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**A COMPARATIVE ANALYSIS OF THE LEGAL ENFORCEMENT OF INTELLECTUAL  
PROPERTY OFFENCES IN BARBADOS AND TRINIDAD AND TOBAGO**

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\* The views expressed in the Study are those of the author and not necessarily those of the Secretariat or of the Member States of WIPO.

## INTRODUCTION

The increasing awareness of the importance of intellectual property to a nation's socio-economic development has led to the widespread implementation of legislation for the protection of intellectual rights.

Intellectual Property comprises two (2) main branches, namely:

- *Industrial Property* for inventions called patents, trade marks or service marks, integrated circuits, geographical indications, plant breeder's rights and industrial designs; and
- *Copyright for literary, musical, artistic, photographic and audiovisual works and related rights.*<sup>1</sup>

Intellectual property rights are subject to infringement in several ways, including piracy and counterfeiting. Piracy is the deliberate infringement of copyrighted material on a commercial scale without authorisation of the owner, and counterfeiting includes the duplication of copyrighted material that is packaged in a way that closely resembles the original, with the intention of misleading customers into thinking that they are buying the original product.<sup>2</sup> In an effort to combat the infringement of intellectual property rights, Barbados and Trinidad and Tobago have enacted several pieces of legislation which impose criminal sanctions for the violation and infringement of those rights. The relevant legislation in Barbados which make provision for the protection of these rights include:

- i. Patents Act, Cap 314;
- ii. Industrial Designs Act, Cap 309A;
- iii. Protection of New Plant Varieties Act, Cap 267;
- iv. Geographical Indications Act, Cap 320;
- v. Trade Marks Act, Cap 319;
- vi. Copyright, Cap 300.

Trinidad has similar legislation. These are:

- i. The Copyright Act, No. 8 of 1997;
- ii. The Trade Marks Act, Chap 82:81;
- iii. The Patents Act, No. 21 of 1996;
- iv. Industrial Designs Act, No. 18 of 1996.
- v. Protection of New Plant Varieties Act, No 7 of 1997;
- vi. Geographical Indications Act, No. 20 of 1996.

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<sup>1</sup> This definition was taken from the Barbados Corporate Affairs and Intellectual Property website. <http://www.caipo.gov.bb>

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## 1. THE SCOPE OF CRIMINALIZATION OF IP INFRINGEMENT (ESPECIALLY COUNTERFEITING AND PIRACY) AS DEFINED IN DIFFERENT JURISDICTIONS

- 1.1. Is it limited to trademarks and copyright?
- 1.2. Does it extend to e. g. patents and industrial designs?

In Barbados and Trinidad and Tobago, the relevant legislation is not confined to copyright and trademark protection, but also includes, industrial design, geographical indications and new plant varieties. It is important to note that unlike Barbados, there is no criminalization of infringement of patent rights in Trinidad and Tobago.

### 1.3 Are there any evidentiary problems in the definitions?

1. Under Barbados' *Patents Act*, s. 62 for the offence to be committed, knowledge must be established: "no person shall knowingly infringe any right vested in any other person under this Act. " This presents an evidential difficulty of establishing that the defendant knew that he/she was infringing a right under the act. A similar problem exists under s. 41 of the *Copyright Act* of Trinidad and Tobago which states:

"A person who commits an infringement of a right under this Act for profit-making purposes, knowing or having reason to believe that he is committing an offence is liable."

The prosecution is therefore faced with the problem of proving that the accused had the requisite knowledge or belief. The difficulty which arises is rooted in the fact that a person's knowledge is subjective.

2. The *Copyright Act* of Barbados, s. 46 provides that any person who at a time when a copyright exists in a work by virtue of the Act, distributes "otherwise than in the course of business to such an extent as to affect prejudicially the owner of the copyright" any article which he knows or has reason to believe is an infringing copy of the work, commits an offence. This definition is vague, as it is unclear what extent of distribution will amount to prejudicially affecting the owner of the copyright.

### 1.4 Commercial and non-commercial use: is the latter criminalized?

## THE BARBADOS POSITION

With the exception of the *Copyright Act*, non-commercial use is generally not criminalized. Under s. 6(1) of the *Patents Act*, the protected rights of a patent owner in respect of an invention do not include the following:

- The use of the invention for scientific research only;
- Any acts performed by any person who in good faith was using the invention before the date on which the patent is granted;

- The use of the articles on a foreign vessel, aircraft or vehicle of any kind, if the invention is used exclusively for the needs of the vessel, aircraft or vehicle.

As a result, use of the invention in any of these ways will not amount to a criminal offence.

Under the *Protection of New Plant Varieties Act*, Cap. 267, s. 48 criminal acts are limited to the offering for sale or marketing of propagating material (such as seeds, seedlings) of a new plant variety which is protected under the Act. Non-commercial use is not considered in the definition of the offence.

Section 46 (1) (d) of the *Copyright Act*, Cap 300, however, creates an offence, where a person distributes copyright material, other than in the course of business to such an extent as to affect prejudicially the owner of the copyright. This indicates that in this circumstance, the unauthorized non-commercial use of copyright material, may amount to a criminal offence.

Non-commercial use is not considered under the *Trademarks Act* Cap 319, nor under the *Geographical Indications Act* Cap. 320.

#### THE TRINIDAD AND TOBAGO POSITION

Trinidad and Tobago has only criminalized the commercial aspect of copyright infringement. This is seen in the *Copyright Act*, No. 8 of 1997, which clearly sets out what will constitute an infringement of copyright. Section 34 of the Act provides, in relation to secondary liability:

- Copyright in a work is infringed by a person who, without the authorisation of the owner of copyright –
  - (a) Possesses in the course of a business;
  - (b) Sells or lets for hire, or offers or exposes for sale or hire;
  - (c) In the course of a business exhibits in public or distributes; or
  - (d) Distributes otherwise than in the course of a business to such an extent as to affect prejudicially the owner of copyright,

an article, the making of which he knows or has reason to believe, constituted an infringement of copyright.

(2) Copyright in a work is infringed by a person who, without the authorisation of the owner of copyright –

- (a) Makes;
- (b) Imports into Trinidad and Tobago;
- (c) Possesses in the course of a business; or
- (d) Sells or lets for hire, or offers or exposes for sale or hire,

an article specifically designed or adapted for making copies of that work, knowing or having reason to believe that the making of those copies would constitute an infringement of copyright.

Pursuant to section 41 and 42 of the Copyright Act, No. 8 of 1997, a person or body corporate who commits an infringement of copyright may be held criminally liable. Section 41 (1) provides:

A person who commits an infringement of a right under this Act for profit-making purposes, knowing or having reason to believe that he is committing an offence is liable on summary conviction to a fine of one thousand dollars and to imprisonment for ten years.

These sections disclose certain key facts. Although, section 34 (1) (d) of the Act indicates that the distribution of copyright material, otherwise than in the course of a business constitutes copyright infringement, Section 41, which creates the criminal offence clearly states that a person will only be held criminally liable where the act of infringement is for profit-making purposes.

The fact that only commercial use is criminalized in Trinidad is also clear from the other IP Acts, such as the *Trademarks Act*, *The Protection of New Plant Varieties Act*, and the *Industrial Designs Act*.

#### TRADE MARKS ACT AND PROTECTION OF NEW PLANT VARIETIES ACT

The *Trade Marks Act, Chap 82:81* has been amended to include penal sanctions, for the unlawful reproduction and counterfeiting of Trade Marks. Like the Copyright Act, only the commercial aspect has been criminalized. Under this legislation, a person may be held criminally liable for manufacturing and selling goods which have counterfeit trademarks. Similarly, under the *Protection of New Plant Varieties Act*, a person will only be held criminally liable where a person willfully offers for sale or markets propagating material of a variety protected in Trinidad and Tobago. This Act therefore only criminalizes the commercial aspect of the infringement.

#### INDUSTRIAL DESIGNS ACT

Section 22 of the *Industrial Designs Act*, No 18 of 1996, makes it an offence to reproduce a registered industrial design, for commercial purposes, without the consent of the registered owner. These enactments clearly indicate that in Trinidad and Tobago only the commercial aspect of the infringement of the varying intellectual property rights has been criminalized.

#### 1.5 Is attempting, aiding and inciting counterfeiting and piracy criminalized?

Although in Barbados and Trinidad and Tobago provision has been made for the imposition of criminal sanctions for counterfeiting and piracy, there is no explicit provision, which criminalizes the attempting, aiding or incitement of counterfeiting and piracy. Notably, s. 42 of the *Copyright Act* of Trinidad and Tobago provides that where an officer in a body corporate causes another party to commit an act of infringement, that officer may also be held liable. Section 42 states:

“When an offence is committed under this part by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director manager, secretary or other similar officer of the body corporate of any person who is purporting to act in any such capacity, he, as well as the body corporate, is guilty of that offence and is liable to be proceeded against and punished accordingly.”

This seems to suggest that in this circumstance a party may be held criminally liable, where they aided or incited the copyright infringement.

### 3. JURISDICTION OF THE COURTS

#### THE BARBADOS POSITION

In Barbados, the legislation provides that the offences are tried at the summary level in the Magistrate’s Court. However some Acts also create indictable offences. The *Copyright Act* provides that certain offences under the Act are indictable, and will be tried in the High Court: s. 46(4). The *Trademarks Act* in s. 50A (5) also creates an indictable offence. The court is empowered by the various pieces of legislation to impose periods of imprisonment ranging from 6 months to 10 years. They can also impose fines ranging from \$10 000 to \$250 000 under the various Acts. While there are no IP specialized courts, there may be some justification for the establishment of such a court. In some circumstances, the prosecution of an offence may involve mechanical, chemical or other scientific analysis of a product that will require specialized knowledge. A magistrate whose jurisdiction is general may be unable to properly analyze the evidence that is before him. As a result, it may be necessary to consider the establishment of a specialized IP court.

#### THE TRINIDAD AND TOBAGO POSITION

A similar position to that taken in Barbados obtains in Trinidad and Tobago. With the exception of the *Trade Marks Act*, Chap 82:81 which provides for summary trial and trial on indictment, the Magistrates’ Court has jurisdiction to deal with intellectual property crimes under the other varying legislation. In all cases however, both the Magistrate and the Judge are empowered to institute fines and terms of imprisonment, where an accused is convicted under any of the Acts. Under Section 41 (3) of the *Copyright Act*, No. 8 of 1997, a Magistrate is given additional powers to double the fine or term of imprisonment where a defendant has been convicted for a new act of infringement within five years of a previous conviction for an infringement. However, there are no special courts which have been solely established for the purpose of dealing with intellectual property cases. In the absence of any empirical evidence it is difficult to say whether the establishment of a specialized court would be warranted. What is notable however is that a lack of qualified judges in the area of intellectual property law may prove to be a deterrent in establishing a specialized court. However, considering the growing incidences of piracy, as well as the increasing importance of intellectual property to the economic development of a country, it may be feasible to establish a specialized court on a limited scale.

### 4. REASONS FOR THE LACK OF INEFFECTIVE ENFORCEMENT OF IP RIGHTS

In both Barbados and Trinidad there is little statistical evidence as to ineffective enforcement of intellectual property rights. In practice it is generally recognized that there is

a backlog in the criminal system; so that in the absence of any special provision for the prosecution of IP crimes, it may be submitted that the prosecution of intellectual property crimes may be susceptible to similar delays. Consequently, in the absence of an effective joint policing effort between the police and the customs department, it is foreseeable that IP crimes may go unpunished, even though the relevant legislation exists to bring the matters before the court.

## 5. EVIDENTIARY PROBLEMS CONSIDERED

### 4.1 The input of rights holders

In Barbados and Trinidad and Tobago, the sections concerning the criminal prosecution of IP offences generally do not provide for any input by rights holders. Although it may be ideal, the absence of such input may not be detrimental to the prosecution's case, since intellectual property rights are registered rights. If the accused is not the registered owner or licensee of a particular right, the prosecution only need prove that the accused was aware or had the knowledge that the particular material was intellectual property.

### 4.2 The position if the rights holder does not lay a complaint or fails to assist

In Barbados and Trinidad and Tobago, the infringement offences generally do not require that the holder of the intellectual property right make a complaint or even assist for criminal proceedings to begin. It is important to note however, that under the Trinidad and Tobago Copyright legislation a person is liable to a term of imprisonment and a fine where he fails to give the police the required assistance for the investigation of the crime. Section 46 (1) (c) of the *Copyright Act*, No. 8 of 1997 provides that any person who:

“without reasonable excuse fails to give such police officer any other assistance which he may reasonably require to be given for the purpose of exercising powers or performing his duties is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for twelve months.”

It may therefore be submitted that this section may extend to a rights holder who may incur a criminal penalty if he fails to give the requisite assistance.

### 4.3 Proof of title: presumptions

## THE BARBADOS POSITION

In order for an offence to be committed, there must be infringement of a right which is vested in another person. As a result it is necessary to establish that the other person has title to the right. This is not difficult where registration is required for a right to exist. For instance, under the *Patents Act*, a patent is only given after an application is made in accordance with the provisions of the Act. Similarly, under the *Trademarks Act*, a trademark must be registered by application in order for infringement of a right to occur. Title is more difficult to establish in copyright cases, as there is no requirement of registration. As a result

the *Copyright Act* presumes, in the absence of evidence to the contrary, that the author of a protected work is the first owner of any copyright in the work: s. 22.

## THE TRINIDAD AND TOBAGO POSITION

With the exception of the *Copyright Act, No. 8 of 1997*, all other legislation dealing with intellectual property requires that rights holders register their intellectual property. Where the applicant's name is on the relevant register, this is considered *prima facie* proof of title. However, like Barbados, a rights holder under the *Copyright Act* of Trinidad and Tobago, will be presumed to be the owner of the copyrighted material, in the absence of any evidence to the contrary.

### 4.4 Proof of infringement: presumptions

In Barbados and Trinidad and Tobago, the legislation dealing with intellectual property offences do not create strict liability offences. Each offence under the varying Acts requires knowledge or intention to secure a successful conviction. To this end, a party will not be presumed to have committed an infringement, simply on the ground that they are found selling, displaying or in possession of illicit copies of intellectual property.

## 6. SENTENCING OPTIONS

### 5.1 What are the comparative prescribed sentencing levels?

## THE BARBADOS POSITION

As previously stated, in Barbados, the courts are empowered by the legislation to impose periods of imprisonment ranging from 6 months to 10 years. They can also impose fines ranging from \$10 000 to \$250 000 under the various Acts.

## THE TRINIDAD AND TOBAGO POSITION

The Trinidad and Tobago legislation appears to impose stiffer penalties. Although similar periods of imprisonment are imposed and the courts are empowered to institute fines ranging from \$8,000 to \$100,000; the fines and the term imprisonment seem to be imposed concurrently. For example section 66A (6) of the *Trade Marks Act*, Chap 82:81 provides that a person who commits an offence under this section is liable:

- (a) On summary conviction, to a fine of ten thousand dollars and to imprisonment for six months;
- (b) On conviction on indictment, to a fine of forty thousand dollars and to imprisonment for ten years.

### 5.2 Are there minimum sentences and if so, what effect do they have on enforcement, especially delaying tactics by the accused?

In Barbados, there are no minimum sentences. The legislation in Trinidad and Tobago only makes reference to the maximum penalty which may be imposed. However, a

Magistrate or a judge may be entitled to exercise this discretion and take into account the level of infringement before imposing a penalty.



5.3 Are there incentives for an accused to assist the prosecution?

In the Barbados and Trinidad legislation there is no provision for incentives where an accused person assists the prosecution.

5.4 Is it possible to prescribe sentencing guidelines, permitting courts under special circumstances to impose lesser sentences?

Under the Barbados *Penal System Reform Act*, Cap 139, sentencing guidelines are prescribed. Under s. 41, there are several guidelines which assist judges in sentencing generally. A lesser sentence may be imposed under special circumstances. For example, under s. 41, where a fine is imposed, the court in fixing the amount of the fine must take into account, among other relevant considerations, the means of the offender regardless of whether this will increase or decrease the amount of the fine. The court is at liberty under this section to decrease a fine if the offender is of little means. Under s. 35-38 of the Act, guidelines are also given for the imposition of custodial sentences.

5.5 Is there a maximum?

In Barbados, the legislation does not expressly stipulate that the sentences prescribed are maximum sentences. However, under the *Interpretation Act*, Cap. 001, s. 22(5), where an enactment provides a punishment for an offence against the enactment, the punishment for the offence cannot exceed the penalty provided. As a result, the Interpretation Act creates a maximum penalty although a fixed penalty was given in the enactment. With regard to Trinidad and Tobago, each piece of legislation outlines the maximum penalty where an accused commits a criminal offence under one of the varying Acts.

5.6 Are there circumstances defined that result in increased or additional sanctions depending on the seriousness of the cases of counterfeiting and piracy (e.g. links to organized crime, health risks)?

In Trinidad and Tobago, there are no criminal penalties imposed by the legislation, where the infringement of intellectual property on a commercial scale has been linked to organized crime or has created a health risk. The penal provisions in the varying Acts, merely deal with infringement on all levels.

5.7 Can legislation dealing with organized crime (such as asset forfeiture) be used in appropriate circumstances in this context?

In Trinidad and Tobago and Barbados, legislation such as the Trinidad *Proceeds of Crime Act*, Chap 11: 27, and the Barbados *Proceeds of Crime Act* Cap 143 and *Money Laundering and Financing of Terrorism (Prevention and Control)* Cap 129 would be ideal to deal with large scale, commercial intellectual property infringement. These Acts provide for the seizure of assets obtained through illegal activity. However, the legislation is confined to drug trafficking, tax evasion and money laundering offences. Amendment of the legislation to include for the seizure of assets obtained through piracy and counterfeiting would provide an additional deterrent for persons, who persist in violating intellectual property laws for private gain and profit.

5.8 How is criminal responsibility of legal entities dealt with, and which sanctions are available in that respect?

In Barbados, under the *Interpretation Act* s. 22(2), where an offence is committed by a body corporate the liability of whose members is limited, then notwithstanding and without prejudice to the liability of that body, any person who at the time of such commission was a director, general manager, secretary or other like officer is liable to be prosecuted as if he had personally committed the offence. If on trial, it is proved to the satisfaction of the court that he consented to, connived at or did not exercise reasonable diligence as he ought to have exercised in the circumstances to prevent the offence, he will be convicted and punished as if he had personally committed the offence. This provision applies to all the IP offences created by the various statutes in Barbados.

The Patents Act and the Copyright Act of Trinidad and Tobago contain provisions which impose criminal liability on a body corporate. In both Acts, the members of the body corporate, such as a director, secretary or any officer of the corporation are subject to a term of imprisonment and a fine where they commit or cause to be committed an act of infringement. However, the Patent Act also goes further to impose liability on the body corporate as well. Section 77 (1) of the Act provides:

“Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.”

Therefore where a member of a body corporate commits an offence, the offending officer may be convicted and sentenced to a term of imprisonment, while the body corporate may have to pay a fine.

5.9 Plea agreements (plea bargains) and out of court settlements of criminal cases

#### PLEA AGREEMENTS

Barbados has no legislative provision for plea agreements. However, there is provision for out-of court settlement of criminal cases under the *Penal System Reform Act*, s. 20-32. However, these provisions are limited. They are restricted to individuals who have been charged with any of a list of crimes stated in the Third Schedule to the Act. This Schedule does not list any IP offences. As a result, these mediation provisions are not applicable to any offences committed under IP legislation in Barbados.

Similarly, no provision for plea agreements has been made under the varying Trinidad and Tobago intellectual property legislation. However, under the *Criminal Procedure (Plea Discussion and Plea Agreement) Act, No. 11 of 1999*, an accused person has access to the facility of plea bargaining and may therefore seek to have the offence reduced to a lesser offence.

## CONCLUSION

In Barbados, apart from a few persons being arrested for selling pirated CDs in particular at Crop Over and Christmas times, no special attention appears to be given to these crimes. Piracy and counterfeiting offences must be punished and public attention to the issue of piracy and counterfeiting needs to be increased. There is a dearth of information regarding IP related prosecutions in Trinidad and this may be due to the fact that there appears to be a greater focus on what are believed to be more serious crimes, those being kidnappings and murders. IP crimes hurt not only the owner of the intellectual property but also do great damage to the economy. It is submitted that greater enforcement of IP rights is essential.

It is considered that the Advisory Committee on Enforcement might wish to examine the following reforms to enhance the effectiveness of the Criminal Sanctions regime:

1. Demand that IP related enforcement measures be included in all trade related agreements both bilaterally and multi-laterally like the Cotonou Agreement.
2. Considerations should be given to reverse onus for proof of IP related offences.
3. Loss of revenue from piracy and other IP related violations should be emphasized to countries.
4. Continued education to raise the profile of IP criminality especially among the judiciary, prosecution and law enforcement authorities.
5. IP related offences should be made extradition crimes.
6. Importers should be required to certify that goods entering countries conform to Rules of origin and are IP compliant. This would provide deterrence and confer some personal responsibility to reduce IP related offending.

[Annexes follow]

ANNEX I

PATENTS LEGISLATION

Antigua and Barbuda

- The Patents Bill of 2001
- Patents Act, Cap. 203, September 1906, as amended by 21-1921, S. R. O 22- 1956, 15-1961
- Registration of United Kingdom Patents Act, Cap. 204, April 1925

Bahamas

- Industrial Property Act 1965 No. 85, commenced June 1967
- Industrial Property (Amendment) Act No. 18, commenced September 1976

Barbados

- Patents Act 2001

Belize

- Patents Act 2000

Dominica

- Patents Act, 1999
- Patents Act, 1906, Cap. 78: 40

Grenada

- Patents Act, Cap. 227
- Registration of UK Patents Act, Cap. 283
- Registration of UK Patent Rules, Cap. 283

Guyana

- Patents and Designs Act No. 9/1937 (Cap. 90/03) of 1938, based on UK Patents Act of 1949
- Patents regulations (Reg. August 1937, 8/ 1951, O. 15/ 1970)

Jamaica

- Patent Act No. 30 of 1857
- Patent Amendment Act No 42, 1974
- Patent Amendment Act No 8, 1975
- (Draft Patents and Designs Act, 2001 under consideration)

St. Kitts and Nevis

- Registration of UK Patents Act of 1925, cap. 190 as last amended in 1956 with Registration of UK patent rules, SRO (LI) 14/1927
- Patent Act, Cap. 189, 3/1906, 21/1921, SRO 19/1956, 26/1961
- Patents (Public Officers) Regulations of 1933, SRO (LI) 15/1933
- United Kingdom Designs (Protection) Act of 1930, Cap. 193, as last amended in 1956

St. Lucia

- Patents Act 2001
- Commercial Code, Cap. 244, Title 10, Patents, Designs and Trade marks of 1957  
Laws of St. Lucia
- Commercial Code Rules, Patents, Designs and Trade Marks of 1991

St. Vincent and the Grenadines

- Patents Act, Cap. 110, revised laws, June 1950
- Registration of United Kingdom Patent Act, Cap. 112, Revised Laws, September 1990

Trinidad and Tobago

- Patent Act, 1996
- Patent Rules, 1996

[Annex II follows]

ANNEX II

TRADE MARKS LEGISLATION

Antigua and Barbuda

- The Trade Marks Bill 2001
- Chapter 332, the Trademarks Ordinance (revised) effective December 31, 1961
- Trade Marks Act, cap. 206 December 1887, 11-1887, S. R. O 22 – 1956
- Registration of United Kingdom Trade marks Act, Cap 205, S. R. P 22 – 1956

Bahamas

- The Trade Marks Act No. 6 of 1906, No. 57 of 1959, No. 172 of 1964, no 46 of 1964 (see further amendments)

Barbados

- Trade Marks Act, December 21, 1981, as amended by the Intellectual Property (Amendment) Act 1984
- Trade Marks Regulations 1984
- Trade Marks (Amendment) Act, 2001

Belize

- Trade Marks Act (Cap. 257 of the Substantive Laws of Belize) 2000
- Trade Marks Act (Commencement) Order, 2001 9 Statutory Instrument No. 7 of 2001
- Trade Marks Rules, 2001 (Statutory Instrument No. 8 of 2001)

Dominica

- Marks, Collective Marks and Trade Names Act No. 12, 1999
- Trade Marks Ordinance, Cap. 78: 42 (revised laws of Dominica, December 1990)
- Merchandise Marks Act, Cap. 78: 47 (revised laws of Dominica)
- Registration of the United Kingdom Trade Marks Act, Cap. 78: 44 (revised laws of Dominica, 1990)
- Trade Mark Rules No. 1, August 1937 (subsidiary legislation cap. 78: 42)
- Registration of United Kingdom Trade Marks Rules, December 1947 (Subsidiary legislation contained in cap. 78: 44)

Grenada

- Registration of United Kingdom Trade Marks Act, Cap. 284
- Registration of United Kingdom Trade Marks Rules, Cap. 284
- Trade Marks- Ordinance No. 6, effective April 12, 1939
- Trade Marks Rules of October 12, 1939

Guyana

- Trade Marks Act No. 67 of 1952 (cap. 90/01) as last amended in 1972, based on the United Kingdom Trade Marks Act 1938
- Merchandise Marks Act (cap 90: 04)
- Trade Marks Rules (R. 1/1955), amended in 1972

Jamaica

- Trade Marks Act No. 32 of 1999
- Trade Marks Rules, 2001

St. Kitts and Nevis

- Trade Marks Act 1887, Cap. 192, as last amended in 1956
- Trade marks rules, SRO 17/1937 ,SRO 14/ 1957, SRO 21/ 1958

St. Lucia

- UK Rules on trade Marks of 1986
- Trade Marks Act, 2001
- Draft Trade Marks Regulations under consideration

St. Vincent and the Grenadines

- Merchandise Marks Act, Cap. 106, Revised laws, April 1990
- Registration of United Kingdom Trade Marks Act, cap 113, Revised laws, 1990

Trinidad and Tobago

- Trade Marks Act No. 11 (Cap. 82: 81), 1995
- Trade Marks (Amendment) Act No. 17/ 1994, September 1994
- Trade Marks (Amendment) Rules No. 198/ 1994, October 1994, further amended 1997
- Trade Marks Amendment Acts Nos. 25 and 31, August 1996 and September 1997

[End of Annex II and of document]