the proprietors goods or services, there are two other categories of marks.