

WORLD TRADE ORGANIZATION

IP/N/1/BRB/2
2 August 2002

(02-4283)

**Council for Trade-Related Aspects
of Intellectual Property Rights**

Original: English

NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLE 63.2 OF THE AGREEMENT

BARBADOS

By means of communications from its Permanent Mission dated 15 June and 20 September 2001, and 4 April 2002, the following notification has been received from Barbados under Article 63.2 of the Agreement.

In accordance with Article 63.2 of the Agreement on Trade-Related Aspects of Intellectual Property Rights and the procedures laid down by the Council for Trade-Related Aspects of Intellectual Property Rights in November 1995, the Government of Barbados hereby notifies to the Council its laws and regulations relating to the fields covered by the Agreement, as follows:

- The "main laws and regulations" are submitted in the original language, i.e. English, and are listed in Annex I.
- "Other laws and regulations" are submitted in the original language, i.e. English, and are listed in Annex II.
- Responses to the Checklist of Issues on Enforcement.¹

¹ See document IP/N/6/BRB/1.

ANNEX I

MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS

TITLE	BRIEF DESCRIPTION
<p>Patents</p> <p><u>Patents Act, 1981 (Cap. 314).</u>² (Act No. 1981-55)</p> <p>Entry into force: 1 January 1985.</p> <p><u>Patents Act, 2001.</u>³ (Act No. 2001-18)</p> <p>Entry into force: 6 August 2001.</p> <p><u>Patents Regulations, 1984.</u>⁴ (Statutory Instrument 1984-84)</p> <p>Entry into force: 14 May 1984.</p>	<p>N.B. the Act repealed the "old" Patents Act, 1903, but saved patents granted thereunder.</p> <p>The 1981 Act (now replaced by the Patents Act, 2001) makes provision for the protection of certain inventions for which patents have been granted or applied for, so that the laws of Barbados accord with its obligations under:</p> <ul style="list-style-type: none">- the Paris Convention, 1883;- the Patent Cooperation Treaty, 1970;- the TRIPS Agreement, 1994. <p>The Act also establishes the term of protection available in accordance with the TRIPS Agreement and the procedure to be followed to facilitate the examination, grant and registration of patent rights in Barbados. The Act repeals the 1981 Act, but saves pending applications and patents registered thereunder.</p> <p>The Regulations provide for the procedures to be followed in the application and registration of patents and set out the fees payable for the application and related processes.</p>

² See document IP/N/1/BRB/P/1.

³ See document IP/N/1/BRB/P/3.

⁴ See document IP/N/1/BRB/P/2.

TITLE	BRIEF DESCRIPTION
<p>Geographical indications</p> <p><u>Geographical Indications Act, 1998.</u>⁸ (Act No. 1998-22)</p> <p>Entry into force: 19 February 2001.</p> <p><u>Geographical Indications Regulations, 2001.</u>⁹ (Statutory Instrument 2001-132)</p> <p>Date: 22 November 2001.</p> <p>Integrated circuits</p> <p><u>Integrated Circuits Act, 1998.</u>¹⁰ (Act No. 1998-21)</p> <p>Entry into force: 19 February 2001.</p> <p><u>Integrated Circuits (Amendment) Act, 2001.</u>¹¹ (Act No. 2001-15)</p> <p>Entry into force: 6 August 2001.</p>	<p>The Act implements Articles 22-23 of the TRIPS Agreement and provides for the protection of geographical indications and vests responsibility for the registration of geographical indications in the Registrar.</p> <p>These Regulations make provision for the procedures to be followed in the application for geographical indications, opposition hearings and provisions relating to reciprocal application of the Act.</p> <p>The Act implements Articles 35-38 of the TRIPS Agreement and provides protection for the layout and design of integrated circuits. It also provides safeguards against the importation, reproduction, selling or other distribution of illegal or unauthorised versions of integrated circuits. The period of protection under the Act is for 10 years, commencing from the date of first commercial exploitation or the date of filing, whichever is earlier. Applications under the Act are made to the Registrar of Corporate Affairs & Intellectual Property Office.</p> <p>The Act amends the 1998 Act to clarify the criteria for protection under section 3, provides a right of appeal from a decision from the Registrar and gives the Minister power to make subsidiary regulations for implementing the Act.</p>

⁸ See document IP/N/1/BRB/G/1.

⁹ See document IP/N/1/BRB/G/2.

¹⁰ See document IP/N/1/BRB/L/1.

¹¹ See document IP/N/1/BRB/L/1/Add.1.

TITLE	BRIEF DESCRIPTION
<p><u>Integrated Circuits Regulations, 2001.</u>¹² (Statutory Instrument 2001-131)</p> <p>Date: 22 November 2001.</p>	<p>These Regulations regulate the application process, opposition hearings and other matters not covered in the Act.</p>
<p>Copyright and related rights</p> <p><u>Copyright Act, 1998.</u>¹³ (Act No. 1998-4)</p> <p>Entry into force: 14 August 1998.</p>	<p>This Act implements the intellectual property rights standards contained in Articles 9-14 of the TRIPS Agreement and provides protection for copyright and its related rights and introduces specific protection in relation to performers, sound recordings and broadcast. It also repeals the Copyright Act, 1982.</p>
<p><u>Copyright (Amendment) Bill, 2001.</u>¹⁴ (Act No. 2001-..)</p> <p>(N.B.: it was anticipated that this Bill would enter into force by 15 July 2001.)</p>	<p>This Bill would amend the 1998 Act to clarify, <i>inter alia</i>, the circumstances in which charitable organizations may use copyright material without a licence.</p>
<p><u>Copyright (Customs) Regulations, 2001.</u>¹⁴ (Statutory Instrument 2001-..)</p> <p>(N.B.: it was anticipated that these Regulations would enter into force by 31 July 2001.)</p>	<p>These Regulations implement Articles 51-60 of the TRIPS Agreement and provide holders of copyright and related rights the methods of restriction of importation of infringing copies of copyrighted works, recordings and other copyrighted goods. These Regulations also regulate the procedure, forms and fees involved in the restriction of importation of infringing goods.</p>
<p><u>Copyright Tribunal Regulations, 2001.</u>¹⁴ (Statutory Instrument 2001-..)</p> <p>(N.B.: it was anticipated that these Regulations would enter into force by 31 July 2001.)</p>	<p>These Regulations provide for the composition, powers, procedure and jurisdiction of the Copyright Tribunal established by Part VII of the Act.</p>

¹² See document IP/N/1/BRB/L/2

¹³ See document IP/N/1/BRB/C/1.

¹⁴ Denotes draft legislation that is awaiting enactment /publication.

TITLE	BRIEF DESCRIPTION
<p><u>Copyright (Copying of Copyrighted Works by Librarians and Archivists) Regulations, 2001.</u>¹⁴ (Statutory Instrument 2001-.)</p> <p>(N.B.: it was anticipated that these Regulations would enter into force by 31 July 2001.)</p> <p>Unfair competition</p> <p><u>Protection Against Unfair Competition Act, 1998.</u>¹⁵ (Act No. 1998-20)</p> <p>Entry into force: 19 February 2001.</p> <p>Industrial designs</p> <p><u>Industrial Designs Act, Cap. 309.</u>¹⁶ (Act No. 1998-20)</p> <p>Entry into force: 1 January 1985.</p>	<p>These Regulations provide for the use and reproduction of copyrighted works by librarians and archivists in an academic environment.</p> <p>This Act implements Articles 39-40 of the TRIPS Agreement and, <i>inter alia</i>, defines those acts or practices which amount to unfair competition, or can cause dilution of the goodwill or reputation of goods or services. Commercial activity designed to mislead the public in terms of the value of goods and services, and the disclosure or acquisition of secret information relating to a commercial enterprise, without the consent of the rightful holder of such information, are also prohibited under the Act. The Act also creates the criminal offence disclosure of secret information by competent authorities. It also provides for civil proceedings in the High Court in relation to contravention of the Act. The Court retains sole jurisdiction over matters under the Act.</p> <p>This Act implements the international standards set out in Articles 25-26 of the TRIPS Agreement and makes provision for the protection of industrial designs. It provides protection that satisfies the minimum standard of novelty of design and conformity with public morality. The period of protection is for five (5) years at first instance, with renewal for two (2) subsequent five (5) year periods.</p>

¹⁵ See document IP/N/1/BRB/I/1.

¹⁶ See document IP/N/1/BRB/D/1.

TITLE	BRIEF DESCRIPTION
<p><u>Industrial Designs Regulations, 1984.</u>¹⁷ (Statutory Instrument 1984-83)</p> <p>Entry into force: 17 April 1984.</p>	<p>These Regulations govern the procedure to be used in the application, processing, and certification of industrial designs.</p>
<p>Plant variety protection</p> <p><u>Protection of New Plant Varieties Act, 2001.</u>¹⁸ (Act No. 2001-17)</p> <p>Entry into force: 6 August 2001.</p>	<p>This Act implements Article 27.3(b) of the TRIPS Agreement and makes provision for a <i>sui generis</i> system for the protection of the rights of breeders and developers of new plant varieties.</p> <p>Responsibility for administering the grant of such rights is vested in the Registrar of Corporate Affairs & Intellectual Property, jointly with the Chief Agricultural Officer who will provide assistance with the technical examination of the application.</p> <p>The Act also provides for the grant of plant breeders rights as well as the granting of exclusive or non-exclusive licences for any of the rights created under the Act.</p>
<p><u>Protection of New Plant Varieties Regulations, 2001.</u>¹⁹ (Statutory Instrument 2001-133)</p> <p>Date: 22 November 2002.</p>	<p>These Regulations will govern the procedure to be followed in the examination and administration of the applications for the grant of plant breeders rights, as well as the applicable forms and fees.</p>
<p><u>Protection of New Plant Varieties Order, 2001.</u>²⁰ (Statutory Instrument 2001-134)</p> <p>Date: 22 November 2001.</p>	<p>This Ministerial Order made under section 5 of the Act, lists the plant varieties to which the Protection of New Plant Varieties Act applies.</p>

¹⁷ See document IP/N/1/BRB/D/2.

¹⁸ See document IP/N/1/BRB/P/4.

¹⁹ See document IP/N/1/BRB/P/5.

²⁰ See document IP/N/1/BRB/P/6.

ANNEX II

OTHER LAWS AND REGULATIONS

<p style="text-align: center;">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p>Supreme law</p> <p><u>Constitution of Barbados.</u> (The Barbados Independence Order, 1966 being a Schedule to United Kingdom Statutory Instrument 1966 No. 1455.)</p> <p>Entry into force: 30 November 1966.</p> <p>Customs</p> <p><u>Customs Act, Cap. 66.</u></p> <p>Entry into force: 1 November 1966.</p> <p><u>Customs (Amendment) Act, 1998.</u> (Act No. 1998-6)</p> <p>Entry into force: 12 March 1998.</p> <p><u>Customs (Amendment) Act, 1999.</u> (Act No. 1999-3)</p> <p>Entry into force: 1 April 1999.</p> <p>Civil judicial procedures and remedies</p> <p><u>Supreme Court of Judicature Act, Cap. 117A.</u></p> <p>Entry into force: 4 November 1991.</p>	<p>The Constitution is the supreme law of Barbados and provides the foundational framework for all of the laws of Barbados. The Constitution sets out and guarantees several fundamental rights and freedoms including protection from deprivation of property and makes provision for such matters as citizenship. The Constitution establishes the main organs and offices of State, including the Supreme Court of Judicature.</p> <p>This Act concerns the powers and duties of the Customs Department.</p> <p>To amend the Customs Act.</p> <p>To amend the Customs Act.</p> <p>This Act makes provision for the structure and jurisdiction of the Supreme Court, comprised of the Court of Appeal and the High Court of Justice.</p>

<p style="text-align: center;">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p><u>Supreme Court of Judicature (Amendment) Act, 1966.</u> (Act No. 1966-10)</p> <p>Entry into force: 8 July 1996.</p> <p><u>Bail Act, 1996.</u> (Act No. 1996-28)</p> <p><u>Barbados National Bank (Transfer and Vesting of Assets) Act, 2000.</u> (Act No. 2000-24)</p> <p><u>Rules of the Supreme Court, 1982.</u></p> <p>Entry into force: 1 April 1982.</p> <p><u>Magistrates' Courts Act, Cap. 116A.</u></p> <p>Entry into force: 15 January 2001.</p> <p>Criminal procedure</p> <p><u>Criminal Procedure Act, Cap. 127.</u></p> <p>Entry into force: 5 June 1891.</p>	<p>To Amend the Supreme Court of Judicature Act.</p> <p>Substitutes in subsection (4) of section 19 of the Supreme Court of Judicature Act, the words "grant bail to" for "admit on bail".</p> <p>Substitutes in subsection (5) of section 19 of the Supreme Court of Judicature Act, the words "released on" for "admitted to".</p> <p>Substitutes in section 78 of the Supreme Court of Judicature Act, the words "Barbados National Bank" for "Barbados National Bank Inc.".</p> <p>The rules govern the procedures, forms and fees to be used in civil actions before the Supreme Court.</p> <p>This Act sets out the jurisdiction and procedure applicable in Magistrates' Courts in civil and criminal proceedings.</p> <p>This Act provides for the conduct of indictable matters and the administration of justice in criminal proceedings in the Supreme Court.</p>

TITLE DATE OF ADOPTION AND ENTRY INTO FORCE	BRIEF DESCRIPTION
<p><u>Criminal Law (Arrestable Offences) Act, Cap. 125A.</u></p> <p>Entry into force: 1 November 1994.</p> <p>Evidence</p> <p><u>Evidence Act, 1994.</u></p> <p>Entry into force: 1 September 1994.</p>	<p>This Act reformed the criminal law by abolishing the English common law distinction between felonies and misdemeanours and creating a single concept of "arrestable offence" for which a summary arrest can be made without the issuance of a warrant.</p> <p>This Act provides the evidential rules applicable in civil and criminal proceedings in courts in Barbados.</p>
