

WIPO/MIN/CAT/00/3
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WIPO MINISTERIAL LEVEL MEETING ON INTELLECTUAL PROPERTY FOR CARIBBEAN COUNTRIES

organized by
the World Intellectual Property Organization (WIPO)
and
the Government of Saint Lucia

Gros Islet (Saint Lucia), October 12 and 13, 2000

FINAL REPORT

Adopted by the Meeting

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A. INTRODUCTION

1. The World Intellectual Property Organisation (WIPO) Third Ministerial Level Meeting on Intellectual Property for Caribbean Countries, organized in cooperation with the Attorney General's Chambers, Government of Saint Lucia, was held at the Royal Saint Lucian Hotel, Gros Islet on October 12 and 13, 2000.

B. 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 those countries with the exception of Belize and Guyana were represented.
- 3. Also invited to the Meeting were the Caribbean Community (CARICOM) Secretariat, the Organisation of Eastern Caribbean States (OECS), the University of the West Indies (UWI). CARICOM and the Organisation of Eastern Caribbean States (OECS) were represented.
- 4. The List of Participants is given in Annex I of this Report.

C. OPENING OF THE MEETING

- 5. The official opening of the Meeting was held on October 12, 2000, at the Royal St. Lucian Hotel, Gros Islet, Saint Lucia. After opening remarks by Mrs. Kimberly Cenac-Phulgence, Registrar of Companies and Intellectual Property, Saint Lucia, an address was given by Mr. Roberto Castelo, Deputy Director General, World Intellectual Property Organization (WIPO) on behalf of Dr. Kamil Idris, Director General, WIPO.
- 6. Remarks were delivered by The Honorable Phillip Paulwell, Minister of Industry, Commerce and Technology of Jamaica, Chairman of the WIPO Ministerial Meeting, 1999.
- 7. The feature address was given by The Honorable Petrus Compton, Attorney General and Minister of the Public Service of Saint Lucia.

D. ELECTION OF A CHAIRPERSON

8. The Honorable Petrus Compton, Attorney General and Minister of the Public Service of Saint Lucia, was unanimously elected as Chairman of the Meeting.

E. ADOPTION OF AGENDA

- 9. The Chairman made opening remarks and proposed some changes to the Agenda in terms of the order of the items. The Agenda was adopted by the meeting subject to the changes.
- 10. The Agenda is given in Annex II of this Report.

F. DOCUMENTATION

- 11. The List of Documents is contained in Annex III.
 - G. THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)
 TOWARDS THE NEW MILLENIUM: PRIORITIES IN THE AREA
 OF COOPERATION FOR DEVELOPMENT
- 12. Mr. Roberto Castelo, Deputy Director General of WIPO, was invited to address the Meeting. Mr. Castelo conveyed greetings from Dr. Kamil Idris, Director General of WIPO and spoke on WIPO's vision for the new millennium highlighting priorities. Mr. Castelo reiterated that the agenda of the Caribbean Countries coincided with the agenda of WIPO on issues which are relevant to the development of intellectual property in the international context.

H. WIPO AND ITS PROGRAM OF COOPERATION FOR DEVELOPMENT FOR THE CARIBBEAN COUNTRIES

13. Mr. Ernesto Rubio, Director, Cooperation for Development Bureau for Latin America and the Caribbean, addressed the Meeting on WIPO and its Program of Cooperation for Development for the Caribbean Countries and made reference to a written document—WIPO/HIP/CAT/00/2—which was circulated at the Meeting of Heads of Intellectual Property Offices of Caribbean Countries. Mr. Rubio highlighted the various cooperation activities and regional meetings organized by WIPO for Caribbean Countries during the period July 1999, to September 2000.

I. PRESENTATION OF THE WIPO REGIONAL COMMITTEE ON ELECTRONIC COMMERCE AND INTELLECTUAL PROPERTY

14. Ms. Nicole Foga, Chairman, Regional Committee on Electronic Commerce and Intellectual Property presented to the Ministers a report on the work and recommendations of the Committee. The Ministers were invited to consider the recommendations for adoption. The Report was circulated at the Meeting.

J. PRESENTATION OF THE FIRST BOARD MEETING OF THE CARIBBEAN COPYRIGHT LINK (CCL)

15. Ms. Alison Demas, Chairman of the Caribbean Copyright Link (CCL), made a visual presentation to the Ministers on the decisions of the Regional Committee on Collective Management of Copyright and Related Rights and the establishment of the Caribbean Copyright Link. Ms. Demas invited the Minister's continued support of the work and indicated that some form of accountability by the CCL to the Governments would be recommended. The presentation on the CCL was circulated at the Meeting.

K. PRESENTATION OF RECOMMENDATIONS FROM THE MEETING OF THE HEADS OF INTELLECTUAL PROPERTY OFFICES FOR CARIBBEAN COUNTRIES

16. Mrs. Kimberly Cenac-Phulgence, Registrar, Registry of Companies and Intellectual Property of Saint Lucia, and Chair of the Meeting of the Heads of Intellectual Property Offices for Caribbean Countries organized by WIPO and held on October 10 and 11, 2000, was invited to make a presentation on the recommendations from the Meeting of the Heads of Intellectual Property Offices. Mrs. Cenac-Phulgence summarized the discussions and put forward the recommendations, which the Ministers were invited to consider for adoption. The Report of the Meeting of Heads of Intellectual Property Offices of the Caribbean was circulated at the Meeting.

L. THE DEVELOPMENT OF INTELLECTUAL PROPERTY IN THE CARIBBEAN: PROPOSALS FOR ACTION – MINISTERIAL STATEMENTS

17. The Chairman indicated that prepared Ministerial Statements which were tabled at the Meeting would be taken as read and the Ministers present as well as officials representing Ministers not present, were invited to make brief Statements.

M. RESOLUTIONS OF THE MINISTERIAL-LEVEL MEETING FOR CARIBBEAN MINISTERS RESPONSIBLE FOR INTELLECTUAL PROPERTY

18. The WIPO Ministerial Level-Meeting on Intellectual Property for Caribbean Countries, held on October 12 and 13, 2000, in Gros Islet, Saint Lucia, having considered the Recommendations made by the Heads of Intellectual Property Offices, the Chairman of the Regional Committee on Electronic Commerce and Intellectual Property, the Chairman of the Caribbean Copyright Link, as well as other issues arising from the Meeting, adopted the following Resolutions.

N. RESOLUTIONS OF CARIBBEAN MINISTERS RESPONSIBLE FOR INTELLECTUAL PROPERTY

I

RESOLUTION ON THE AUTOMATION OF THE INTELLECTUAL PROPERTY OFFICES OF THE CARIBBEAN COUNTRIES

WHEREAS at the Second Ministerial Level Meeting on Intellectual Property for Caribbean Countries held in Montego Bay, on June 10 and 11, 1999, Caribbean Ministers requested assistance from WIPO for the development of Intellectual Property Offices in general and for the automation of Intellectual Property Offices in particular

AND WHEREAS this Third Ministerial Level Meeting on Intellectual Property for Caribbean Countries held in Gros Islet, Saint Lucia, October 12 and 13, 2000, notes:

- (a) the need for full automation of the Intellectual Property Offices of Caribbean countries to enable those Offices to discharge their statutory functions more efficiently;
- (b) the urgent need for the development of a new intellectual property information system developed specifically for the Caribbean Intellectual Property Offices, taking into account their particular needs, and considering future services to be provided in the framework of the WIPONET;

BE IT RESOLVED that Ministers request WIPO to identify funds in its budget for the current biennium to assist the Caribbean Countries with the development of a new intellectual property information system for these countries.

BE IT FURTHER RESOLVED that Ministers request that WIPO include in its Cooperation for Development Program for the Caribbean, the launch of a Regional Information System Development Project for the full automation of the Intellectual Property Offices; including automation of the operational procedures within Intellectual Property Offices to enable the Intellectual Property Offices to provide intellectual property related services to end users, fully benefiting from the use of new information technologies and from the implementation and deployment of the WIPO Global Information Network.

AND BE IT RESOLVED that a small group of Caribbean experts with appropriate skills be formed to work closely with WIPO in the design, validation and training strategy for the project for development of the new information system, and that WIPO secure funding to facilitate the work of this group.

II

RESOLUTION ON THE ADOPTION OF THE RECOMMENDATIONS OF THE REGIONAL COMMITTEE ON ELECTRONIC COMMERCE AND INTELLECTUAL PROPERTY FOR THE CARIBBEAN

WHEREAS the Ministers at the WIPO Ministerial Level Meeting on Intellectual Property for Caribbean Countries held in Montego Bay, Jamaica, on June 10 and 11, 1999, established a Regional Committee on Electronic Commerce & Intellectual Property, chaired by Jamaica

AND WHEREAS the Ministers at the WIPO Ministerial-Level Meeting on Intellectual Property for Caribbean Countries held in Gros Islet, Saint Lucia, on October 12 and 13, 2000, considered a Report of the Regional Committee on Electronic Commerce & Intellectual Property

AND WHEREAS the Ministers have examined the Recommendations contained in the Report of the Regional Committee and have concluded that:

- (a) the Recommendations are relevant to the needs of countries in the Caribbean Region, and
- (b) there is the urgent need for further regional cooperation on the increasingly converging areas of Intellectual Property and Electronic Commerce

BE IT RESOLVED that the recommendations of the Regional Committee be endorsed, and that the mandate of the Regional Committee be expanded to address intellectual property issues that are being created or affected by the global digital revolution.

BE IT FURTHER RESOLVED that the Regional Committee collaborates with WIPO in the implementation of the WIPO Digital Agenda in the Caribbean context.

AND BE IT RESOLVED that in order to ensure the continued work of the Regional Committee a secretariat, hosted by the Chair of the Regional Committee be established and that the Ministers request WIPO to identify funds in its budget for the current biennium to facilitate the continued work and meetings of the Regional Committee and assist with the computerization and capacity building of the secretariat.

Ш

RESOLUTION ON THE ESTABLISHMENT OF A REGIONAL SYSTEM FOR COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS

WHEREAS at the Second Ministerial Level Meeting on Intellectual Property for Caribbean Countries held in Montego Bay, Jamaica, on June 10 and 11, 1999, Caribbean Ministers requested the assistance of WIPO in the creation of a regional system for collective management of copyright and related rights

AND WHEREAS this Third Ministerial-Level Meeting on Intellectual Property for Caribbean Countries held in Gros Islet, Saint Lucia, on October 12 and 13, 2000, notes:

- (a) the progress made in the development and implementation of the regional system for collective management of copyright and related rights for the Caribbean region in keeping with the recommendations made at the Second Ministerial Meeting on Intellectual Property for Caribbean Countries held in Montego Bay;
- (b) the establishment of the regional data base center, named Caribbean Copyright Link (CCL);

BE IT RESOLVED that Ministers request that:

- (1) WIPO continue to provide assistance for the completion of the installation and operation of the hardware and software components for the regional system of collective management of copyright and related rights;
- (2) WIPO continue to assist countries of the region to set up national collecting societies where there are none and to strengthen the institutional capacity of those already in existence;
- (3) WIPO conduct special training programs for the staff of national collecting societies and CCL in order to:
 - (a) sustain the regional system of collective management of copyright and related rights and to ensure its conformity with the international standards in this field; and
 - (b) strengthen the expertise in existing collecting societies so as to use that expertise for the benefit of the countries of the Region.

RECOGNIZING the valuable support and assistance of the Intellectual Property Offices of the countries of the region, to the development of collective management of copyright and related rights, the Ministers recommend that CCL report on a regular basis to the Intellectual Property Offices in order to ensure the continued cooperation and assistance of Governments.

IV

RESOLUTION ON COLLABORATION BETWEEN WIPO AND CARIBBEAN COUNTRIES ON SPECIALIZED TRAINING IN INTELLECTUAL PROPERTY

WHEREAS this Third Ministerial Level Meeting on Intellectual Property for Caribbean Countries held in Gros Islet, Saint Lucia, on October 12 and 13, 2000, notes and adopts the recommendations of the Heads of Intellectual Property Offices for Caribbean Countries which met on October 10 and 11, 2000, in Gros Islet, Saint Lucia that:

- (a) 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.
- (b) The Ministers support and request from WIPO increased collaboration with Intellectual Property Offices in the area of public education.
- (c) 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.

BE IT RESOLVED that the Ministers request that WIPO identifies funds:

- (i) in its budget for the current biennium to host the Regional Training Course on Trademarks for Caribbean countries in Saint Lucia in 2001 and;
- (ii) in its budget for the annual hosting of the Training Course.

BE IT FURTHER RESOLVED that the Ministers request that WIPO identifies funds in its budget for the current biennium to support increased collaboration with intellectual property offices in the area of public education.

BE IT FURTHER RESOLVED that 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.

AND BE IT RESOLVED that the Ministers request that WIPO organize a study visit to WIPO Headquarters for Caribbean Ministers Responsible for Intellectual Property.

V

RESOLUTION ON FUTURE COLLABORATION BETWEEN WIPO AND CARIBBEAN COUNTRIES FOR THE FURTHER DEVELOPMENT OF INTELLECTUAL PROPERTY IN THE REGION

WHEREAS this Third Ministerial Level Meeting on Intellectual Property for Caribbean Countries held in Gros Islet, Saint Lucia, on October 12 and 13, 2000, notes and adopts the recommendations of the Heads of Intellectual Property Offices for Caribbean Countries which met on October 10 and 11, 2000, in Gros Islet, Saint Lucia that:

- (a) 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 in the first half of 2001.
- (b) 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.
- (c) 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.
- (d) 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.

BE IT RESOLVED that the Ministers request that WIPO identifies funds in its budget for the current biennium to support:

- (i) the convening of the WIPO Regional Meeting on Folklore, Traditional Knowledge and Innovations in Trinidad and Tobago in 2001.
- (ii) the convening of a Regional Workshop on Intellectual Property and Competition Policy Issues arising out of the TRIPS Agreement in Jamaica in 2001.
- (iii) regional consultations on Intellectual Property and rights related to broadcasting and cable programming industries and that a meeting be organized for this purpose in Jamaica in 2001.
- (iv) the CARICOM Secretariat by providing experts for a CARICOM Regional Workshop on the preparation of drafting instructions and the drafting of Intellectual Property Legislation.

AND RECOGNIZING the importance of regional and sub-regional cooperation in the administration and development of Intellectual Property.

BE IT FURTHER RESOLVED that the Ministers request that WIPO support regional and sub-regional activities on Intellectual Property to be carried out in cooperation with the CARICOM and the OECS.

Made in Saint Lucia, this 13th day of October 2000

VI

RESOLUTION ON CONVENING THE NEXT WIPO MINISTERIAL-LEVEL MEETING ON INTELLECTUAL PROPERTY FOR CARIBBEAN COUNTRIES

WHEREAS the Ministers at the WIPO Ministerial-Level Meeting on Intellectual Property for Caribbean Countries held in Gros Islet, Saint Lucia, on October 12 and 13, 2000, recognize the urgency in implementing the resolutions arising out of this Ministerial Meeting.

BE IT RESOLVED that this Meeting agrees to convene the next WIPO Ministerial-Level Meeting in the year 2001 to be held in the Republic of Suriname.

BE IT FURTHER RESOLVED that Ministers seek assistance from WIPO to make provision in its budget for the biennium 2000-2001 to organize this meeting in collaboration with Governments in the Caribbean Region.

Made in Saint Lucia, this 13th day of October 2000

O. CLOSING

- 18. Closing addresses were delivered by Mr. Ernesto Rubio, Director, Cooperation for Development Bureau for Latin America and the Caribbean and the Chairman of the Ministerial Meeting, The Honorable Petrus Compton, Attorney General and Minister for the Public Service, on behalf of the host country.
- 19. The Chairman expressed the thanks on behalf of the Caribbean Ministers and the Government of Saint Lucia to WIPO for its valuable contribution to the successful outcome of these deliberations and confirmed that the Ministers looked forward to closer future collaboration with WIPO. The Chairman thanked the participants and all other persons involved in the organization of the Meeting for their contribution.

[Annex I follows]

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ANNEX

LIST OF PARTICIPANTS

I. <u>STATES</u>

ANTIGUA AND BARBUDA

The Honorable L. Errol CORT, Attorney General and Minister of Justice and Legal Affairs, Government of Antigua and Barbuda, St. John's

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

Lionel WEEKES, Permanent Secretary, Ministry of Industry and International Business, St. Michael

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

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

HAITI

Florence DEBROSSE-VAVAL (Ms.), Head, Service de la Propriété Industrielle, Port-au-Prince

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JAMAICA

The Honorable Phillip PAULWELL, Minister of Industry, Commerce and Technology, Ministry of Industry, Commerce and Technology, Kingston

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

The Honorable Petrus COMPTON, Attorney General and Minister for the Public Service, Attorney-General's Chambers, Castries

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

SAINT VINCENT AND THE GRENADINES

The Honorable Carl L. JOSEPH, Attorney General and Minister of Justice, Attorney General Chambers, Ministry of Justice, Kingstown

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

SURINAME

The Honorable Siegfried Franklin GILDS, Minister of Justice and Police, Ministry of Justice and Police, Paramaribo

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

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TRINIDAD AND TOBAGO

Mohammed KAMALUDDIN, Ambassador to the Caribbean Community (CARICOM), Ministry of Foreign Affairs, Port of Spain

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

II. REGIONAL 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

III. REGIONAL COMMITTEE ON ELECTRONIC COMMERCE AND INTELLECTUAL PROPERTY

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

IV. CARIBBEAN COPYRIGHT LINK (CCL)

Allison DEMAS (Mrs.), President, CCL, Attorney-at-Law, Trinity Chambers, Port of Spain, Trinidad and Tobago

Darby ETIENNE, Vice-President, CCL, Chairman, Hewanorra Musical Society, Castries, Saint Lucia

Nicholas INNIS, Secretary, CCL, Chief Executive Officer, Copyright Organisation of Trinidad and Tobago (COTT), Port of Spain, Trinidad and Tobago

Steve GOLDING, Committee Member (North), CCL, Chairman, Jamaica Association of Composers, Authors and Publishers Limited (JACAP), Kingston, Jamaica

Sach MOORE, Committee Member (South), CCL, Corporate Secretary, Copyright Society of Composers, Authors & Publishers Inc. (COSCAP), St. Michael, Barbados

Steve ETIENNE, Committee Member, CCL, Director, Hewanorra Musical Society, Castries, Saint Lucia

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V. <u>INTERNATIONAL BUREAU OF THE WORLD INTELLECTUAL</u> <u>PROPERTY ORGANIZATION (WIPO)</u>

Roberto CASTELO, Deputy Director General

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]

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ANNEX II

<u>AGENDA</u>

Thursday, October 12, 2000

18.00	Opening Ceremony

Address by Mr. Roberto Castelo, Deputy Director General, World Intellectual Property Organization, WIPO

Address by The Honorable Mr. Petrus Compton, Attorney General and Minister for the Public Service, Attorney-General's Chambers of Saint Lucia

19.30 Reception hosted by WIPO and the Government of Saint Lucia

Friday, October 13, 2000

8.30	Election of Chairperson and Adoption of Agenda
9.00	The World Intellectual Property Organization towards the New Millennium: Priorities in the Area of Cooperation for Development
	Speaker: Mr. Roberto Castelo
9.20	WIPO and its Program of Cooperation for Development for the Caribbean Countries
	Speaker: Mr. Ernesto Rubio, Director, Cooperation for Development Bureau for Latin America and the Caribbean, WIPO
9.40	Report of the WIPO Regional Meeting of Heads of Intellectual Property Offices of the Caribbean Countries (to be presented by a spokesman designated by the Meeting)
10.00	Report of the First Board Meeting of the Caribbean Copyright Link (CCL) (to be presented by a spokesman designated by the Board of Directors)
10.20	Report of the WIPO Regional Committee on Electronic Commerce and Intellectual Property
10.40	Coffee break

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Friday, October 13, 2000 (cont'd)

11.00	General Debate: Ministerial Statements
12.30	Lunch break
17.00	Adoption of Conclusions and Ratification of Resolutions
18.00	Closing Ceremony

[Annex III follows]

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ANNEX III

LIST OF DOCUMENTS

List of Participants WIPO/MIN/CAT/00/INF/1

Draft Agenda WIPO/MIN/CAT/00/1

Report on the Activities of the Caribbean Regional Committee on Electronic Commerce and Intellectual Property - Document presented by Nicole Foga, Chairman, Regional Committee on Electronic Commerce and Intellectual Property

nd Intellectual Property WIPO/MIN/CAT/00/2

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[End of Annexes and of document]