

# PATENT PROTECTION

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.

## SHOULD ONE COMPLETE HIS OWN PATENT APPLICATION?

If an inventor is confident that he is able to give a clear and detailed description of his invention, he may elect to prepare the Specification himself. However, since the preparation of Patent documents is quite complex it is recommended that an Attorney-at-Law with experience in the specialized field be consulted.

## SHOULD I ADVERTISE MY INVENTION TO APPLY FOR A PATENT

Yes. A prerequisite to grant of Patent is that the applicant publish a Notice of Application in the IP Journal

## CAN LETTERS PATENT BE REVOKED?

The grant of a patent is revocable by the Supreme Court in the following circumstances:-

- If the grant is contrary to law
- If the Patentee is not the true inventor
- If the alleged invention is proven not to be new

## WHICH GOVERNMENT DEPARTMENT IS RESPONSIBLE FOR THE PATENT ACT?

The Jamaica Intellectual Property Office (JIPO).

## HOW CAN I GET A COPY OF THE PATENT ACT?

This can be purchased from the Jamaica Printing Services Limited, 77½ Duke Street, Kingston or on the Ministry of Justice website [www.moj.gov.jm](http://www.moj.gov.jm) (keyword Patent Act)



## Jamaica Intellectual Property Office (JIPO)

📍 18 Trafalgar Road  
Kingston 10, St. Andrew  
Jamaica  
☎ (876) 946-1300; (876) 946-0789  
🖨 (876) 927-6744  
✉ [info@jipo.gov.jm](mailto:info@jipo.gov.jm)

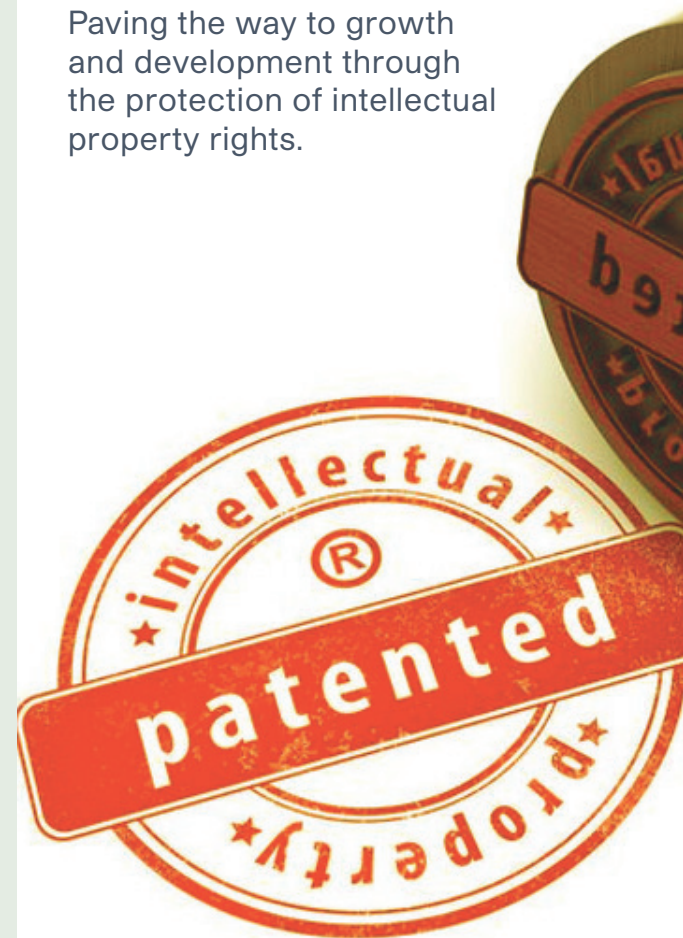
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# PATENT PROTECTION

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



# WHAT IS A PATENT?

A patent is a grant by the State of a monopoly in the use of an invention to the inventor, thereby excluding others from making, using or selling the invention within the country of grant for a specified period. The inventor must, in turn, fully describe the invention. The disclosure of the invention allows others to work the invention and also assists in the spreading of technological information.

## WHAT IS AN INVENTION?

An invention as described under the Patent Act is any new and useful process, machines, manufacture or composition of matters or any new and useful improvement thereof.

## WHAT ARE THE CONDITIONS FOR GRANT OF A PATENT IN JAMAICA?

The conditions for grant of Letters Patent in Jamaica are:-

- Novelty – (not known or used in the island before)
- Public utility
- Inventive step

## HOW LONG IS A PATENT EFFECTIVE?

Twenty years from the date on which it is issued.

## DO FOREIGN PATENTS PROTECT AN INVENTION IN JAMAICA?

No. Protection in Jamaica can only be secured by obtaining a Jamaican patent

## HOW DOES ONE OBTAIN A PATENT?

By filing on a Patent Form 1 accompanied by a declaration and specification with Jamaica Intellectual Property Office (JIPO)

# WHAT IS A SPECIFICATION?

## The papers required when filing a Patent.

This is the written description of the invention.

An example of the Specification is shown in the Schedule (Form C) to the Patent Act. The Specification is a public document and the law requires that it be presented in such detail, that those who use it will be able if the instructions are followed to reproduce the invention. In order that a proper examination and evaluation may be carried out, a Specification must contain a number of elements.

# WHAT DOES A SPECIFICATION CONTAIN?

A discussion of the prior art, i.e. background information and a statement of the problem to be solved.

Statement of the object of invention, that is the benefits to be provided

A summary or definition of the invention, that is the solution to the problem that the invention will provide.

Detailed elaboration of all aspects of the invention.

Description of the usefulness of the invention.

Working examples which support the claims.

## WHAT ARE THE CLAIMS?

A claim in a Patent is a distinct and explicit part of what the Patent is. It contains in a condensed form the description of the rights of the inventor which are to be protected by law.

## ARE DRAWINGS NECESSARY?

Drawings are not compulsory. If the invention can be illustrated in drawing, a drawing should be submitted.

## IS A MODEL OF THE INVENTION NECESSARY?

Models are not compulsory. Examiners may however request that models be submitted. In such cases, it is in the applicant's interest to comply.

## WHO ARE THE EXAMINERS OF PATENT APPLICATIONS?

In practice, applications for Patent are referred to the Jamaica Chemist, or the Director of the Bureau of Standards for technical examination.

## IS IT ADVISABLE TO CONDUCT A SEARCH FOR PRIOR PATENTS BEFORE APPLYING FOR A PATENT?

Yes. It may be found that the invention is claimed in some prior Patent. In such a case a Patent could not be granted. A search may save the expense of filing an ap-plication which would be rejected.

## WHERE CAN A PATENT SEARCH BE MADE?

At the Jamaica Intellectual Property Office (JIPO), 18 Tra- falgar Road Ground Floor, JAMPRO Building Kingston 10.

## CAN ANYONE MAKE THE SEARCH OF THE RECORDED PATENT DOCUMENT AT JIPO?

Yes. The Patents stored at the Jamaica Intellectual Property Office are available for searching by the public for any purpose.

## HOW SOON AFTER AN APPLICATION IS FILED WILL IT BE GRANTED?

This will depend on how well the application is prepared and other factors.

## WILL AN INVENTION BE DISCLOSED BEFORE THE PATENT IS ISSUED?

No. The personnel in Government Departments working with Patent documents are sworn to secrecy. No information on a Patent application is available to the public until the Patent is issued.

## IS THERE ANY GUARANTEE THAT A PATENT WILL BE GRANTED ?

No. All Patents are legally assumed valid till proven otherwise.

## Things that are not Patentable

- ✗ Methods for performing Mental acts and Mathematical Algorithms or formulas,
- ✗ Naturally occurring things,
- ✗ Scientific principles,
- ✗ Schemes
- ✗ Rules and playing games
- ✗ Methods doing business
- ✗ Programs for computers
- ✗ Business Methods
- ✗ Weapons

## WHAT HAPPENS WHEN TWO INVENTORS APPLY SEPARATELY FOR A PATENT FOR THE SAME INVENTION?

The Registrar will determine based on evidence submitted who is the first inventor. Patent will be issued to the applicant who first filed papers at JIPO.

## WHEN SHOULD ONE APPLY FOR A PATENT?

In view of the possibility of another inventor filing an application for the same invention, the application should be filed at JIPO as soon as it is completed.

## IF TWO OR MORE INVENTORS WORK TOGETHER TO MAKE AN INVENTION, TO WHOM WILL THE PATENT BE GRANTED?

If each had a share in the ideas forming the invention, they are joint inventors and should file a joint application. The Patent will be issued to them jointly.

## MAY A PATENT BE GRANTED IF THE INVENTOR DIES DURING THE TENDENCY OF HIS APPLICATION?

Yes, a Patent may be granted to the executors or administrators of the invention

## MAY AN INVESTOR SELL OR TANSFER HIS RIGHTS OF HIS PATENT APPLICATION TO SOMEONE ELSE?

Yes. He may sell all or any part of his interest in his Patent by Deed of Assignment

## DOES JIPO HELP A PATENTEE TO PROSECUTE OTHERS IF THEY INFRINGE THE RIGHTS GRANTED BY THE PATENT?

No. If a Patent is infringed the owner may sue the infringer in court. It is the owner's responsibility to protect his rights.