

Intellectual Property Caribbean Association (IPCA)

IPCA at INTA 2016 Meeting Report

The half-yearly meeting of the Intellectual Property Caribbean Association (IPCA) took place on Sunday, 22nd May, 2016 during the International Trademark Association's (INTA) Annual Meeting in Orlando, Florida, USA. The meeting was held in Rainbow Spring I on the Convention Level of the Hyatt Regency Orlando from 9-11.00 a.m. and was led by Mr. Huw St. John Moses OBE of HSM IP in the Cayman Islands.

The first part of the meeting was for members, following which refreshments were served. At 10.15 a.m. prospective members and guests were invited to join the meeting to meet the members and discuss matters of mutual interest and concern in the region.

Member's Session

In attendance were 26 representatives from 21 firms from 18 countries from the Caribbean.

Huw welcomed the members and gave a special welcome to fellow directors Zaida Lugo, Steffen Hagen and Duncan Stowe. Apologies were given on behalf of Kenneth Porter who was absent due to illness.

Huw confirmed that a quorum was present and gave thanks to Sophie Davies for chairing the first AGM that was held in November 2015.

Board Report

Zaida provided a brief update on behalf of the Board of Directors. Two Directors' meetings had been held since the AGM.

The first item discussed was the best way to collect membership fees. HSM IP Ltd was authorized to continue to collect membership fees through credit card payments.

It was reported that the IPCA website had been updated with membership benefits and fees (located on the public section of the website) as well as resolutions and minutes (located on the Members only section of the website). Approved financial reports for the period 1 July 2014 to 29 February 2016 were also available on the Members only section.

Zaida stated that a pro bono activity had been suggested to the Board. This had been rejected as it was not directly related to IP. Information about the initiative was, however, to be posted on the IPCA website so that member firms could participate if they wished to do so.

It was confirmed that the Board had appointed a director to liaise with each of the Committee Chairs.

Lastly, Zaida provided an overview of the immediate tasks of the various committees. The Marketing Committee (Conch team) should reach out to firm or individual members for biographies for the website. The AGM Committee (Palm team), formed at the first AGM, should be working on ideas for the forthcoming AGM in November 2016. The Legislation & Registry Liaison Committee (Coconut team) should be drafting a questionnaire regarding prosecution issues and should contact all members for answers. For countries with two or more IPCA members, one member should be appointed to complete the questionnaire and the other should review and verify the questionnaire. No individual credit was to be given as in many cases IPCA had more than one country represented through the membership. However, articles provided by members for inclusion on the IPCA website would be attributed to the relevant author.

Financial Report

Huw provided a brief financial report. An IPCA bank account had been opened at Cayman National Bank and Board Members were in the process of becoming authorized signatories. IPCA would shortly also have an

operating bank account with multiple signatories. The bulk of funds were currently in a trust account at HSM IP Ltd. and said funds would be transferred to the IPCA bank account once the formalities were completed.

In November, 2015 IPCA's accounts held a balance of US\$20,124.88. Membership fees of US\$14,401.40 were then collected. Funds were spent on the AGM leaving a balance of US\$26,500.09 in February, 2016, US\$5,000.00 of which was held in IPCA's bank account with the rest held in HSM IP Ltd's trust account.

A merchant account had been considered but was not pursued due to the additional expense.

Huw also explained that around 3% was lost on each credit card payment. US\$20-25 were also lost on wire transactions.

Membership Report

Huw reported that IPCA now consisted of 43 members in 21 countries and encouraged everyone to help attract new members in their respective countries.

The list of countries where IPCA did not yet have members consisted of: Cuba; El Salvador; Grenada; Guatemala; Honduras; Montserrat; Nicaragua; Panama; Puerto Rico; St. Maarten; St. Vincent & The Grenadines and the U.S. Virgin Islands. The Marketing Committee were to assist in attracting new members.

Membership had not grown significantly since the AGM. Two firms did not renew: Lawyer IP.Com of the Dominican Republic and Knights & Co. of St. Vincent & The Grenadines. However, Bertrand Legal in Curacao became a member in 2016.

Committee Reports

Huw expressed concern was that whilst it was great that the members got together to discuss country specific issues, there was a risk that IPCA would lose momentum unless it formulated some very specific objectives moving forward. These were to be ideas coming from the Board and members. He suggested that the various committees spent a few hours once a month to progress their affairs and report back to the Board so that the Board could then formally report back to the members. Huw asked for a report from each committee to be put on the IPCA website on or before 31st July, 2016.

- **Marketing**

Zaida and Alvaro Ramirez reported that country information was required for the IPCA website.

Alvaro suggested that an official IPCA email address should be set up with Google for US\$5 per month.

A mailing list should be created and sent out three or four times per year with reports and news items to interested parties.

It was a priority for the remainder of 2016 to let other organisations know about IPCA. Whilst IPCA had received a negative response when it first approached some (e.g. ASIPI) a second approach at this stage of IPCA's growth may be better received. It was reported that INTA was putting on a Latin America and Caribbean Reception for members of INTA based in those locations on Monday, 23rd May from 6-7.00 p.m. in the Sunburst Room and Terrace in the Convention Center. This would be an opportunity for both networking and cross-selling.

Huw explained that IPCA was keen here to promote IP in the Caribbean and existed for its own specific purposes and was open to new members.

Marketing content was to be sent to Huw at hmoses@hsmoffice.com.

Zaida said she would investigate the possibility of getting IPCA buttons for the next AGM.

- **Legislation & Registry Liaison**

In Abraham Thoppil's absence, Sophie Davies explained that a trade mark prosecution questionnaire had been circulated within the committee for comment. She would follow-up on its status. Once finalized it would be sent to IPCA members for completion, and the answers posted on the IPCA website.

Huw also explained that from a Cayman perspective, a new trade marks law was hoped to be passed in September 2016. The Government had already appointed an Examiner, and the Finance Minister and Head of Commerce and Industry were in attendance at INTA.

An update to Cayman's outdated copyright legislation was expected to be brought in to effect around August 2016.

- **Enforcement & Anti-counterfeiting**

Steffen reported that the primary aim of the committee was to discover more about counterfeit markets in each IPCA country and find out what the main issues are. He was to draft a questionnaire for completion by members and would follow up on its status.

- **Education & Training**

Duncan reported that it had been difficult to get this committee off the ground. He suggested that the committee used an essay competition to promote an aspect of IP. The essay was to be presented to students to be completed in both Spanish and English on an annual basis. A law firm or brand owner would be a sponsor. The committee would approach the general membership for ideas of topics. Suggested incentives to the students included the chance to attend an IPCA Annual Meeting to present their essays; publication of the essays on the IPCA website; a gift, such as a tablet computer, and/or an internship at a law firm or trade mark office. Zaida was to provide a list of rules used by her firm in relation to similar competitions. Members could volunteer as judges.

- **AGM**

Huw asked the committee to submit proposals for the AGM to the Board by July / August so that a date in November could be confirmed and a venue booked in good time. The members voted by a show of hands in favour of the 2016 AGM being held in the USA, and in Miami in particular. Some members suggested that the AGM could be held in a member country in 2017.

Any Other Business

The members voted by a show of hands in favour of the idea that affiliate memberships for Registrar and Tribunal members be reconsidered and explored further.

The meeting was then adjourned for refreshments after which approximately 20 prospective members and guests were invited to meet and chat with the members.

The meeting ended at 11.00 a.m.

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