

## **Intellectual Property Caribbean Association (IPCA)**

*IPCA Annual General Meeting 2022 Meeting Report dated 19 November 2022*

The 8<sup>th</sup> AGM of the Intellectual Property Caribbean Association (IPCA) took place on Saturday, 19 November 2022 from 9:00am to 10:30am at the Miami Airport Marriott, with Mr. Huw St John Moses OBE of HSM IP in the Cayman Islands attending by Zoom and other attendees in person. In attendance for the formal part of the AGM there were 25 attendees in person from 14 countries across the Caribbean.

### **Welcome remarks**

The meeting began at 9:15am and was led by Huw who extended a warm welcome to the attendees and expressed regret at not being able to attend the meeting in person. Ms. Kate Cleary and the Board assisted with the facilitation the meeting. Ms. Kate Cleary of HSM IP took minutes.

### **Formal AGM**

The minutes of the AGM are available in the Members Only section of the website.

Kenneth reported that the 2022 essay competition, concerning the role of IP in finance, was in the process of being judged and the winner had not yet been determined.

Mr. Jose Alejandro Santana Issac of Bufete Lugo Lovaton in the Dominican Republic reported on a webinar held on 23 June 2022 regarding Sanitary Registrations. Mr. Mikhail Jackson of Livingston Alexander & Levy in Jamaica reported another webinar held on 9 September 2022 on the subject of Collaboration, as the key to fight counterfeit and contraband in the Caribbean. Both webinars had been well-attended and involved lively discussion of the respective subjects. Ms. Leonne Theodore-John of Nicholas John & Co. in Saint Lucia suggested customs enforcement in the Caribbean as a possible subject for a webinar in the coming year. There was some debate as to the costs to hold events in 2023. Huw advised that, given the current IPCA trust balance of funds, the costs for currently arranged events were unlikely to be a significant drain on the cash reserve. The room cost for the meeting at INTA 2023 was already covered, the reservation having been made originally in advance of the COVID pandemic for the 2020 INTA meeting, and subsequently moved to 2023. Kenneth advised the costs for the essay competition was not likely to exceed US\$ 3,000.

A vote was held the outcome of which was to determine that no membership fees would be levied for 2023 other in respect of newly joining members during 2023.

There followed a discussion as to whether it was feasible to add a payment gateway to the IPCA website to facilitate membership payments. Huw agreed to research the exact costs to do so and report back to the Board on his findings.

Expanding the membership to encompass the Caribbean territories that are not yet represented was discussed. Huw confirmed that there are currently 25 member countries, with six IPO's also being represented. There are 11 countries which are not yet represented. Huw agreed, on request by Ms. Monique Cartwright of King & Co. in Bahamas, that IPCA will draft a pro forma letter that may be used to reach out to the IPO's in the territories where there is currently no representation.

It was suggested to check the IPCA website because some members couldn't access the recordings for the 2021/2022 webinars.

Ms. Rosalind Smith Millar KC of Clarke Gittens Farmer in Barbados thanked HSM IP on behalf of the membership for organising the meeting.

## Panel Discussion

Ms Louise Malcolm of Miller Simons O’Sullivan in Turks & Caicos led a panel discussion with speakers Dr. Marsha Cadogan and Ms. Camille Garrison presenting on “Intellectual Property & Data Protection” and “Data Privacy in the Caribbean” respectively, followed by a Q&A, which included a discussion of the tensions between intellectual property and data privacy and what constitutes intellectual property as it relates to personal data.

Huw closed the morning session by thanking attendees and looking forward to the next IPCA meeting at the INTA AGM 2023 in Singapore.

## Committee Reports

The Committee Reports were presented:

### 1. Education & Training Committee (the “Dolphin Team”) Report

Board Liaison: Kenneth Porter

Co-chairs: Louise Malcolm and Elleson Frank

Kenneth delivered the report on behalf of the Committee. The 2023 essay competition is due to open for entries from January, with a deadline for submissions of 1 July and announcement of the winner September 2023. The prize money is US\$ 2,000 for first place and US\$ 1,000 for second. Kenneth encouraged members to aid in the promotion of the event on social media platforms and stressed the need for continuing efforts to engage the younger generation of future IP professionals, which constitutes the lifeblood of IPCA. Kenneth also said that IPCA ideally needs to up its efforts in expanding its membership, as the low level of activity of the preceding years cannot all be attributed to COVID. Kenneth finished by saying the Committee welcomes volunteers for judging of the 2023 essay competition and inviting members to reach out to the Committee should they have any ideas for subjects for educational webinars etc.

### 2. Enforcement & Anti-Counterfeiting (the “Turtle Team”) Report

Board Liaison: Jessica Ward

Chair: Mikhail Jackson

Mikhail reported that the Committee were planning to meet via Zoom on 26 January 2023 to discuss next steps in compiling a database of information pertaining to enforcement and litigation procedures in territories across the Caribbean and that it was planned to eventually disseminate the information to the IPCA membership. Mikhail advised that the intention of the Committee was to focus on jurisdictions within which problems with counterfeiting are most prevalent and to make pro-active efforts to engage IPO’s in discussions. The Committee had also discussed the possibility of recognising World IP Day 2023, as it relates to Caribbean IP and IP owners, focusing on Caribbean brands with a global reach. Mikhail advised that it was also an intention of the Committee to look into creating a knowledge bank, accessible to IPCA members, comprising litigation cases from across the Caribbean, with an ultimate aim of developing a regionwide jurisprudence.

### 3. Legislation & Registry Liaison (the “Coconut Team”) Committee

Board Liaison: Kimberley Roheman

Chair: Joanne Wood Ratray

The Committee discussed the plans to resume ongoing activities, including the compiling and dissemination of guidance for members on the Nice classification as used in the various

Caribbean jurisdictions; examination procedures and precedents as deployed by the Caribbean IPOs; and which jurisdictions are parties to the Singapore Treaty and how this impacts IP practice across the Caribbean. The Committee will be responsible for drafting a letter to be sent to IP offices that are not yet IPCA members encouraging their engagement for the review of the Board. It was posited that the sending of the letter could be followed up by a webinar or forum allowing IPOs to ask questions and obtain further information regarding IPCA. The Committee also intends to work towards compiling IP legislation of the Caribbean jurisdictions into a knowledge bank accessible to IPCA members.

#### **4. Marketing (the “Conch Team”) Committee**

Board Liaison: Fanta Punch

Chair: Natalie G Augustin

There was an impromptu re-forming of the Committee, which discussed that the 2024 IPCA AGM, being its tenth incarnation, could be made a focal point for promotion with a view to growing the membership. This may also extend to reaching out to regional non-law bodies, with a potential vested interest in IP issues, such as Chambers of Commerce, which could be one way to draw in members from islands with no current representation. It was also noted as an intention of the Committee to look into capitalising on the growth of regional brands with a global market, by looking to create mutually beneficial relationships. The Committee also stressed the importance of membership engagement in promoting events such as the essay competition, particularly via social media platforms likely to attract younger users (like TikTok) and not just largely established professionals (like LinkedIn).

#### **Any Other Business**

There being no other business, the afternoon session was concluded with Kenneth thanking members for their attendance.

#### **Next Meeting**

The next in-person meeting of IPCA will take place on 17 May 2023 at the Marina Bay Sands Hotel in Singapore.

The meeting ended around 4:00pm.

Report prepared by:

Kate Cleary