

INDUSTRIAL DESIGNS

An industrial design is the ornamental or aesthetic aspect of an article. The design may consist of three-dimensional features, such as the shape or surface of an article, or of two-dimensional features, such as patterns, lines or colour.

Industrial designs are applied to a wide variety of products of industry and handicraft: from technical and medical instruments to watches, jewelry, and other luxury items; from house wares, and electrical appliances to vehicles and architectural structures, from textile designs to leisure goods.

Industrial designs are what make an article attractive and appealing, hence, they add to the commercial value of the product and increase its marketability.

How is an Industrial Design Registered

An application for registration of an industrial design must be filed with the **Jamaica Intellectual Property Office**. The application must contain the particulars of the applicant, along with three copies of the design itself, showing the different perspective views. The application must state what the design is applied to, and should identify the classes in which registration is sought.

PATENTS

A Patent is an exclusive right granted for the invention of a particular element. Generally a patent is granted for a period of 20 years. Once a patent is granted there has to be a disclosure of the Patent information.

When a Patent is granted to the owner of an invention it means that the invention is protected and cannot be commercially **made, used, distributed or sold without the patent owner's consent**. These Patent rights are enforceable in a Court of Law, which has the authority to stop Patent infringement.



Rights of a Patent Owner

A Patent owner has the right to decide who may or may not use the patented invention for the period that the invention is protected. The **Patent owner may grant permission to, or license**, other parties to use the invention on mutually agreed terms. He/she may also **sell** the rights to the invention to someone else, who will be considered the new owner of the Patent. On expiration of a Patent, the protection ends and the invention enters the **public domain**, this means the owner no longer holds exclusive rights to the invention, which will now be available for commercial exploitation by others.

How is a Patent Registered

An application for a Patent must be made through the **Jamaica Intellectual Property Office**.

Once a Patent is granted, all Patent owners are obliged to publicly disclose information on their invention. In this way, Patents provide not only protection for the owner but valuable information and inspiration for future generations of inventors and researchers.

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PROTECTION OF INTELLECTUAL PROPERTY RIGHTS



JIPO

Jamaica Intellectual Property Office

*PAVING THE WAY TO GROWTH AND
DEVELOPMENT THROUGH THE
PROTECTION OF INTELLECTUAL PROPERTY
RIGHTS*

WHAT IS INTELLECTUAL PROPERTY?

Intellectual Property – Generally speaking means the Legal Rights which result from intellectual activity in the scientific, industrial, literary, artistic, musical and dramatic field etc.

Countries have IP Laws IP for two main reasons:

1. To give statutory protection to the moral and economic rights that a creator, inventor or right holder has in a protected work
2. To promote Government policy, creativity, and the dissemination and application of scientific information and to encourage fair trading, which would contribute to social and economic development.

IP is traditionally divided into two main branches;

Copyright & Related Rights



COPYRIGHT

Copyright covers those areas relating to literary, artistic, musical, dramatic, architectural designs, maps, technical drawings, photographs, computer programmes, choreography, advertisements etc.

The creators of works protected by copyright and their heirs have certain basic rights. They have an **exclusive right** to use or authorize others to use the work on agreed terms. The Copyright holder can prohibit or authorize:

Reproduction in various forms, such as printed publication or sound recording

- **Public performance, as in the case of a play or musical work**

Recording of it, for example, in the form of compact discs, cassettes, or videotapes

- **Broadcasting, by radio, cable, or satellite**
- **Translation into other languages**
- **Adaptation, into other forms such as a novel into a film**

Two main rights under Copyright

Economic Rights

Moral Rights

Copyright Requires *NO* formal Registration

Copyright unlike the Trademark and Patent systems, carries no formal registration system. As a general rule it is not necessary to register in order to obtain Copyright protection.

As long as a protected work is fixed in a tangible form or material form it immediately attracts Copyright protection, without any formalities like registration. This principle is enshrined in one of the most prominent international Copyright Conventions, *The Berne Convention for the Protection of Literary and Artistic Works*, of which Jamaica is an active member along with over 158 other countries worldwide.

Copyright in a work may be asserted by using the simple method of registering a copy of the work through the post office, addressing the envelope in the name of the author of the work.

Copyright registration may also be done voluntarily at private offices that offer such services.

Related Rights Under COPYRIGHT

The other area considered a secondary right to Copyright is Related Rights.

The areas of performances of performing artists, phonograms, and broadcasts are usually referred to as Related Rights. Such rights cover;

- **performing artists, such as actors and musicians, in their performances**

- **producers of sound recordings/phonograms, for example, cassette recordings and compact discs**
- **broadcasting organizations in their broadcasts**

INDUSTRIAL PROPERTY

Industrial Property Rights cover *inter alia* the areas of Trademarks, Patents and Industrial Designs.

TRADEMARKS

A Trademark is a distinctive sign that is used to distinguish certain goods and services, as those produced by a certain person or enterprise.

Period for protection of a Trademark under Jamaica's Trademark Act 1999 is ten (10) years. A Trademark may be renewed for additional periods of ten (10) years.

How is a Trademark Registered

An application for registration of a Trademark must be filed with the **Jamaica Intellectual Property Office**. The application must contain a clear reproduction of the sign filed for registration, including any colours, forms or three dimensional features. The application must carry a list of goods and services to which the sign would apply and should identify the classes in which registration is sought.

The sign must fulfil certain conditions in order to be protected as a Trademark. It must be distinctive, so that consumers can distinguish it as identifying a particular product and also distinguish it from other Trademarks identifying other products. A Trademark must neither mislead nor deceive customers.

