

REVISED PRACTICE NOTICE
RE: TRADITIONAL KNOWLEDGE
AND TRADITIONAL CULTURAL EXPRESSIONS

1. The Public Policy

The Public Policy of the Government of Jamaica is to preserve and protect the traditional knowledge (TK) and traditional cultural expressions (TCEs) of Jamaica and of the indigenous, traditional and local communities in Jamaica. This policy is in keeping with Jamaica's CARICOM obligations under Article 66 of the Revised Treaty of Chaguaramas:

“Protection of Intellectual Property Rights

COTED shall promote the protection of intellectual property rights within the Community by, inter alia:

(c) the identification and establishment, by the Member States of mechanisms to ensure:

(ii) the preservation of indigenous Caribbean culture; and

(iii) the legal protection of the expressions of folklore, other traditional knowledge and national heritage, particularly of indigenous populations in the Community;”

2. JIPO Practice Notice dated April 30, 2012

The Jamaica Intellectual Property Office (JIPO) therefore issued a Practice Notice dated April 30, 2012 regarding the consideration and protection of TK and TCEs in the examination of applications received by JIPO for the registration of trade marks.

JIPO hereby revises said Practice Notice to inform and guide applicants that the said consideration and protection of TK and TCEs that currently applies to the examination of trade mark applications also applies to the examination of design and geographical indication applications. This Revised Practice Notice is therefore supplemental to and is to be read in conjunction with the Practice Notice dated April 30, 2012.

3. Examination of applications

All trade mark, design and geographical indication applications received by JIPO will be examined to determine *inter alia* whether they contain protected TK or TCEs, including traditional words, signs, symbols, designs, imagery, colours, styles, or shapes or their derivatives.

Applications for the registration of trade marks, designs and geographical indications which contain protected TK or TCEs, including traditional words, signs, symbols, designs, imagery, colours, styles, or shapes or their derivatives, will be refused, unless the applicant shows that he is sufficiently connected to or has the authorization from the relevant source community.

JIPO may request of the applicant any information, documentation or evidence as is reasonably required to aid the examination process.

This revised Practice Notice comes into force immediately.

Registrar of Industrial Property
Jamaica Intellectual Property Office
February 4, 2015