

Intellectual Property Caribbean Association (IPCA)

IPCA Annual General Meeting 2023 Meeting Report dated 11 November 2023

The 9th AGM of the Intellectual Property Caribbean Association (IPCA) took place on Saturday, 11 November 2023 from 9:00am to 10:30am at the EB Hotel, Miami Airport. In attendance at the event were 24 representatives from 21 firms in 16 countries across the Caribbean, as well as representatives from the Cayman Islands Intellectual Property Office and the Bureau for Intellectual Property, Sint Martin.

Welcome remarks

The meeting began at 9:00am and was led by director, Huw Moses who extended a warm welcome to the attendees.

Formal AGM

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

Huw relayed apologies from the absent Directors, Ms. Kimberley Roheman of McNamara & Co. in Saint Lucia and Ms. Fanta Punch of Hamel-Smith in Trinidad & Tobago. Huw noted that the last meeting of IPCA members, was on 17 May 2023 at the Marina Bay Sands Hotel in Singapore, during the 2023 INTA Annual Meeting, at which Abraham Thoppil, formerly of Maples in Cayman Islands, presented on the topic of “Intellectual Property in Finance”.

Huw drew attention to the fact that next year (2024) will be the 10th annual meeting of IPCA and suggested that it would be an opportunity to raise awareness of IPCA and its work to potential new members and suggested that consideration be given to holding the 2024 AGM meeting in a Caribbean location (as opposed to Miami). Members were asked to provide their input to the Board.

There was discussion concerning the need for more engagement with firms across the Caribbean, particularly in jurisdictions that are currently not represented at IPCA. There were currently 26 member countries, with six regional IPO’s being represented. There are 9 countries which are not yet represented and members were again encouraged to think about and make suggestions as to how to address this issue. Suggestions put forth included adding more current content to the website, such as news articles, to increase traffic.

Ms Karen Willis of Misick & Stanbrook, Turks & Caicos Islands, suggested that IPCA could host a party or event at INTA’s AGM in an attempt to attract more members. Ms Candace Westby of Cayman Islands Intellectual Property Office raised the point that there was also an option to possibly sponsor an existing INTA-organised event, with a focus on Latin American and Caribbean INTA members. Ms Claudette Vernot Hernandez of Estrategia Juridica S A in Colombia made the point that INTA committees, events etc. that are “Latin America and Caribbean” tend to focus heavily on Latin America and the Caribbean is under-represented, with which there was general agreement. Suggestions were made as to how to contain costs if such an event were hosted at INTA by IPCA and Ms Jessica Ward of Colbs Legal Studio, Costa Rica, suggested issuing drinks tickets. Ms Rosalind Smith Millar KC of Clarke Gittens Farmer, Barbados, suggested charging a small fee for attendees to the event.

There was some discussion re membership fees during the formal part of the AGM. Ms. Natalie Glitzenhirn of Glitzenhirn Augustin & Co., Saint Lucia, proposed re-introducing the membership fee (even at a reduced rate) for 2024, given that the 10th IPCA AGM is an opportunity to “make a splash” and attempt to attract new members. Mr José Alejandro Santana Isaac of Bufete Lugo Lovaton,

Dominican Republic, agreed, saying that if funds were required to implement ideas such as holding the AGM in the Caribbean and / or holding or sponsoring an event at INTA, it made sense to re-introduce membership fees.

There was a discussion about the accounts for 2023 / 2024 for IPCA which, even after settling the costs for the 2023 AGM, will be healthy, regardless of whether membership fees are re-introduced. Huw suggested three options concerning the membership fees: (1) continue with the current payment holiday, implemented during the COVID pandemic; (2) have members pay a reduced membership fee of US\$ 200 effective 1 January 2024; or (3) full membership rate to be reinstated. After some general discussion of the options, a vote was held the outcome of which was that a reduced membership fee of US\$ 200 will be implemented for 2024, with the matter to be reviewed at the 2024 IPCA Annual General Meeting.

Huw reported on the outcome of his research into introducing online payment or alternative payment methods for membership fees, which was that fees for such would be prohibitive, owing to a monthly minimum of payment "traffic" being required. Since payments are made usually only twice a year (i.e. for membership and for attendance at the AGM), any potential benefits of introducing alternative payment options at this time are outweighed by the associated costs.

José expressed his interest in being elected to the IPCA Board of Directors. Since the existing directors also were standing for re-election and the constitution limited the Board to 5 directors, Huw asked for volunteers to invigilate the election that would take place after the lunch break at 2:00pm. Rosalind Smith Millar, Ms Monique Cartwright and Louise Malcolm volunteered to invigilate and count the votes cast. Ballot papers were prepared over the lunch break.

Panel Discussion

Kenneth Porter, director, led a panel discussion with speakers Mr José Alejandro Santana Isaac of Bufete Lugo Lovaton, and Ms Camille Garrison of Hart Muirhead Fatta presenting an overview of image rights in Dominican Republic, Costa Rica and Colombia, as Spanish Speaking Caribbean Countries and on "Virtual Doppelgangers: Deepfakes and the Unraveling Boundaries of Image Ownership," respectively, which was followed by a Q&A session and lively discussion between attendees of the issues and differences identified with their respective jurisdictions with regard to image rights, and the challenges inherent in striking a balance between personal rights and freedom of information.

Huw closed the morning session by thanking attendees and looking forward to the afternoon session comprising the Board election, committee discussions and reports.

Committee Reports

The afternoon session was begun with the vote to elect the Board Directors for the coming year. Each member and proxy holder was provided with a ballot paper which were returned and the votes counted by the invigilators. The first 5 members with the highest votes were:

Mr José Alejandro Santana Isaac of Bufete Lugo Lovaton in Dominican Republic.
Mr Huw St J Moses OBE of HSM IP, Cayman Islands,
Mr Kenneth Porter of Sagis IP in Anguilla,
Ms Fanta Punch of Hamel-Smith in Trinidad & Tobago
Jessica Ward of Colbs Legal Studio in Costa Rica,

The Committee Reports were presented:

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

Board Liaison: Kenneth Porter

Co-Chairs: Elleson Fraenk and Louise Malcolm

Kenneth delivered the report on behalf of the Committee. The 2024 essay competition is due to open for entries from January, with a deadline for submissions of 1 July and announcement of the winner September 2024. The prize money is US\$ 2,000 for first place and US\$ 1,000 for second. In 2023, there were 16 entries, the standard of which was exceptionally high, in recognition of which a third place was awarded for the first time, with a prize of US\$750. Kenneth again encouraged members to aid in the promotion of the event on social media platforms and stressed the need for continuing efforts to engage the next generation of future IP professionals. Kenneth expressed the need to potentially re-visit the rules and prizes offered for the essay competition, to avoid repeat entrants / winners and to consider whether the prize should be something to ensure continuing engagement of the winner(s) with IPCA, for example, paid attendance at the AGM. It was decided to discuss this further in the Board Meeting following the AGM. Kenneth finished by saying the Committee welcomes volunteers to judge the 2024 essay competition and inviting members to reach out to the Committee should they have any ideas for essay topics also.

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

Board Liaison: José Alejandro Santana Isaac (post 2023 AGM)

Chair: Mikhail Jackson

Jessica reported that the committee has been working on a survey in respect of local practices with a view to same being shared and disseminated among the IPCA membership. The survey is with the Board of Directors for approval. The Committee once again encouraged members to make suggestions as to educational activities, such as webinars, that may be easily attended by IPCA members and potential members, regardless of their location.

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

Board Liaison: Fanta Punch (post 2023 AGM)

Chair: Joanne Wood Rattray

Mr Alex de Lespinasse of Cabinet Lespinasse in Haiti reported to the membership the ongoing efforts regarding engagement of local IP Offices (IPOs). IPOs were contacted by email and there were a number of “bounceback” messages received and no responses from some of the IPOs. The Committee proposed to produce a letter than may be delivered in-person to the local IPOs by members, where possible, to encourage engagement. It was also proposed to look into hosting some online events etc. with a focus on issues that affect IPOs and agents alike, for example, how the Nice classification system is implemented differently in the various Caribbean jurisdictions.

4. Marketing (the “Conch Team”) Committee

Board Liaison: Jessica Ward (post 2023 AGM)

Chair: TBC

The Committee expressed the need for members to engage with IPCA via LinkedIn to promote awareness with a view to increasing membership. It was noted that there appear to currently be two LinkedIn accounts for IPCA and therefore one should be closed to make it clear which account members need to reference / follow. There was also some discussion about the need to be clear on the message and aims of IPCA and for these to be clearly set out on the LinkedIn page. It was also mentioned that the message and aims need to be consistent across the platforms, i.e. LinkedIn and the IPCA website. The Committee suggested that there was scope to educate brand owners (both local to the Caribbean and further afield) on the practices and procedures of the IPOs. The Committee emphasised the need for it to be the hub through which all marketing and promotions should flow and encouraged members to reach out with any suggestions as to possible marketing and promotion efforts that can be made over the coming 12 months.

Any Other Business

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

Next Meeting

The next in-person meeting of IPCA will take place during INTA's AGM in May 2024 in Atlanta, Georgia.

The meeting ended at 4:00pm.

Report prepared by:

Kate Cleary