

# The Madrid System in Trinidad and Tobago

Perspectives of the Trinidad and Tobago  
Intellectual Property Office



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# Overview



- Accession to Madrid Protocol
- Declarations made by Trinidad and Tobago
- Madrid Statistics in Trinidad and Tobago
- Marketing and Promotion Initiatives
- Challenges faced by the TTIPO



# T&T as a Contracting Party to the Madrid Protocol

- **October 12, 2020-** instrument of accession deposited with WIPO's Director General.
- **January 12, 2021-** T&T became the 123rd country to join the Madrid Protocol (<https://bit.ly/3qv4H6Z>).



<https://bit.ly/3djV9pJ>

# Pre-Accession



- Proclamation of [Trade Marks Act No. 8 of 2015 with accompanying Regulations](#):
  - ✓ Trade Marks Regulations, 2020
  - ✓ The Trade Marks (Border Enforcement Measures) Regulations, 2020
  - ✓ Trade Marks (International Registration) Regulations, 2020
- Establishment of a Madrid Protocol Processing Unit
- Accession to the Singapore Treaty on the Law of TMs
- Implementation of the IT infrastructure

# TTIPO Training Initiatives Pre-Accession



- Study Visit to the Madrid Registry, Brands and Designs Sector, WIPO.
- Workshop for National Offices on the Operations of the Madrid System.
- Mission with Mr. Adel Baccouche, Project Manager, Industrial Property Office Business Solutions Division, WIPO.
- Nov 2020, the first virtual desk audit was conducted in preparation for implementation of the Madrid Protocol in Trinidad and Tobago.

# Declarations made by Trinidad and Tobago

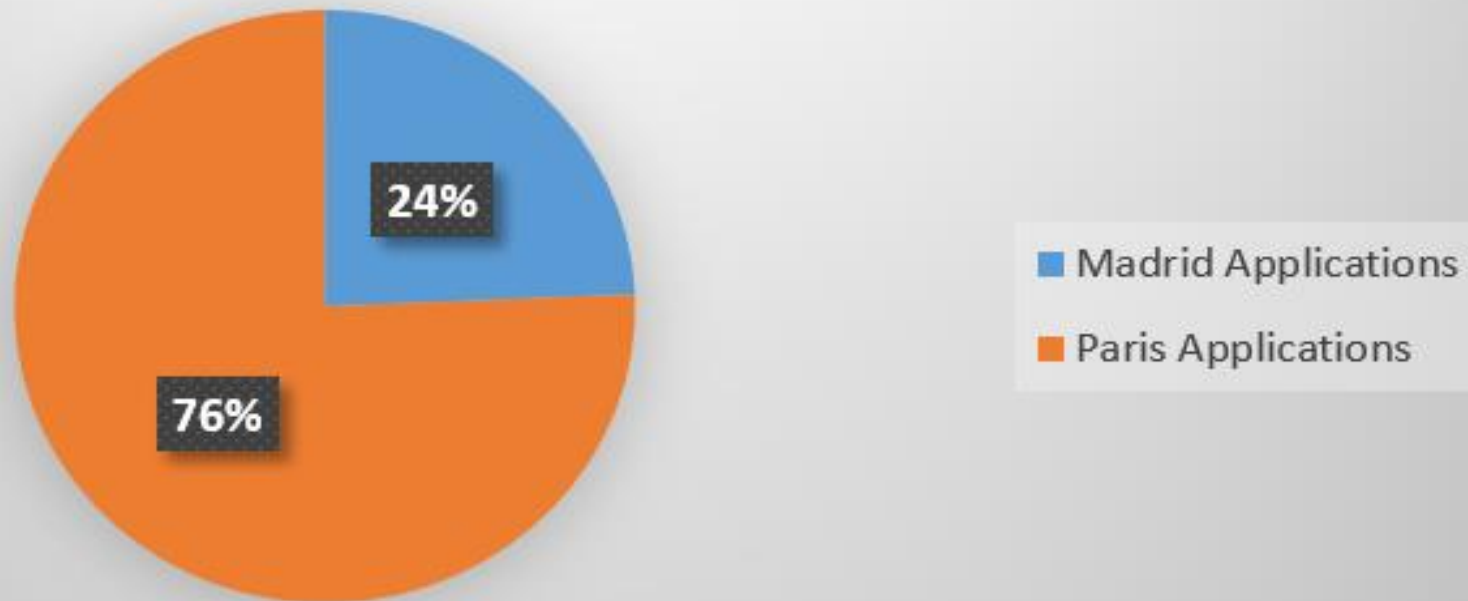


- Extension of the refusal period to 18 months (Article 5(2)(b) of the Protocol);
- Individual Fee (Article 8(7)(a) of the Protocol);
- Merger of divided international registrations not provided (Rule 27ter(2) of the Regulations);
- Intent to use the mark (Rule 7(2) of the Regulations)

# Trade Mark Application Statistics 2021



## Madrid Applications filed at the TTIPO for the period Jan 12, 2021 - October 31, 2021

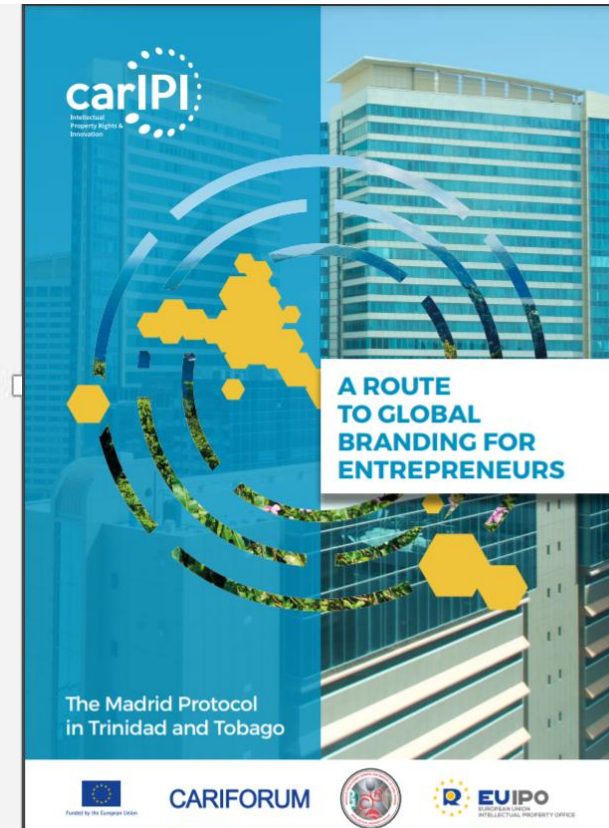


# Marketing and Promotion Initiatives Madrid Online Tools



## Madrid Online Resources

- Madrid Application Form
- Madrid Forms
- Form Request To Transform An International Registration Into A National Application (MP1) / word format
- Form Application to Record Replacement of Registered Trade Mark with International Registration (MP2) / word format
- Fee Calculator
- Madrid Goods & Services Manager
- Madrid Presentation
- Madrid Booklet
- A Route to Global Branding for Entrepreneurs – The Madrid Protocol in Trinidad and Tobago





# Marketing and Promotion Initiatives



- **Establishment of the National IP Training Center (NIPTC) to provide education, information, and training services in IP**

- **EXPORTT**

- **SPORTT**

- **IP Diagnostic Tool**

Launch of the first training session of the proposed National Intellectual Property Training Centre (NIPTC) of Trinidad and Tobago at the Ministry of the AGLA



- **Various IP Clinics: NEDCO, NIHERST, CARIRI, PLANTING SEEDS, UNIVERSITY OF THE WEST INDIES**

# Marketing and Promotion Initiatives (Ongoing Project)



- Madrid Public Education Campaign targeting various stakeholders from the private sector and the public sector with a focus on SMEs:
  - ✓ Creative Industry,
  - ✓ Sportspersons,
  - ✓ Exports,
  - ✓ Educational Institutions, *inter alia*.



# Challenges as an Office of Origin



- Lack of Public Awareness - rigorous public education awareness campaigns, incorporation of IP Diagnostic Tool, Flyer
- Access by SMEs - unlocking export potential through partial scope agreements
- Difficulties in Ease of Doing Business and Market Access:
  - ✓ Need for harmonized standards:
    - ✓ Classification of goods and services in some markets;
    - ✓ Treatment of standard characters;
    - ✓ Treatment of colors, inter alia.
  - ✓ Laws and standards of registrability- e.g. Disclaimers included in the IA are applied to all the designated members but cannot be tailored for specific jurisdictions.

# Challenges as a DCP



- Ease of Doing Business and Market Access:
  - ✓ The system does not allow for communication to be issued other than a provisional refusal to request clarification from an applicant;
  - ✓ Receiving international registrations designating TT with *“terms considered too vague by the International Bureau – rule 13 (2) (b) of the Regulations”*;
  - ✓ When the Office communicates corrections with the IB, it is often time consuming thus affecting the 18 month time line for automatic protection;
  - ✓ Corrections received after the mark was published;
  - ✓ Receiving modifications which are not automatically updated on the database and requires manual intervention;
  - ✓ Receiving corrections for an international registration designating TT, prior to the birth transaction.



Thank you.

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