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# Intellectual Property Rights in the Caribbean's Emerging Cannabis Industry

Legal, Economic, and Policy Implications

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# Overview of Global Cannabis Industry Growth

## ❖ Significant Growth in Recent Years

## ❖ Contribution Factors:

- Industry valued at \$40B in 2023; projected \$70B+ by 2028
- Two main uses: Medical & Recreational
- Global trends: Legalization, Research, Alternative Medicine
- Importance of IPR in protecting innovations & branding
  - Increasing Legalization
  - Expanding Medical Research
  - Alternative Medical Use



# MAIN USE IN THE INDUSTRY

Medicinal

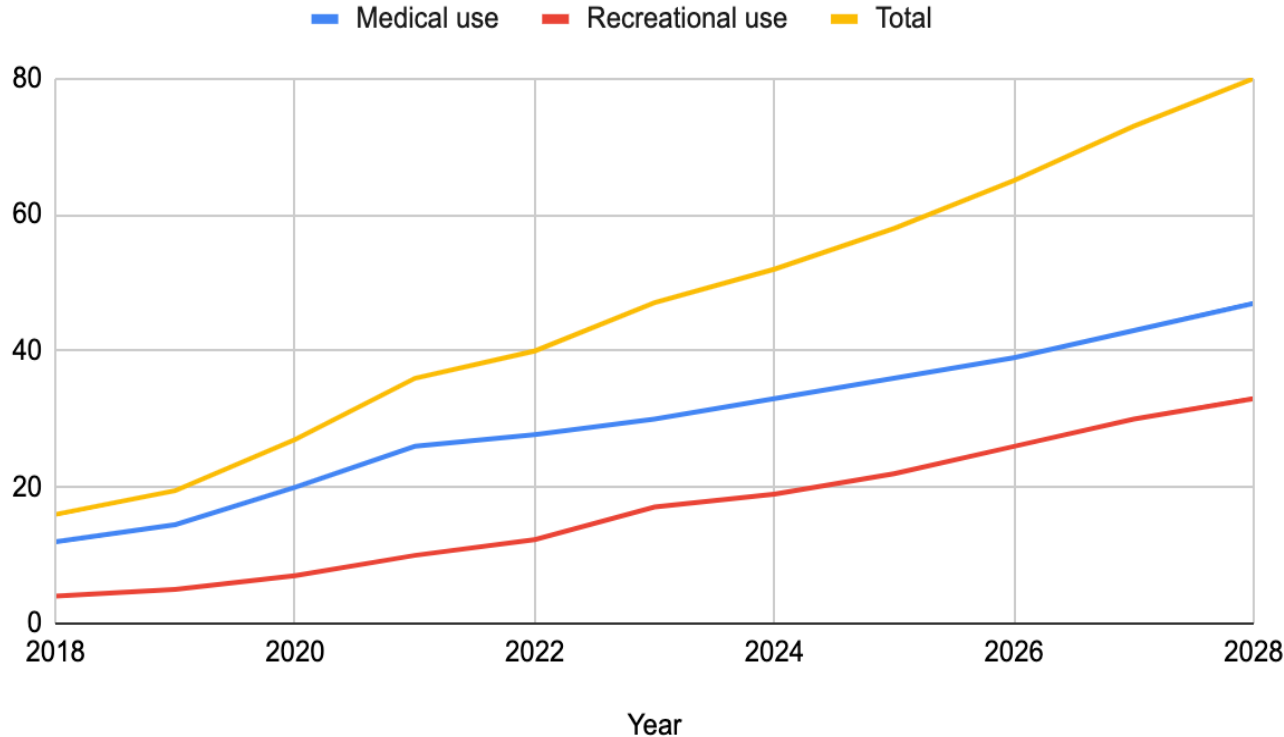


Or

Recreational



## Global Cannabis rising market



The global cannabis market is constantly rising, Due to the increasing legalization, Expanding medical research and a demand for alternative. In 2023, the industry was valued at over **\$40 billion** and is projected to surpass **\$70 billion** by 2028.

# EMERGING CANNABIS INDUSTRY / LANDSCAPE IN THE CARIBBEAN

Reflects the trends of the Global Market:



- Legalization or decriminalization for possession of smaller quantities.
- Licensing Authorities established (e.g. Jamaica, Barbados, St. Vincent)

Key Examples:

- Jamaica: Cannabis Licensing Authority
- Antigua & Barbuda: Medicinal Cannabis Authority
- St. Lucia: Regulated Substances Authority (RSA)
- Sacramental use for religious purposes.
- Importation, cultivation, manufacturing, research, distribution and sale for medicinal purpose.

# CANNABIS INDUSTRY IN THE CARIBBEAN REGION

1. Small scale cultivation
2. possession
3. Legalized use
4. Decriminalization





# The Caribbean Cannabis Landscape

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## Key Points:

- Countries like Jamaica, Saint Vincent & the Grenadines, and Barbados have legalized medicinal cannabis.
- Emerging markets offer opportunities for small-scale traditional farmers.
- The Caribbean's tropical environment makes it highly suitable for high-quality cannabis cultivation.
- Challenges include climate vulnerability and competition from established markets.

# ECONOMIC OPPORTUNITIES

- **Cultivation:** Ideal Climate for Growth  
Medical Cannabis - Export potential due to favorable climate
- **Cannabis Tourism:** Persons looking for cannabis experience
- **Research and Development:** Use of indigenous knowledge of the plant (e.g. Rastafarian practices)
- **Processing and Manufacturing** of Cannabis related products. Indigenous strains + value-added products (CBD oils, edibles)





# What Are Intellectual Property Rights Applicable to the Cannabis Industry?

- **Patents:** Protect new cannabis strains or extraction methods and techniques (limits due to morality laws).
- **Trademarks:** Brand protection – safeguard brand names and logos (“Jamaica Ganja”).
- **Geographical Indications (GIs):** Indicate origin and quality. Protects reputation and Identity of products originating from a specific region.
- **Trade Secrets:** Protecting proprietary cultivation or processing techniques.

## Other Intellectual Property Rights Related to the Cannabis Industry?

- **Copyrights:** Protection for Original Works of Authorship
  - Creative Media, educational content.
- **Plant Breeders Rights:** Protection of new plant varieties and plant breeder's rights.
- **Industrial Designs:** Protection of the ornamental aspect of an article



# IPR Challenges in the Cannabis Sector

- Regulatory hurdles
  - Banking and financing restrictions
  - Climate risks
  - Lack of harmonized regional IP laws regionally
  - Outdated or under-enforced patent/trademark systems
  - Difficulty in patenting cannabis strains due to international legal status.
  - Risk of exploitation of traditional knowledge without proper protection.
  - Trademark disputes and brand misrepresentation.
  - Restrictions on cannabis-related trademarks
  - Weak enforcement and costly legal action
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## ENFORCEMENT AND TRADITIONAL KNOWLEDGE



- Weak IP enforcement mechanisms
- Trademark squatting risks
- Biopiracy of indigenous cannabis strains
- No sui generis systems for traditional knowledge
- Inadequate recognition of local herbalists/Rastafarian use

# Opportunities for Caribbean Stakeholders

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## Key Points:

- Develop unique cannabis strains and secure plant variety protection.
- Cultivating and patenting indigenous or locally developed cannabis strains.
- Utilize Geographical Indications for branding (e.g., “Jamaican Ganja”).
- Protect traditional knowledge under sui generis systems.
- Collaborate with governments and R&D institutions for innovation.
- Promoting cannabis-related tourism experiences, such as wellness retreats

## Policy and Legal Framework Recommendations

- Encourage public-private partnerships for sustainable development.
- Harmonize regional IP laws to facilitate cross-border protection.
- Establish databases for indigenous knowledge and traditional practices.
- Harmonize IP laws across CARICOM
- Include cannabis in existing IP regimes
- Create indigenous knowledge databases
- Expand IP education and training for entrepreneurs/farmers
- Develop sui generis systems for traditional cannabis knowledge

# Cana Vs. Cannabis

Cana Craft Cannabis is a marijuana company that was not able to trademark the word “cannabis” so they named themselves “Cana”. They sell marijuana infused products such as edibles, as well as the flower itself.



# Case Studies

## Jamaica:

- Implemented the Protection of Geographical Indications Act of 2004 to protect local cannabis products.
- The Cannabis Licensing Authority (CLA) is working on registering “Jamaican Ganja” as a GI. [Loop Jamaica](#)

## Saint Vincent & the Grenadines:

- Rastafarian farmers transitioning from illicit to legal cultivation.
- Licensing framework includes mandates for companies to source from traditional farmers. [The Guardian +6](#)

## Barbados:

- Legalized medicinal cannabis in 2019.
- Introduced the Sacramental Cannabis Bill for religious use by registered Rastafarians. [Wikipedia](#)





## Conclusion

### Key Takeaways:

- IPR is crucial for protecting the Caribbean's unique cannabis products and cultural heritage.
- Strategic use of IPR can enhance market competitiveness and attract investment.
- Collaboration among stakeholders is essential for sustainable industry growth.
- Collaboration across sectors & countries is key
- Legal recognition and protection help bring the sector into the formal economy



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# Q&A

*“What strategies can we implement to strengthen IPR protection in the Caribbean cannabis industry?”*

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