



## GEOGRAPHICAL INDICATIONS – A TRINIDAD AND TOBAGO PERSPECTIVE

LexMundi World Ready

M. Hamel-Smith & Co. November 4, 2017 - IPCA

## 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 Gls 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 Gls 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



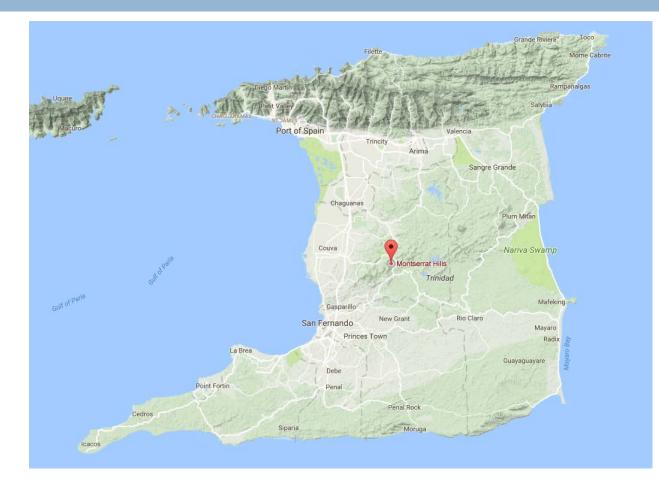
## Trinidad Montserrat Hills Cocoa – Trinidad and Tobago



- 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 GIS in Trinidad & Tobago



- Scorpion pepper
- Honey
- Moruga Hills Rice



## Thank you

M. Hamel-Smith & Co.

www.trinidadlaw.com

