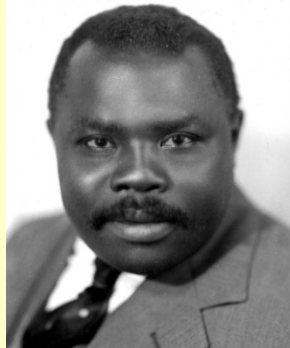


JAMAICA

Presenter: Marjory Kennedy
President
Jamaica Exporters' Association

The Jamaica Exporters' Association

- ▶ A non-Government Members Association
- ▶ Established approximately 49 years
- ▶ Has approximately 250 members
- ▶ In over 16 sub-sectors – such as
- ▶ Apparel, Agro-Processing, Building Products, Beverages and Tobacco, Chemicals, Fresh Produce, Personal Care, Information Technology, Technical Support, Export Services, etc.





Value of Brand Jamaica

- ▶ Jamaica as a brand is one of the most recognized globally.
- ▶ Using a formula by Interbrand, Jamaica's economic value is estimated to be between US\$33 billion and US\$35 billion annually
- ▶ It is estimated that Annually Jamaica's loses about US\$20 billion of the economic value of the Brand to infringements.

Authentic Jamaican Sauces and Spices Brands

- Ashmans
- Baron Hall
- Belcour
- Benjamins
- Ben's
- Bloxburgh
- Gourmet
- Busha Browne
- Easispice
- Eatons
- Fachoy
- Grace
- Grays
- Home Chef
- Island Spice
- Island Sun
- Jamaica Joe
- Jamaica Pride
- Jamaica's Pride
- Juliana
- King Pepper
- Kountry Delite
- Lasco
- Linstead Market
- Miracle
- Nels Old Time
- New Taste
- Pedro Plains
- Pickapeppa
- Real Jamaica
- Southside
- Springvale
- Spur Tree
- Spices
- St. Jamaica Legend
- Stanmark
- Sunrite
- Tijule
- Walkerswood





Infringements

The primary area of “infringement” in relation to products of Jamaican origin are:

Fresh Produce: – mainly yams, ginger, pimento and peppers competing with products coming from other regions which are being presented in the retail trade as Jamaican.

Coffee – Non Jamaican coffee on its own as well as blended with other coffee being presented as Jamaican



Infringements

- ▶ Processed foods – mainly Sauces and Spices competing with products from the rest of the world which are purported to be Jamaican, but which do not originate in Jamaica, nor do they contain any Jamaican ingredients

Cases of Infringements

- ▶ In 2012 we heard about the incident of the Pickapeppa sauce being counterfeited by a distributor in the UK. Pickapeppa was awarded approximately £80,000 in settlement.

Real



Fake



Cases of Infringements

- ▶ In the US we hear about the incident of Walkerswood Jerk seasoning being duplicated by a major distributor in that market. A cease and desist letter has been issued, however the offending products are still in the market. The matter is being pursued.



Cases of Infringements

- ▶ In the international Market – Canada, USA, China, and other States there are numerous incidents of counterfeit Blue Mountain Coffee



Cases of Infringements



Cases of Infringements

Buy Coffee Canada 1-800-870-...
About Us Log In 0 items

Home » Coffee Beans » Jamaican Blue Mountain 16 oz

Jamaica Blue Mountain 16 oz

Availability: In Stock
Guarantee: Lowest Price in Canada [more info](#)
Shipping Cost: **FREE SHIPPING***

Shipping Time: Receive by Wednesday May 21st

Please Select Your Preferences:
Roast: [↕](#)
Grind: [↕](#)

\$55.00

Categories
Torani Syrups
Torani Sugar Free
Coffee Beans
Organic Coffee
Espresso
Flavoured Coffee
Monin Syrups
Monin Sugar Free
Smoothies
Torani Sauces
Chai Tea
David Rio
Bigelow Tea
Novus Tea
Keurig
K-Cups
Chippendale

Jamaica Blue Mountain

larger image

Non-Jamaican products presented as Jamaican

- ▶ In addition to having to contend with genuine products being counterfeited, there is also the matter of products which have no connection to Jamaica being presented as Jamaican

Cases of Infringements

Samples of products which bear no relation to Jamaica or contain no Jamaican ingredients which claim to be associated with Jamaica.









From Geoff Wright Collection

WWW.RUM.CZ



Infringements

- ▶ Knock off products introduced in overseas markets such as in the USA, Canada and the UK displaying our identical trade mark and trade dress.
- ▶ These matters are usually discovered by our sales team.

Infringements

- ▶ Unauthorized export of branded products outside of Jamaica for resale purposes –
products not intended for use outside of Jamaica and whose labels might not be in accordance with requirements of overseas countries.

Infringements

- ▶ Some Jamaican firms have utilized the services of, international trade mark watch providers, such as CompuMark, which supplies them with daily reports on hits that are identical/confusingly similar to our trade marks which are applied for/registered in various countries across the world.
- ▶ The reports are used to assist in identifying and opposing to any identical/confusingly similar marks applied for in countries where we have trade mark presence.



Major Challenges

- ▶ Effectively monitoring and protecting the brand from exploitation by some in the global marketplace,
- ▶ Cost to register brands in multiple markets
- ▶ Cost and time to monitor international market
- ▶ Cost of filing opposition to trade mark registration of infringing brands
- ▶ Cost to pursue legal action in instances of infringement

Consequences

- ▶ Loss of billions in potential earnings.
- ▶ Loss of market access and market share
- ▶ Loss of jobs as a result of closure of company due to infringement
- ▶ Devaluation of genuine products e.g. Fake Blue Mountain Coffee, cheapens the brand, does not taste like the genuine product
- ▶ Undermining of respect for IP
- ▶ Exposes the shortcomings of the global IP system

National Initiatives to Protect Jamaican Products

- ▶ Bureau of Standards Jamaica
 - Jamaica-Made mark
- ▶ Implementation of a GI Law
- ▶ JEA Collective and Certification Marks

Jamaica Exporters' Association

Criteria for Selection of Products & Services:

- ▶ authentically Jamaican;
- ▶ critical mass of producers;
- ▶ high product and service quality standards;
- ▶ positive trends in exports;
- internationally competitive (price and quality);
- diverse markets;
- strong demand;
- best practice manufacturing and environmentally friendly processes.

National Initiatives to Protect Jamaican Products

- ▶ Collaboration with the Customs Department to strengthen relevant border controls to eliminate the movement of counterfeit products.
- ▶ The establishment of a monitoring board to monitor international markets where Jamaican products are sold with the objective of pursuing legal actions against infringements

Existing International Protection

- ▶ Paris Convention for the protection of industrial property
- ▶ Protection for state arms, emblems and symbols, including flags
- ▶ Protection for names and symbols of international organizations

Proposal for International Protection of Country Names

- ▶ Proposal by Jamaica to WIPO SCT – 2008 – to amend Paris Convention
- ▶ Proposed Draft Joint Recommendation concerning provisions for the protection of country names – 2014
- ▶ Proposes a common, non-mandatory approach by states to the treatment and protection of country names contained in business identifiers, domain names and trade marks.

Proposal for International Protection of Country Names

- ▶ Draft joint recommendation proposes to regulate country names based on the origin of the product or service
- ▶ To prevent misleading and deceptive trade marks business identifiers and domain names
- ▶ Proposal for states to be empowered to take action in defense of the country name

Thank You

The Jamaica Exporters' Association

www.exportjamaica.org

Jamaica Intellectual Property Office

www.jipo.gov.jm