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ATTORNEY-GENERAL'S CHAMBERS  
GOVERNMENT OF SAINT LUCIA



WORLD INTELLECTUAL  
PROPERTY ORGANIZATION

## **WIPO REGIONAL MEETING OF HEADS OF INTELLECTUAL PROPERTY OFFICES OF THE CARIBBEAN COUNTRIES**

organized by  
the World Intellectual Property Organization (WIPO)  
in cooperation with  
the Government of Saint Lucia

**Gros Islet (Saint Lucia), October 10 and 11, 2000**

FINAL REPORT

*Adopted by the Meeting*

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## I. INTRODUCTION

1. The Fourth Meeting of the World Intellectual Property Organization (WIPO) Heads of Intellectual Property Offices for Caribbean countries organized in cooperation with the Attorney General's Chambers of Saint Lucia was held on October 10 & 11, 2000, at the Royal Saint Lucian Hotel in Gros Islet, Saint Lucia.

## II. PARTICIPANTS

2. The Governments of Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago were invited to the Meeting. The Governments of all the above named countries, with the exception of Guyana and Haiti were represented.

3. The Caribbean Community (CARICOM) Secretariat, the Organization of Eastern Caribbean States (OECS) and the University of the West Indies (UWI) were also invited to the Meeting in an observer capacity. Only the UWI was not represented.

4. The Chairman of the Regional Committee on Intellectual Property and Electronic Commerce, Ms. Nicole Foga, was also invited to deliver a report on the work and recommendations of that Committee.

5. The List of Participants is given in Annex I of this Report.

## III. OPENING OF THE MEETING

6. The Meeting of Heads of Intellectual Property Offices was officially opened on October 10, 2000, with an address by Mr. Ernesto Rubio, Director, Cooperation for Development Bureau for Latin America and the Caribbean, on behalf of Dr. Kamil Idris, Director General of the World Intellectual Property Organization (WIPO). Mrs. Kimberly Cenac-Phulgence represented the Government of Saint Lucia and apologies were tendered for Senator Petrus Compton, the Honourable Attorney General of Saint Lucia.

## IV. ELECTION OF THE CHAIRPERSON OF THE MEETING AND ADOPTION OF THE AGENDA

7. After the opening remarks the delegates unanimously elected Mrs. Kimberly Cenac-Phulgence of Saint Lucia Chairman of the Meeting. The Chairman then outlined the agenda proposed in document WIPO/HIP/CAT/00/1 Rev., which was adopted with amendments. The agenda adopted by the Meeting is contained in Annex II.

V. REPORT ON WIPO'S COOPERATION FOR DEVELOPMENT PROGRAM ON INTELLECTUAL PROPERTY FOR THE CARIBBEAN COUNTRIES

8. Mr. Alejandro Roca Campaña, Director-Advisor, Cooperation for Development Bureau for Latin America and the Caribbean, presented the Report on WIPO's Cooperation for Development Program on Intellectual Property for the Caribbean countries. The Report contained in document WIPO/HIP/00/2 was circulated at the meeting.

VI. PRESENTATION OF COUNTRY REPORTS ON THE SITUATION OF INTELLECTUAL PROPERTY IN THE CARIBBEAN COUNTRIES

9. All the countries represented delivered reports focusing on developments over the past year. The reports outlined: the national legislative framework for intellectual property; compliance of existing legislation with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS); draft legislation for compliance with the TRIPS Agreement; intellectual property administration, including competent authorities, staffing, training needs, automation and the use of information technologies; the promotion of intellectual property and innovation promotion activities as well as activities related to the modernization of the technical and administrative infrastructure of the Intellectual Property Offices.

VII. REPORT ON THE WORK UNDERTAKEN BY THE WIPO REGIONAL COMMITTEE ON ELECTRONIC COMMERCE AND INTELLECTUAL PROPERTY

10. The Chairman of the WIPO Regional Committee on Electronic Commerce and Intellectual Property reported on the work of that Committee. The Report and the recommendations contained therein were endorsed by the Meeting and tabled for presentation to the Caribbean Ministers responsible for Intellectual Property.

VIII. REPORT ON COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS

11. Mr. Patrick Masouyé, Deputy Director, Copyright Collective Management Division of WIPO, and Mr. Paul Berry, WIPO Consultant, made a visual presentation and reported on the progress made since the second Ministerial Level Meeting held in Montego Bay, Jamaica in 1999, to implement the Regional System of Collective Management of Copyright and Related Rights in the Caribbean. Messrs. Masouyé and Berry also reported on the decisions taken by the Regional Committee on the Collective Management of Copyright and Related Rights at their meetings held in Trinidad and Tobago and in Bahamas.

IX. GENERAL DEBATE ON REGIONAL COOPERATION:  
GENERAL ORIENTATIONS FOR WIPO'S COOPERATION FOR DEVELOPMENT  
PROGRAM ON INTELLECTUAL PROPERTY  
FOR THE CARIBBEAN REGION FOR THE YEAR 2001

A. Automation of Intellectual Property Offices

12. The Delegates expressed the urgent need for the full automation of the IPOs in their respective countries to enable those offices to discharge their statutory functions more efficiently and to provide Intellectual Property related services to end users fully benefiting from the use of new information technologies.

13. In order to achieve this result it was recommended that a new intellectual property information system be developed specifically for the English-speaking Caribbean countries—taking into account their particular needs, and considering future services to be provided in the framework of the WIPONET. It was also considered that the Intellectual Property Offices needed to be staffed with information technology personnel to deal with the establishment, management and maintenance of the information systems utilized by the Offices ensuring the accessibility of information to end users.

14. It was recommended that a small group of regional experts from the Intellectual Property Offices should work closely with WIPO in the design, validation and training phases of the project for the development of the new information system.

15. The Delegates also pointed out that this project should take into consideration the fact that certain governments are developing an E-Government agenda, and that this project should ensure that the automation of the Intellectual Property Offices be integrated with those government plans to enable interoperability and avoid duplication of resources.

16. During the discussions reference was made to the experience of different countries in terms of the application of particular platforms in the operation of the Intellectual Property Offices. The experience of the Canadian Intellectual Property Office, the Intellectual Property Office of Ireland and the United Kingdom Patent and Trademark Office were mentioned as examples relevant for the region's Intellectual Property Offices.

17. The Delegates took note of the fact that the WIPONET project, as originally formulated, had been revised in its architecture, implementation and deployment strategies; and that most of the Caribbean countries were to be included amongst those that would receive the WIPONET connectivity package during 2001.

B. Public education and training

18. The importance of broadening and strengthening efforts for the development and execution of public awareness and public education programs in Intellectual Property was highlighted and discussed extensively. The Meeting agreed that in addition to the Minister's Resolution on Specialized Training taken at the last Ministerial Level Meeting, public education of teachers at the primary and tertiary levels is now critical.

19. Note was taken of the fact that WIPO has advanced discussions with St Augustine, Cave Hill and Mona Campuses of the UWI on various initiatives including innovation promotion, distance learning and the teaching of Intellectual Property Law and disciplines. Suriname requested that WIPO begin similar consultations with its tertiary institutions.

20. The Heads outlined the need to continue training in the area of trademarks, specifically for Caribbean countries.

21. It was agreed that WIPO should assist countries with intra-regional study visits and short-term attachments to Intellectual Property Offices, within and outside of the Region, where necessary.

C. High-level study visit

22. Noting that a few Caribbean Ministers responsible for Intellectual Property were new to this portfolio it was felt that the countries would benefit greatly from a high-level study visit of these Ministers to the WIPO Headquarters in Geneva to meet with the Director General and other key officials in WIPO. The meeting also agreed that it would be useful if two Ministers with experience in the Intellectual Property portfolio also joined in the high-level mission to Geneva.

D. Enforcement and Anti-Piracy initiatives

23. Enforcement was also considered an area of high priority that needed immediate attention and it was agreed that discussions would be held between Trinidad and Tobago and WIPO concerning the possibility of converting Trinidad and Tobago's national seminar into a Regional Seminar.

24. It was also highlighted that Jamaica and Trinidad and Tobago were pursuing WIPO organized programs on Anti-Piracy and that the other Caribbean countries were also interested in having fact finding missions and other expert assistance from WIPO to initiate discussions in their countries on this subject.

E. Collective management of copyright and related rights

25. The Meeting noted the presentation by Messrs. Masouyé and Berry outlining the progress in the implementation of the Regional System for the Collective Management of Copyright and Related Rights and expressed appreciation for the work that had been done by WIPO in this area. The meeting further noted that a report by the Chairman of the Regional Committee would be delivered directly to the Ministers responsible for Intellectual Property.

F. Compulsory licenses

26. It was noted at the meeting that countries were concerned with the resistance of large industries to the implementation of Compulsory Licensing in the area of Copyright and Related Rights, particularly in the Cable Distribution and Broadcasting Industries. WIPO was requested to note this concern, and to further enhance its legal assistance to the Caribbean countries.

G. Unfair competition

27. The meeting highlighted the need for work to be done for the Caribbean countries on issues regarding competition policy as it relates to Intellectual Property Rights and in particular obligations under the TRIPS Agreement.

H. Other issues

28. The meeting noted that Internet broadcasts should be utilized by the Intellectual Property Offices in the region wherever possible to allow greater collaboration and reduce costs for regional consultations. WIPO was asked to integrate the use of Internet broadcasts in its seminars and training programs in the region.

29. The meeting also agreed that collaboration between local private sector and international Intellectual Property stakeholders should be encouraged and facilitated and that more assistance be given by WIPO to Caribbean countries for projects and programs which support Small and Medium Size Enterprises and Cottage Industries.

After further discussion the meeting agreed to make the following recommendations to the Ministers with responsibility for Intellectual Property.

X. RECOMMENDATIONS TO THE MINISTERS WITH RESPONSIBILITY FOR  
INTELLECTUAL PROPERTY

The Heads of the Intellectual Property Offices in the Caribbean recommend, for the consideration and approval of the Ministers, that:

1. The Ministers, further to their resolution passed in Montego Bay, Jamaica, in June 1999, for collaboration with WIPO in assisting in the automation of the Intellectual Property Offices, request that WIPO launch a Regional Information Systems Development Project for the full automation of the Intellectual Property Offices including the operational procedures within the Intellectual Property Offices and that a Group of Caribbean Experts drawn from the Intellectual Property Offices be formed to work with WIPO in this regard commencing early 2001.

2. The Ministers, further to their resolution passed in Montego Bay, Jamaica in 1999, for the convening of a WIPO Regional Meeting on Folklore, Traditional Knowledge and Innovations in Trinidad and Tobago, and further to this meeting, ask WIPO to organize the Regional Consultation on Folklore and Traditional Knowledge to be held in the first half of 2001.
3. The Ministers ask WIPO to support a Regional Workshop on Intellectual Property and Competition Policy issues arising out of the TRIPS Agreement to be held in the first quarter of 2001 in Jamaica.
4. The Ministers ask WIPO to commence regional consultations on Intellectual Property and rights related to broadcasting and cable programming industries and in the event that a meeting is organized for this purpose, Jamaica host the meeting in 2001.
5. The Ministers support and request that WIPO endorse the recommendations of the Regional Committee on E-Commerce and Intellectual Property as contained in the Report of the Chairman of the Committee outlined in document WIPO/MIN/CAT/00/2 including recommendations of the first and second meeting of the Committee.
6. The Ministers support and request from WIPO increased collaboration with the Intellectual Property Offices in the area of public education.
7. The Ministers request that WIPO collaborate with the CARICOM Secretariat in the provision of experts for a CARICOM Regional Workshop on the preparation of drafting instructions and the drafting of Intellectual Property Legislation compliant with the TRIPS Agreement.
8. The Ministers request that WIPO support and organize Intra-regional Study Visits and short-term attachments to Caribbean Intellectual Property Offices as well as International Intellectual Property Offices.
9. The Ministers request that WIPO organize a Study Visit to WIPO for Caribbean Ministers who have recently assumed responsibility for Intellectual Property, accompanied by at least two selected Ministers having experience with the Intellectual Property portfolio and WIPO.
10. The Ministers request that the Regional Training Course on Trademarks for Caribbean countries be continued on an annual basis and that the next Training Course be hosted by Saint Lucia with the assistance of WIPO in the second half of 2001.



11. The Ministers should note the WIPO Report on the Regional System for Collective Management of Copyright and Related Rights for Caribbean countries outlined in document WIPO/HIP/CAT/00/5 and that the Report indicates that work has begun and is to continue towards the full implementation of the system and that their support for WIPO to allocate funding to this project is critical to the full implementation of the Project.

[Annex I follows]

ANNEX I

LIST OF PARTICIPANTS

I. STATES

ANTIGUA AND BARBUDA

Laurie FREELAND-ROBERTS (Mrs.), Deputy Registrar (Responsible for Intellectual Property), High Court of Antigua and Barbuda, St. John's

BAHAMAS

Sterling R.L. QUANT, Registrar General, Registrar General's Department, Nassau

BARBADOS

Maureen CRANE-SCOTT (Mrs.), Registrar, Corporate Affairs and Intellectual Property Office, Ministry of Industry and International Business, St. Michael

BELIZE

Elston KASEKE, Chief Parliamentary Counsel, Attorney General's Ministry, Belmopan

DOMINICA

Evelina BAPTISTE (Miss), Registrar, Ministry of Legal Affairs, Roseau

GRENADA

Sheila HARRIS (Ms.), Deputy Registrar, Supreme Court, Ministry of Legal Affairs and Local Government, St. George's

JAMAICA

Dianne DALEY (Miss), Special Advisor on Intellectual Property to the Minister of Industry, Commerce and Technology, Ministry of Industry, Commerce and Technology, Kingston

Kayanne TAYLOR (Miss), Representative from the Office of the Prime Minister, Government of Jamaica, Kingston

SAINT KITTS AND NEVIS

Allison Arlene RICHARDSON (Miss), Crown Counsel, Attorney General's Chambers,  
Basseterre

SAINT LUCIA

Kimberly A. CENAC-PHULGENCE (Mrs.), Registrar, Registry of Companies and  
Intellectual Property, Castries

SAINT VINCENT AND THE GRENADINES

Alison SAMUEL (Ms.), Deputy Registrar, Registry Department, Attorney General Chambers,  
Ministry of Justice, Kingstown

SURINAME

Yvonne ROEPLAL-SOERATRAM (Mrs.), Head Registrar, Intellectual Property Office,  
Ministry of Justice and Police, Paramaribo

TRINIDAD AND TOBAGO

Mazina KADIR (Ms.), Controller (Ag.), Intellectual Property Office, Registrar General's  
Department, Port of Spain

II. INTER-GOVERNMENTAL ORGANIZATIONS

CARIBBEAN COMMUNITY (CARICOM) SECRETARIAT

Michelle WALKER (Ms.), Senior Legal Officer, Legal and Institutional Development  
Division, Georgetown, Guyana

ORGANISATION OF EASTERN CARIBBEAN STATES (OECS)

Philip LA CORBINIERE, Legal Counsel, OECS Secretariat, Castries, Saint Lucia

Andrew O. SATNEY, Senior External Relations Officer, OECS Secretariat, Castries,  
Saint Lucia

Virgina PAUL (Miss), Single Market Officer, OECS Secretariat, Castries, Saint Lucia

III. REGIONAL COMMITTEE ON ELECTRONIC COMMERCE AND  
INTELLECTUAL PROPERTY

Nicole FOGA (Ms.), Chairman, Kingston, Jamaica

IV. INTERNATIONAL BUREAU OF THE WORLD INTELLECTUAL  
PROPERTY ORGANIZATION (WIPO)

Ernesto RUBIO, Director, Cooperation for Development Bureau for Latin America and the Caribbean

Alejandro ROCA CAMPAÑÁ, Director-Advisor, Cooperation for Development Bureau for Latin America and the Caribbean

Patrick MASOUYÉ, Deputy Director, Copyright Collective Management Division

Ibrahima THIAM, WIPO Consultant, Geneva, Switzerland

Paul BERRY, WIPO Consultant, Ecully, France

[Annex II follows]

ANNEX II

AGENDA

Tuesday, October 10, 2000

9.00 Opening Ceremony

Address by Mr. Ernesto Rubio, Director, Cooperation for Development Bureau for Latin America and the Caribbean, WIPO

Address by The Honorable Mr. Petrus Compton, Attorney General, Attorney General's Chambers of Saint Lucia

9.30 Election of the Chairperson of the Meeting and adoption of the Draft Agenda

9.45 Report on WIPO's Cooperation for Development Program on Intellectual Property for the Caribbean Countries

10.30 Coffee break

10.45 Presentation of Country Reports on the Situation of Intellectual Property in the Caribbean Countries: Update by Intellectual Property Offices on developments in the period 1999-2000

A. Legal Framework of Intellectual Property in the Caribbean and its Application

B. Intellectual Property Administration: General Organization, Management and Procedural Operations

C. Use of Information Technologies: Automation of Operations

D. Training of Human Resources

Presentation of National Reports of the following Countries

11.00 - Antigua and Barbuda

11.15 - Bahamas

11.30 - Barbados

11.45 - Belize

12.00 - Dominica

12.30 Lunch break

Tuesday, October 10, 2000 (cont'd)

Presentation of National Reports of the following Countries (cont'd)

- 14.30 - Grenada  
14.45 - Guyana  
15.00 - Haiti  
15.15 - Jamaica  
15.30 - Saint Kitts and Nevis  
15.45 - Saint Lucia  
16.00 - Saint Vincent and the Grenadines  
16.15 - Suriname  
16.30 - Trinidad and Tobago
- 16.45 Coffee break
- 17.00 General Debate
- 17.30 Reports on the work undertaken by WIPO Regional Committees on Electronic Commerce and on Collective Management of Copyright and Neighboring Rights
- 18.30 End of Session

Wednesday, October 11, 2000

- 9.00 Regional Cooperation: General Orientations for WIPO's Cooperation for Development Program on Intellectual Property for the Caribbean Region for the Year 2001. General Debate.
- A. Automation of Intellectual Property Offices
  - B. Public education and training
  - C. High-level study visit
  - D. Enforcement and Anti-Piracy initiatives
  - E. Collective management of copyright and related rights
  - F. Compulsory licenses
  - G. Unfair competition
  - H. Other issues
- 10.30 Coffee break

Wednesday, October 11, 2000 (cont'd)

- 11.00 Regional Cooperation: General Orientations for WIPO's Cooperation for Development Program on Intellectual Property for the Caribbean Region for the Year 2001. General Debate (cont'd).
- 13.00 Lunch break
- 14.30 Preparation of the Draft Report
- 16.00 Adoption of Conclusions and Recommendations
- 17.30 Adoption of the Final Report
- 18.00 Closing Ceremony

[End of Annex II and of document]