

INDUSTRIAL PROPERTY

(CONT'D)

Designs

A design is the ornamental or aesthetic aspect of an article. The design may consist of three-dimensional features, such as the shape or surface of an article, or of two-dimensional features, such as patterns, lines or colour.

Designs are applied to a wide variety of products of industry and handicraft: from technical and medical instruments to watches, jewellery; from house wares, and electrical appliances to vehicles and architectural structures, from textile designs to leisure goods.

Designs are what make an article attractive and appealing; hence, they add to the commercial value of the product and increase its marketability.

How is a Design Registered?

An application for registration of an design must be filed with the Jamaica Intellectual Property Office. The application must contain the particulars of the applicant, along with three copies of the design itself, showing the different perspective views. The application must state what the design is applied to, and should identify the classes in which registration is sought.

Patents

A Patent is an exclusive right granted by the State for the invention of a particular element.

Once a patent is granted there has to be a disclosure of the Patent information. All Patent owners are obliged to publicly disclose information on their invention, in this way, Patents provide not only protection for the owner but valuable information and inspiration for future generations of inventors and researchers.

When a Patent is granted to the owner of an invention it means that the invention is protected and cannot be commercially made, used, distributed or sold without the patent owner's consent.

A Patent owner has the right to decide who may or may not use the patented invention and the terms of said use for the period that the invention is protected.

How is a Patent Registered?

An application for a Patent must be made through the Jamaica Intellectual Property Office.

Geographical Indication

A Geographical Indication (GIs) is a sign used on goods that comes from a specific geographical region and is indicative of the product's high quality and reputation. The quality and standard of the good is attributable to its place of origin; Examples of this are Darjeeling Tea and Basmati Rice from India, Tequila from Mexico and Champagne from France.

How is a GI Registered?

An application for a GI registration must be made through the **Jamaica Intellectual Property Office**.



Jamaica Intellectual Property Office (JIPO)

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INTELLECTUAL PROPERTY

AN INTRODUCTION

Paving the way to growth and development through the protection of intellectual property rights.



WHAT IS INTELLECTUAL PROPERTY?

Intellectual Property (IP) is the Legal Rights result from intellectual activity in the scientific, industrial, literary, artistic, musical and dramatic field.

Countries have IP Laws for two main reasons:

- to give statutory protection to the moral and economic rights that a creator, inventor or rights holder have in a protected work;
- to promote Government policy, creativity, and the dissemination and application of scientific information and to encourage fair trading, which would contribute to social and economic development.

IP is divided into two main branches: Copyright & Related Rights and Industrial Property

COPYRIGHT & RELATED RIGHTS

Copyright covers those areas relating to literary, artistic, musical, dramatic, architectural designs, maps (topographies), technical drawings, photographs, computer programmes, choreography, advertisements etc.

The creators of works protected by copyright and their heirs have certain basic rights. They have an exclusive right to use and/or authorise others to use the work on agreed terms. The Copyright holder can prohibit or authorise:

- reproduction in various forms, such as printed publication or sound recording;
- public performance, as in a play and/ or musical work
- recording of the work, for example, in the form of compact discs, cassettes, or videotapes;
- broadcasting by radio, cable, or satellite;
- translation into other languages
- adaptation, into other forms such as a novel into a film or play.

Two main rights under Copyright:

- **Economic Rights** – gives you the right to earn money from your creative work;
- **Moral Rights** – gives you the right associated with your work.

Copyright requires **NO** formal registration.

However a voluntary registration system is available, as long as a protected work is presented in a tangible form where it immediately attracts Copyright protection without any formalities such as registration.

Copyright in a work may be asserted by using the simple method of registering a copy of the work through the post office and addressing the envelope in the name of the author of the work and keeping the envelope un-opened until there is an infringement of the work.

Related Rights under Copyright

The other area considered a secondary right to Copyright is Related Rights.

The areas of performances of performing artists, phonograms, and broadcasts are usually referred to as Related Rights.

Such rights cover:

- performing artists, such as actors and musicians, in their performances.
- producers of sound recordings/ phonograms, for example, cassette recordings and compact discs.
- broadcasting organizations in their broadcasts.

INDUSTRIAL PROPERTY

Industrial Property rights include but are not limited to trade marks, patents, industrial designs, and geographical indications.

Trade Mark

A trade mark is a distinctive sign that is used to distinguish certain goods and services, as those produced by a certain person or enterprise.

A trade mark may be protected for 10 years and is renewable every ten years.

How is a Trade Mark Registered?

An application for registration of a trade mark must be filed with the Jamaica Intellectual Property Office. The application must contain a clear reproduction of the sign filed for registration, including any colours, forms or three dimensional features. The application must carry a list of goods and services to which the sign would apply and should identify the classes in which registration is sought.