

## 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 (10th 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

## Trade Mark Fees

The Trade Mark fee is payable in two stages:-

1. **Upon an application to register:**  
**\$13,700** (plus **\$4,200** for every additional class).
2. **Upon acceptance of the mark for registration:**  
**\$17,700** for publishing the mark in the JIPO TMs Journal and, for registration.

Please visit [www.jipo.gov.jm](http://www.jipo.gov.jm) for more info

## How is a Trade Mark Registered?

- 1 An application to register a Trade Mark must filed at the Jamaica Intellectual Property Office (JIPO), on a specific form called **Trade Mark Form 1**.
- 2 The application must contain a clear reproduction of the mark being filed for registration, including any colours, forms, or three-dimensional features.
- 3 The application must contain a list of the goods and/or services to which the mark will apply.
- 4 The Mark must fulfill all the requirements under the Trade Marks Act, 1999, Trade Marks Rules, 2001, and Trade Mark Amended Rules 2011, in order for it to be protected as a Trade Mark.
- 5 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.

### Jamaica Intellectual Property Office (JIPO)

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# TRADE MARKS

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

# What is a Trade Mark?

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

**Any sign that is capable of being graphically 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 and or services as those produced and or provided by a specific person or business entity, for example; Red Stripe, Grace, Island Grill, Mother's, Walkers Wood, Reggae Boyz, Ting.

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

## Collective Mark

This is a Mark is defined as distinguishing the goods and/or services of members of an association which is the proprietor of the mark, from those of other entity (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.

## What is a 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."

## Certification Mark

This is a Mark defined as 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 and/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".

## What does a Trade Mark do?

- ✓ 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.
- ✓ 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.
- ✓ Trade Mark protection is enforceable by the courts of law, which under the Act have authority to block **Trade Mark infringement**.
- ✓ A registered Trade Mark **enables a proprietor to guarantee the quality of goods and standard services for which the Mark is used**. As the proprietor has exclusive rights of use of the Mark, he can ensure that the Mark is only used upon goods of a certain quality, or service which meet a certain standard. A Trade Mark also forms part of the promotion of the good and/or services. It is often designed to appeal to the consumer, to create interest and to inspire a feeling of confidence in the goods or services to which it relates.
- ✓ 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.