



# GEOGRAPHICAL INDICATIONS – A TRINIDAD AND TOBAGO PERSPECTIVE

# GIS around the world



# Legislative Framework – Trinidad & Tobago

- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) 1994
  - *“Geographical indications are, for the purposes of this Agreement, indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin”*
- Geographical Indications Act 1996 Chap 82:78 – Trinidad and Tobago
  - *“A geographical indication means an indication which identifies a good as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin”*

# Why Geographical Indications?

- What are some of the advantages?
  - *Preventing unauthorized use*
  - *Protection to competing goods within a geographical region*
  - *Attracting high price premium*
  - *Starving off possibility of indication becoming generic*
- Concerns or issues
- Differences between GIs and Trademarks

# How are GIs protected?

- Different systems of protection
  - ▣ *Collective or certification marks*
  - ▣ *Sui generis system – Trinidad & Tobago, Caribbean*
- Scope of protection
- Obtaining protection in foreign markets
  - ▣ *Directly apply for registration in the foreign country*
  - ▣ *Bilateral Agreements*
    - *EU Cariforum Economic Partnership Agreement*



# How are GIs protected in Trinidad & Tobago

## What is protected

- *Any natural or agricultural product*
- *Any product of handicraft or industry*

## What cannot be protected in Trinidad & Tobago?

- *A GI that falsely represents to be from another territory*
- *A GI that has never been or has ceased to be protected in the country of origin or which has fallen into disuse in that country*
- *A GI that is contrary to public order or morality*



# Obtaining Registration

## □ What is required to apply?

- *Application documents, requisite fees*
- *Supporting evidence*

## Who is entitled to apply?

- *Producer/groups of the good in the geographical area specified*
- *Groups of consumers*
- *Any competent authority*

## □ What is the duration of protection?

- *Once registered there is no renewal required*

# Trinidad Montserrat Hills Cocoa – Trinidad and Tobago



- ❑ The first GI was registered at the Trinidad and Tobago in August 2017 for “Trinidad Montserrat Hills Cocoa”.
- ❑ Geographical Area – Monsterrat Hills located in Gran Couva, Central Range, Trinidad
- ❑ The GI was granted in Class 30 ( Raw Cocoa Beans) and Class 31 (Cocoa)



# Montserrat Hills, Gran Couva



# Other potential GLS in Trinidad & Tobago



- ▣ Scorpion pepper
- ▣ Honey
- ▣ Moruga Hills Rice





# Thank you

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