

IPCA Annual General Meeting 2018 Meeting Report

The Fourth Annual General Meeting (AGM) of the Intellectual Property Caribbean Association (IPCA) took place on Saturday, 3 November, 2018 from 9.00 a.m. to 4.00 p.m. at the Hilton Miami Airport Blue Lagoon, 5101 Blue Lagoon Drive, Miami, Florida 33126, USA.

Present were 29 attendees representing 21 firms and/or registries from 13 countries in the Caribbean.

Regrets were received from the following members: Roberts & Co. Inc.; Mosko & Associates; Arguelles & Company; Cox Hallett Wilkinson; Firstmark Ltd.; BVI Financial Services Commission; Cayman Islands Intellectual Property Office; Mourant Ozannes; Ideas Trademarks & Patents S.A.; BBV Legal; Stowe & Co.; JJ Roca & Associates; Grant Joseph & Co.; Natalie Augustin; M. Hamel-Smith & Co.; and Miller, Simons O'Sullivan.

Morning session

The meeting was led by Mr Huw Moses OBE of HSM IP in the Cayman Islands. Registration began at 9 a.m. and the meeting started at 9.15 a.m. Natasha Whitlocke of HSM IP took the minutes of the meeting.

Huw welcomed the attendees and noted that IPCA currently has 56 members from 25 countries. Eleven new members joined IPCA during 2018.

Proxies

Proxies from the following members were held by Huw Moses: Arguelles & Company; Cox Hallett Wilkinson; Firstmark Ltd.; Sabals Law; Mourant Ozannes; Ideas Trademarks & Patents S.A.; and Natalie Augustin. Michel Knock held a proxy for BBV Legal. Kenneth Porter held a proxy for M. Hamel-Smith & Co.

Quorum

It was agreed that there was a quorum.

Formal AGM

Minutes of the 2017 meeting were reviewed and approved. The official minutes of the formal part of the AGM are to continue to be made available in the Members Only section of the website. Voting points included: (a) the approval of company accounts; (b) membership fees for 2019; (c) amendment of Associate fees for 2019; (d) the election of directors to serve until the next AGM.

Directors' Report

The Directors had held several meetings since the last AGM and copies of the Minutes of those meetings were on the Member's Only section of the website.

Zaida Lugo was thanked for her services as she was now stepping down from her role as a director.

Website

Huw reminded everyone of the resources available to IPCA members on the IPCA website.

Growth of Association

It was stated that 11 new members joined IPCA this calendar year. All members were encouraged to spread the word regarding IPCA amongst their colleagues, especially in countries where we have no members as yet. Amongst those countries are as follows:

- Caribbean Netherlands
- Cuba

- Grenada
- Guadeloupe
- Guatemala
- Honduras
- Martinique
- Nicaragua
- Panama
- Puerto Rico
- St. Vincent & the Grenadines
- US Virgin Islands
- Venezuela

Four members had not renewed their membership this year - three from Aruba and one from Belize.

Accounts

IPCA continues to be financially solvent. IPCA's financial information including the current accounts for the period 1 May 2018 to 30 September 2018 is available on the Members Only section of the website. The accounts set out the details of the income received derived from the AGM, bank interest and membership fees and expenses incurred.

Since 1 May 2018, IPCA has spent money on room hire, a/v and refreshments for the IPCA at INTA meeting; on the IPCA website and for this AGM. A cash balance of approx. USD\$46,000 dollars was held as at 30 September 2018. The money is held as follows: Approx USD\$36,000 (with CNB) and USD\$10,000 with HSM IP's trust account.

Huw noted that the most cost effective way to pay membership fees is via credit card as only 3% is taken for bank fees vs. a wire transfer where a much higher percentage may be deducted by intermediary banks.

Membership Fees

Membership fees are currently \$350 for a firm member. The Associate Member fee is USD\$150 per associate from the same firm and country. A motion was brought forward to lower the Associate Membership fee to USD\$100 to encourage further memberships. This motion was voted on and passed.

A query was brought forward regarding the fees payable where a member firm has offices in several countries. This query is to be considered by the directors.

Election of Directors

A resolution to re-elect the current directors, namely, Huw Moses, Kenneth Porter and Jessica Ward was passed. Zaida Lugo was not standing for reelection.

The Constitution provides for between three and five directors.

Nominations for two new directors were made and approved by a unanimous vote:

- Rosalind Smith Millar of Clarke Gittens Farmer in Barbados – nominated by Huw Moses
- Kimberley Roheman of McNamara & Co. in St. Lucia – nominated by Rosalind Smith-Millar

Each director must be available for between four and six meetings per year by phone or Skype and be prepared to act as a liaison to a committee. In addition new directors must provide the relevant KYC due diligence package to IPCA's registered office and to the Bank (Cayman National Bank – if a signatory of the Bank account) and must also be US tax compliant if a US citizen.

Informal Discussion

As the formal AGM was completed earlier than anticipated, the floor was opened for an informal discussion.

Kenneth Porter was asked to give an update on the essay competition. He informed everyone that there had been only four or five entries which was very disappointing despite there being a very good prize offering of \$2000 and the contest being promoted in several jurisdictions. Entrants were from Jamaica, Cayman, Dominican Republic and Costa Rica. The topic of the essay was "How would you improve Intellectual Property law in the Caribbean?" or "How would you improve Intellectual

Property law in any particular Caribbean country?”. The entries are currently under review by the judges as the competition closing date had now passed.

For the future all members were encouraged to put more effort into marketing such competitions in their resident countries and thought would be given by the committee to widening the criteria for entry and to identify better marketing opportunities for the competition along with the efforts undertaken by members.

The winners of the current contest will be announced via the IPCA website by year end and a new topic would be identified by the Education Committee and the date of the new contest established in the upcoming committee meeting later in the day.

Suggestions were put forth by several members regarding the timing of marketing to the law schools and law societies.

It was suggested that a pool of members be identified to act as mentors/supervisors to essay entrants, as some entrants may feel intimidated by the process. Care must be taken, however, that boundaries are not crossed in a manner that would create doubts as to who wrote the essay – the entrant or the mentor. This suggestion is to be considered by the Education Committee.

A point was made that the criteria for the essay should include students in institutions outside of the Caribbean but whose country of residence is a Caribbean country.

A number of general questions were then put forth:

- What activities should IPCA focus on?
- How do we best represent IP professionals in the Caribbean and how do inter-act with WIPO, INTA and other organizations?.
- What is our statement, goal/path and function?

Zaida Lugo suggested that each member firm conduct a free presentation in their own country and that IPCA could bear the costs of refreshments. Acts of this nature would create marketing opportunities for IPCA on social media.

Claudette Vernot stated that in her capacity as chair of the INTA Anti-counterfeiting Committee it is a known fact that brand owners lack and want information on Caribbean countries. She suggested that a joint presentation between IPCA and INTA could be explored.

It was agreed that IPCA LinkedIn and Twitter accounts would be opened by Andre McKenzie.

Everyone was again encouraged to show dedication and discipline in all appointed projects despite their busy schedules. Members were asked to input at least a minimum of 10 hours per year. If there is no team work/input by individual members there will be no growth in the organization.

There was a 30 minute break for Coffee and Cookies at 10.30 a.m.

Panel Discussion

Anne-Marie White-Feanny, Humphrey Schurman and Francis De Peiza led the panel discussion on “(Lack of) Patent Protection in the Caribbean: Problems and Solutions”.

A three course hot buffet lunch was served at 12.30 p.m.

Afternoon session / Committee Meetings

The meeting resumed at 2.00 p.m. when the committee meetings commenced.

It was agreed that committee meetings should be scheduled to take place every two months.

Submissions as to committee objectives for the New Year are to be sent to Board by end of November 2018.

Committee Reports

At 3.00 p.m. the Committee reports were presented:

1. Marketing Committee Report

Aims & Objectives:

- a) Send an e-mail all members to provide encouragement and support to hold workshops and table topics for other IP professionals in their countries. IPCA would provide a budget for refreshments. It was hoped that 6 such events could be held in 2019 in different countries.
- b) Members were encouraged to promote IPCA by news items on their websites and using the logo on email sign offs.
- c) The Marketing Committee would explore having an IPCA ribbon to hand out at INTA.
- d) Andre McKenzie is to set up the IPCA LinkedIn and Twitter accounts.
- e) Marketing materials are to be prepared regarding the Essay including "teaser" flyers to be sent to universities.

2. Education & Training Committee Report

Aims & Objectives:

- a) Complete the judging of the 2017/2018 Essay Competition by the end of November.
- b) Query and finalize with the Board proposed Essay Competition criteria changes.
- c) Finalize and launch the 2018/2019 IP Essay Competition entitled: "Counterfeiting and its Socio-economic Impact in the Region". The anticipated start date is January 2019.
- d) Prepare, finalize and launch the 2019/2020 IP Essay Competition in September 2019. The proposed start date will be 1 October 2019, ending 1 July 2020.
- e) Liaise with Marketing & others to promote the Essay Competition.
- f) Revive and complete research into training in IP in countries where IP focused courses are not available.
- g) The Panel discussion at IPCA next meeting during the INTA 2019 Meeting in Boston will be in relation to copyright.
- h) The Panel discussion at the IPCA 2019 AGM will be in relation to counterfeiting.

3. Enforcement & Anti-counterfeiting Report

Aims & Objectives:

- a) Prepare and circulate a questionnaire and case analysis on counterfeiting. A two week response timeline will be given and one reminder. Thereafter the period will be closed for submissions.
- b) Try to make IPCA more visible via collaborations with INTA and conducting various local meetings.

4. Legislation & Registry Liaison Committee Report

Aims & Objectives:

- a) Update: Harmonisation of Legislation – A specification listing has been compiled for all member countries and is to be agreed on by the Board.
- b) Madrid Protocol – review the Madrid Agreement and prepare an IPCA position paper as envisaged at the IPCA meeting in May 2018.
- c) Review the collection of Legislation information on WIPO website and verify this information with all members.
- d) Conduct an analysis on ways to protect and promote members.

Any Other Business

Kenneth Porter requested volunteers to act as panelists for next years' IPCA meetings in May and November. Zaida Lugo accepted. Fiona Hinds was volunteered by Francis DePeiza, and Chander Mahabir and Christian De Lespinasse names were put forth as possible panelists.

The renewal period for 2019 membership payments commences in January 2019. Forms are on the IPCA website or may be obtained from Huw Moses.

In regards to the November 2019 meeting, members voted that consideration should be given by the Board to holding the 5th AGM in a Caribbean country.

Next Meeting

Proposed date and venue: 9 – 11 a.m. on Sunday, 19 May 2019 during INTA in Boston, Massachusetts, USA.

Closing remarks were made by Huw.

The meeting ended at approximately 3:45 p.m.

Report prepared by:

Natasha Whitelocke

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