

WORLD TRADE ORGANIZATION

IP/N/1/TTO/1
13 April 2000

(00-1476)

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

Original: English

NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLE 63.2 OF THE AGREEMENT

TRINIDAD AND TOBAGO

By means of communications from its Permanent Mission, dated 10 March, 7 April and 11 April 2000, the following notification has been received from Trinidad and Tobago under Article 63.2 of the Agreement.

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

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

¹ See document IP/N/6/TTO/1.

ANNEX I

MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS

TITLE	BRIEF DESCRIPTION
<p>Patents</p> <p><u>Patents Act 1996</u>² (Act N° 21 of 1996)</p> <p><u>Patents Rules 1996</u>³ (Legal Notice N° 144 of 1996)</p> <p>Trademarks</p> <p><u>Trade Marks Act</u>⁴ Chap. 82:81</p>	<p>The Act makes provision in respect of future Patens and applications for Patents, for the protection of inventions to give effect to certain International Conventions on Patents and for related purposes.</p> <p>The Patent Act 1996 repeals Part 1 of the Patents and Designs Act, Chap. 82:83 (28 March 1996).</p> <p>The Patent Act 1996 creates the Office known as the Intellectual Property Office and placed a Controller in charge of the Intellectual Property Office. The Controller is given the responsibilities for the administration of all laws relating to Intellectual Property. (S 3[1])</p> <p>The Patent Act introduces an examination system for the grant of a Patent right (as opposed to a registration system provided for in Chap. 82:83) and introduces the payment of annuity fees.</p> <p>The rules prescribe provisions and procedures under the Patent Act 1996.</p> <p>The Minister makes the Rules as is necessary for regulating the business of the Intellectual Property Office.</p> <p>This Act, which is still the main legislation operative in Trinidad and Tobago provides for the registration of Trademarks. This Act also includes the Trade Marks Rules.</p>

² See document IP/N/1/TTO/P/1.

³ See document IP/N/1/TTO/P/2.

⁴ See document IP/N/1/TTO/T/1.

TITLE	BRIEF DESCRIPTION
<p><u>Trade Marks (Amendment) Act 1994</u>³ (Act N° 17 of 1994)</p>	<p>This Amendment Act makes provision for the following:</p> <p>(a) the registration of Service Marks; and</p> <p>(b) the publication of trademarks for the purpose of oppositions removed from the Government Printer and the responsibility is placed in a daily newspaper or periodical.</p>
<p><u>Trade Marks (Amendment) Act 1996</u>³ (Act N° 25 of 1996)</p>	<p>This Act introduces the protection of well known Marks; the duration of a trade mark is for a period of ten (10) years. Under the previous legislation, registration was fourteen (14) years and introduces a new section to deal with the unauthorized use of a trademark in relation to goods.</p>
<p><u>Trade Marks (Amendment) Act 1997</u>³ (Act N° 31 of 1997)</p>	<p>This Amendment Act introduces protection for the packaging of goods or shapes. It makes the Controller, appointed under S3(1) of the Patent Act 1996 responsible for the administration of the laws relating to trademarks, and introduces responsibilities to be performed by the Comptroller of Customs and Excise regarding "Notices of Objection to Importation".</p>
<p><u>Trade Marks (Amendment) Rules 1994</u>³</p>	<p>(1) These Rules remove the responsibilities for the publication of trademarks/services from the Government Printer to a daily newspaper and other periodicals circulating in Trinidad and Tobago.</p> <p>(2) The rules remove the use of the national classification and introduce in the Third Schedule the International Classification of Goods/Services according to the Nice Classification.</p>
<p><u>Trade Marks (Amendment) Rules 1997</u>³</p>	<p>These Rules introduce provisions for the filing of documents by telefacsimile transmission and introduce a multi-class system of application.</p>

TITLE	BRIEF DESCRIPTION
<p>Copyright and Related Rights</p> <p><u>Copyright Act 1997</u>⁵</p> <p><u>Copyright (Customs) Regulations 2000</u>⁶</p>	<p>This Act provides protection for Copyright and Neighbouring Rights and introduces specific provisions in relation to performers, sound recordings and broadcasts.</p> <p>The Act repeals the Copyright Act of 1985.</p> <p>Section 48 of the Copyright Act 1997 provides the owner of copyright or neighbouring rights in any published work or published sound recording with the means to restrict the importation of infringing copies of the work or sound recording.</p> <p>The Copyright (Customs) Regulations 2000 provide the details of how this section is to be implemented and identifies the forms and fees associated with these administrative procedures.</p>
<p>Geographical Indications</p> <p><u>Geographical Indications Act 1996</u>⁷ (Act N° 20 of 1996)</p>	<p>This Act provides for a system of protection of geographical indications.</p> <p>This Act provides for the institution of civil proceedings to prevent the unlawful use of geographical indications.</p> <p>The Act further establishes a system of protection that is not dependent on registration, although registration of the geographical indications does raise a presumption that is a geographical indication within the meaning of the Act.</p> <p>The Act provides for exclusion to protection and imposes criminal sanctions for the deliberate wrong use of geographical indications.</p> <p>The Act further provides for the responsibilities for registration, etc., to fall within the responsibilities of the Controller of the Intellectual Property Office, appointed pursuant to S3(3) of the Patent Act 1996.</p>

⁵ See document IP/N/1/TTO/C/1.

⁶ See document IP/N/1/TTO/C/2.

⁷ See document IP/N/1/TTO/G/1.

TITLE	BRIEF DESCRIPTION
<p><u>Geographical Indications Regulations 1996</u>⁸</p> <p>Layout-Designs</p> <p><u>Layout-Designs (Topographies) of Integrated Circuits Act 1996</u>⁹ (Act N° 19 of 1996)</p> <p><u>Layout-Designs (Topographies) of Integrated Circuits Rules 1996</u>¹⁰</p>	<p>These Regulations provide for the operations of the Geographical Indications Act, acceptance of applications, oppositions to applications and make special provisions concerning marks.</p> <p>The Act protects layout-designs of integrated circuits against reproduction, importation, selling and other distribution and provides protection for layout-designs or integrated circuits which are original. The right to protection belongs to the creator, which right may be assigned or transferred even before the filing of an application. The period of protection runs for ten (10) years and the period begins either on the date on which the layout-design was first commercially exploited or if not, on the date of filing the application.</p> <p>The application for integrated circuits are filed with the Controller of the Intellectual Property Office appointed under S3 of the Patent Act 1996.</p> <p>The Act provides for the registration of layout-designs without examination of the originality of the design, the applicant's entitlement to protection or the correctness of the facts stated in the application.</p> <p>The Act further creates criminal offences of acts of knowingly preferring or performing without authorization prohibited in Clause 6.</p> <p>The Rules prescribe the provisions and procedures under the main legislation.</p>

⁸ See document IP/N/1/TTO/G/2.

⁹ See document IP/N/1/TTO/L/1.

¹⁰ See document IP/N/1/TTO/L/2.

TITLE	BRIEF DESCRIPTION
<p>Undisclosed Information</p> <p><u>Protection Against Unfair Competition Act 1996</u>¹¹ (Act N° 27 of 1996)</p>	<p>This Act introduces legislation in the area of Unfair Competition and Trade Secrets.</p> <p>The Act makes provisions for acts or practices which constitute unfair competition and also make provision for acts or practices which may cause confusion and sets out examples when such confusion may be caused. The Act further deals with acts and practices in the course of industrial or commercial activities which amount to misleading the public and the discrediting of another's enterprise and activities.</p> <p>Parts of the Act deal with secret information and clarifies what may amount to disclosure and the circumstances in which such disclosure may result.</p> <p>Action under this Act goes to the Court.</p> <p>Trinidad and Tobago, by the passage of this piece of legislation has introduced such legislation for the protection of Unfair Competition and Trade Secrets for the first time.</p> <p>No administrative responsibilities are required for the operations of this Act. Its operation is placed in the hands of the Court.</p>

¹¹ See document IP/N/1/TTO/U/1.

TITLE	BRIEF DESCRIPTION
<p>Industrial Designs</p> <p><u>Industrial Designs Act 1996</u>¹² (Act N° 18 of 1996)</p> <p><u>Industrial Designs Rules 1996</u>¹³</p>	<p>The Act provides for the protection of Industrial Designs and for related matters.</p> <p>This Act has widened the definition of "design" to include aesthetic quality while excluding features in the design engineered exclusively to obtain a technical result. The Act provides protection that satisfies the requirements of universal novelty and of conformity with public order and morality.</p> <p>The period of protection is for five (5) years but may be renewed for two (2) further five (5) year periods.</p> <p>This Act repeals that part of the Patent and Designs Act, dealing with Industrial Designs.</p> <p>These Rules provide for the operations of the Industrial Designs Act including the language of documents and translations, representation by Attorneys-at-Law, applications for Industrial Designs and establish a schedule of fees for matters to be conducted under the Industrial Designs Act.</p>

¹² See document IP/N/1/TTO/D/1.

¹³ See document IP/N/1/TTO/D/2.

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>Customs</p> <p><u>Customs Act</u> (Chapter 78:01)</p> <p>Geographical indications and trademarks</p> <p><u>Trade Descriptions Act</u> (Act N° 7 of 1984)</p> <p>Civil judicial procedures and remedies</p> <p><u>Supreme Court of Judicature Act</u> (Chapter 4:01)</p> <p><u>Rules of the Supreme Court of Judicature of Trinidad and Tobago 1975</u></p> <p>Criminal Procedures</p> <p><u>Criminal Procedure Act</u> (Chapter 12:02)</p> <p><u>Criminal Procedure Corporations Act</u> (Chapter 12:03)</p>	<p>This Act deals with the powers and duties of the Customs Authorities</p> <p>This Act contains provisions prohibiting the use of a trade description which falsely or misleadingly indicates the place of manufacture, production, processing or reconditioning of certain goods.</p> <p>This Act governs civil judicial proceedings in Trinidad and Tobago and mandates the Supreme Court of Judicature, consisting of the High Court of Justice and the Court of Appeal, with such jurisdiction and powers as are conferred respectively on these courts by this Act and the Constitution.</p> <p>These Rules prescribe the forms and fees and the procedures to be followed in the Supreme Court of Judicature.</p> <p>This Act is the principal law pertaining to criminal judicial proceedings in Trinidad and Tobago and regulates the procedure in criminal cases triable on indictment.</p> <p>This Act provides for the laying of charges against a corporation.</p>

TITLE DATE OF ADOPTION AND ENTRY INTO FORCE	BRIEF DESCRIPTION
<u>Summary Courts Act</u> (Chapter 4:20)	This Act provides the procedures in respect of offences punishable on summary conviction.
<u>Indictable Offences (Preliminary Inquiry) Act</u> (Chapter 12:01)	This Act provides the procedures for the holding of preliminary inquiries into indictable offences by Magistrates.
<u>Summary Offences Act</u> (Chapter 11:02)	This Act relates to offences punishable on summary conviction.
