

**A BILL**

ENTITLED

**AN ACT to Amend the Protection of Geographical Indications Act; and for connected matters.**

[ ]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Protection of Geographical Indications (Amendment) Act, 2017 and shall be read and construed as one with the Protection of Geographical Indications Act (hereinafter referred to as the “principal Act”).

Short title  
and  
construction.

Amendment  
of section 2  
of principal  
Act.

2. Section 2(1) of the principal Act is amended by renumbering the section as section 2 and in the section as renumbered by—

(a) inserting in the correct alphabetical sequence the following definition—

““Committee” means the Geographical Indications Advisory Committee established under section 7A;” and

(b) deleting the definition of “good” and substituting therefor the following definition—

““good” means any natural or agricultural product or by-products thereof (including wines and spirits) or any product of industry or handicraft;”.

Amendment  
of section 3  
of principal  
Act.

3. Section 3(1)(c) of the principal Act is amended by—

(a) deleting the words “wines or spirits”, wherever they appear and substituting therefor, in each case, the word “goods”; (b) deleting the words “as the case may be”.

Amendment  
of section 5  
of principal  
Act.

4. Section 5 of the principal Act is amended—

(a) in subsection (1), by deleting the words “which relate to wines”; and

(b) in subsection (2), by inserting immediately after the words “homonymous geographical indications”, the words “referred to in subsection (1)”.

Insertion of  
new section  
7A of  
principal Act.

5. The principal Act is amended by inserting next after the heading “Part III. *Registration of Geographical Indications*” the following section—

“Geographical Indications Advisory Committee. 7A.—(1) There shall be established for the purposes of this Act a body to be called the Geographical Indications Advisory Committee.

First  
Schedule.

(2) The provisions of the First Schedule shall have effect with respect to the constitution and procedures of the Committee and otherwise in relation thereto.

(3) The Committee shall—

- (a) upon the request of the Registrar, review applications for registration of geographical indications; and
- (b) upon review of an application under paragraph (a), make a recommendation to the Registrar for the acceptance or refusal of the application.

(4) The recommendation made under this section in relation to an application, shall be signed by the Chairman of the Committee and communicated to the Registrar as soon as possible.”

6. Section 10 of the principal Act is amended—

Amendment  
of section 10  
of principal  
Act.

- (a) by deleting the word “objector” wherever it appears and substituting therefor the word “opponent” in each case;
- (b) in subsection (3), by deleting the words “prescribed manner” and substituting therefor the words “*Intellectual Property Journal*”; and
- (c) in subsection (9), by deleting the word “*Gazette*” and substituting therefor the words “*Intellectual Property Journal* or the *Gazette*,”.

7. Section 17 of the principal Act is amended, in subsection (3)(b), by inserting immediately after the words “publish in the” the words “*Intellectual Property Journal* or the”.

Amendment  
of section 17  
of principal  
Act.

8. Section 18(1) of the principal Act is amended by—

Amendment  
of section 18  
of principal  
Act.

- (a) deleting the words “wines or spirits, as the case may be” and substituting therefor the word “goods”; and
- (b) deleting the words “wines or spirits” and substituting therefor the word “goods”.

9. Section 19(1) of the principal Act is amended by deleting the words “identifying wines or spirits in connection with goods or services produced” and substituting therefor the words “identifying goods in connection with goods produced or services provided”.

Amendment  
of section 19  
of principal  
Act.

Insertion of  
Schedule in  
principal Act.

10. The principal Act is amended by inserting next after section 19, the following Schedule—

“

SCHEDULE

(Section 7A)

*Geographical Indications Advisory Committee*

Constitution  
of the  
Committee.

1.—(1) The Committee shall consist of such number of persons not being less than five nor more than seven—

- (a) appointed by the Minister by instrument in writing, being persons with knowledge and expertise in geographical indications; and
- (b) including the Registrar who shall be an *ex-officio* member of the Committee.

(2) The Minister shall appoint one of the members appointed pursuant to subparagraph (1), who shall be an attorney-at-law with at least seven years experience at the Bar, to be the Chairman of the Committee.

(3) In the case of an absence or inability to act—

- (a) of the Chairman, the Minister may appoint any member of the Committee to act as Chairman; or
- (b) of any member, the Minister may appoint any person who has the knowledge and expertise referred to in subparagraph (1).

Tenure of  
office.

2.—(1) A member of the Committee shall, subject to the provisions of this Schedule, hold office for such period not exceeding three years from the date of appointment.

(2) Every member of the Committee shall be eligible for reappointment.

Resignation.

3.—(1) The Chairman may, at any time, resign his office by instrument in writing addressed to the Minister.

(2) The resignation shall take effect as from the date of receipt by the Minister of the instrument.

(3) A member other than the Chairman may, at any time, resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman.

(4) From the date of the receipt by the Minister of such instrument, the member shall cease to be a member of the Committee.

4. The Minister may revoke the appointment of any member if the member— Revocation of appointment.

- (a) is unable to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause);
- (b) is convicted of a criminal offence;
- (c) becomes bankrupt or compounds with, or suspends payment to, his creditors;
- (d) fails to discharge the functions of his office in a competent manner;
- (e) fails to attend three consecutive meetings of the Committee, without reasonable excuse or explanation; or
- (f) engages in such activities as are reasonably considered prejudicial to the interest of the Committee.

5. The names of all members of the Committee as first constituted and every change in the membership thereof shall be published in the *Gazette*. Publication of membership.

6.—(1) The Minister may, on the written application of any member of the Committee other than the Registrar, grant leave of absence to that member. Leave of absence.

(2) The Minister may appoint any person who has the knowledge and expertise referred to in paragraph 1(1), to act temporarily in the place of any member who is absent.

(3) The Minister may direct a member of the Committee to proceed on leave of absence if the member has been charged with an offence involving fraud, dishonesty or moral turpitude or an offence listed in the Second Schedule to the *Proceeds of Crime Act* or an offence that is similar to any such offence in another jurisdiction.

7.—(1) The Committee shall meet at such times as may be necessary or expedient to undertake the functions specified in section 7A(3) of the Act and the meetings shall be held at such places and times and on such days as the Committee may determine. Meetings.

(2) The Chairman of the Committee shall preside at all meetings of the Committee, and if the Chairman is absent from a meeting the members present and constituting a quorum, shall elect one of their numbers to preside at the meeting.

(3) The quorum of the meetings of the Committee shall be three.

(4) The decisions of the Committee shall be by a majority of the members present and voting, and in addition to an original vote, the Chairman or other member presiding at a meeting, shall have a casting vote in any case in which the voting is equal.

(5) The minutes of each meeting shall be kept in proper form and shall be confirmed as soon as practicable at a subsequent meeting.

Chairman may call a special meeting.

8. The Chairman may, at any time, call a special meeting of the Committee, and shall call a special meeting within seven days of receipt of a written request for that purpose, addressed to the Chairman by any two members of the Committee.

Conflict of interest.

9. A member who is directly or indirectly interested in any matter which is being considered by the Committee shall—

- (a) disclose the nature of his interest at any meeting of the Committee; and
- (b) not take part in any deliberation or decision of the Committee with respect to that matter.

Vacancy, acts or omission.

10.—(1) If any vacancy occurs in the membership of the Committee, the vacancy shall be filled by the appointment of another member, however, the appointment shall be made in the same manner and from the same category of persons as would be required in the case of the original appointment.

(2) No act done or proceeding taken under this Act, shall be questioned on the ground—

- (a) of any vacancy in the membership of or any defect in the constitution of the Committee; or
- (b) of any omission, defect or irregularity, not affecting the merits of the case.

11.—(1) No action, suit or other proceedings shall be brought or instituted personally against any member in respect of any act done *bona fide* in the course of carrying out any of the provisions of this Act. Liability of members.

(2) Where any member is exempt from liability by reason only of the provisions of this paragraph, the Committee shall be liable to the extent that it would be if that member were a servant or agent of the Committee.

12. There shall be paid from the funds of the Jamaica Intellectual Property Office to the Chairman and other members of the Committee, such remuneration (whether by honorarium, salaries or fees) or allowances, as the Minister responsible for the public service may determine.”. Remuneration.

11.—(1) The provisions of the Protection of Geographical Indications Regulations, 2009, specified in the first column of the Schedule to this Act are amended in the manner set out in relation thereto, in the Second Column of that Schedule. Amendment of Protection of Geographical Indications Regulations, 2009. Schedule.

(2) The amendments specified in the Second Column of the Schedule to this Act shall be read and construed as one with the said Regulations.

“ SCHEDULE (Section 10)

*Amendment of the Protection of Geographical Indications Regulations, 2009*

Provision	Amendment
—————	—————
Regulation 7	1. Delete the marginal note and substitute therefor the following— <p style="text-align: center;">“Publication of application”.</p> 2. Delete from paragraph (2)— (a) the numeral “(2)” and substitute therefor the numeral “(1)”; (b) the word “Objections” and substitute therefor the word “Oppositions”.

Provision	Amendment
Regulation 8	<p>1. Delete from—</p> <ul style="list-style-type: none"> <li>(a) the marginal note the word “objection” and substitute therefor the word “opposition”;</li> <li>(b) paragraph (1)— <ul style="list-style-type: none"> <li>(i) the word “objects to” and substitute therefor the word “opposes”;</li> <li>(ii) the words “the objector” and substitute therefor the words “the opponent”;</li> <li>(iii) the word “objection” and substitute therefor the word “opposition”.</li> </ul> </li> </ul> <p>2. Delete from paragraphs (2) and (3) the word “objector” and substitute therefor the word “opponent”.</p>
Regulation 9	<p>1. In paragraph (1), delete the word “objection” and substitute therefor the word “opposition”.</p> <p>2. Delete from paragraph (2) the word “objector” and substitute therefor the word “opponent”.</p>
Regulation 10	<p>Delete the word “objector” wherever it appears and substitute therefor the word “opponent”.</p>
Regulation 13	<p>1. Insert immediately before the word “<i>Gazette</i>” the words “<i>Intellectual Property Journal</i> (referred to in regulation 15) or the,”.</p>



Provision	Amendment
	2. Delete the words "or in the <i>Geographical Indications Journal</i> (referred to in regulation 15)".
Regulation 14	1. In paragraph (3), in the opening words insert immediately after the words "by notice," the words "in the <i>Intellectual Property Journal</i> or,". 2. In paragraph (10)(c), insert immediately before the word " <i>Gazette</i> " the words " <i>Intellectual Property Journal</i> or the,".
Regulation 15	Delete— <ul style="list-style-type: none"> <li>(a) the marginal note and substitute therefor the following— <p style="text-align: center;">"Intellectual Property Journal.";</p> </li> <li>(b) the words "an annual journal which shall be entitled the <i>Geographical Indications Journal</i>" and substitute therefor the words "a Journal which shall be entitled "<i>The Intellectual Property Journal</i>."</li> </ul>
Regulation 16	1. Delete from paragraph (2) the words "wines or spirits" and substitute therefor the word "the goods". 2. In paragraph (4), insert immediately before the word " <i>Gazette</i> " "the words " <i>Intellectual Property Journal</i> or the".
First Schedule	
Form 2	Delete— <ul style="list-style-type: none"> <li>(a) from the heading, the words "Regulation 8(2)" and substitute therefor the words "Regulation 5(1)";</li> </ul>

Provision —	Amendment —
	(b) from item II the words “the entry in the register in respect of”.
Form 3	Delete—
	(a) the words “Section 10” and substitute therefor the words “Regulation 8(1)”;
	(b) the word “Objection” from the heading, and wherever else it appears and substitute therefor in each case the word “opposition”;
	(c) from item II the word “objecting to” and substitute therefor the word “opposing”.
Form 4	Delete—
	(a) the heading “Section 10(6)” and substitute therefor the word “Regulation 9(1)”;
	(b) from the annex the words “Rule 9(1)” and substitute therefor the words “Regulation 9(1)”;
	(c) note 4.
Form 5	Delete—
	(a) the words “Section 10(9)” and substitute therefor the words “Regulation 11”;
	(b) the word “accompanies” and substitute therefor the word “accompany”.
Form 6	Delete from the heading the words “sections 12 and 13” and substitute therefor the words “Regulation 14(1)”.

Provision	Amendment
Form 7	Delete from the heading “section 14” and substitute therefor the words “Regulation 14(5)”.
Form 8	Delete from the heading “section 17(2)(b)” and substitute therefor the words “Regulation 16(1)”.
Form 9	Delete— <ul style="list-style-type: none"> <li>(a) from the heading— <ul style="list-style-type: none"> <li>(i) the word “Invalidate” and substitute therefor the word “Revoke”;</li> <li>(ii) the words “for Wines and Spirits”;</li> <li>(iii) the words “section 18” and substitute therefor the words “regulation 16(2)”;</li> </ul> </li> <li>(b) from note 2 of the annex, the word “invalidation” and substitute therefor the word “revocation”.</li> </ul>

Passed in the House of Representatives this 6th day of December, 2017.

PEARNEl CHARLES, CD, MP, JP  
*Speaker.*

## MEMORANDUM OF OBJECTS AND REASONS

This The Protection of Geographical Indications Act 2004, and the Protection of Geographical Indications, Regulations 2009, gave effect to certain provisions of the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement.

One of the requirements of TRIPS is that all WTO Member Countries establish provisions for the protection of Geographical Indications (referred to as "GIs"). Article 22.2 of the Agreement, provides a standard level of protection for GIs limited to the principles of unfair competition.

Consequently, this provision of the Agreement permits the use of a GI, when the product does not actually originate in the place indicated by the GI, but the foreign location of the product is mentioned in combination with the name of the product or the geographical indication is accompanied by expressions such as "kind", "type", "style", imitation", *etc.*

In contrast, Article 23.1 of the Agreement provides an absolute level of protection on GIs wines and spirits and is not restricted to whether the public is misled or whether unfair competition occurs. This protection for wines and spirits is considerably more enhanced in comparison to that provided in Article 22, for other products and grants a higher level of protection to wines and spirits that is not granted to other products. The crucial difference, therefore, between Article 22.2 and 23.1 is that there is a higher level of protection under Article 23.1, thereby preventing a designation of a product as being made other than in the true place of origin.

This Bill, therefore seeks to amend the Protection of Geographical Indications Act, 2004, to—

- (a) extend protection under Article 23 of the TRIPS Agreement to all goods inclusive of wines and spirits;
- (b) provide for the establishment of a Geographical Indications Advisory Committee; and
- (c) provide for the use of the *Intellectual Property Journal*.

KARL SAMUDA  
Minister of Industry, Commerce,  
Agriculture and Fisheries



ABILL

ENTITLED

An ACT to Amend the Protection of Geographical  
Indications Act; and for connected matters.

As passed in the Honourable House of Representatives.

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SECTION 2 OF THE PRINCIPAL ACT WHICH  
IT IS PROPOSED TO AMEND

2.—(1) In this Act—

“Court” means the Supreme Court;

“geographical indication” means an indication which identifies a good as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin;

“good” means any natural or agricultural product or any product of industry or handicraft;

SECTION 3 OF THE PRINCIPAL ACT WHICH  
IT IS PROPOSED TO AMEND

3.—(1) Any interested party may apply to the Court to prevent, in respect of a geographical indication—

- (a) the use of any means in the designation or presentation of a good that indicates or suggests that the good originates in a geographical area other than the true place of origin, in a manner which misleads the public as to the geographical origin of the good; or
- (b) any use which constitutes an act of unfair competition within the meaning of the Fair Competition Act; or
- (c) any use which identifies wines or spirits, as the case may be, that do not originate in the place indicated by the geographical indication, as wines or spirits of that origin, even where—
  - (i) the true origin of those wines or spirits is indicated; or
  - (ii) the geographical indication is used in translation or accompanied by such expressions as “kind”, “type”, “style”, “imitation”, “comparable to” or other similar expressions.

(2) The Court may, in proceedings under this section, grant an injunction, award damages or grant such other remedy as it considers appropriate.

SECTION 5 OF THE PRINCIPAL ACT WHICH  
IT IS PROPOSED TO AMEND

5.—(1) Subject to section 4(1)(b), protection shall be accorded to homonymous geographical indications which relate to wines.

(2) Where concurrent use of homonymous geographical indications is permitted, the Registrar shall determine the practical conditions under which those geographical indications shall be differentiated from each other, taking into account the need to ensure equitable treatment of the producers concerned and that consumers are not misled.

SECTION 7 OF THE PRINCIPAL ACT WHICH  
IT IS PROPOSED TO AMEND

7.—(1) Any person who knowingly or wilfully uses a geographical indication in a manner specified in section 3(1)(a) or (c), commits an offence and, subject to subsection (2), is liable—

- (a) on summary conviction in a Resident Magistrate's court to a fine not exceeding one million dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment;
- (b) on conviction before a Circuit Court to a fine or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(2) Where the Court is satisfied that any benefits were derived by or accruing to the person convicted from the commission of the offence, the Court may order the person convicted to pay to the Crown such pecuniary penalty as the Court determines to be equivalent to the total value of such benefits.

SECTION 10 OF THE PRINCIPAL ACT WHICH  
IT IS PROPOSED TO AMEND

10.—(1) Upon receipt of an application under section 9(1), the Registrar shall examine the application to determine whether the conditions specified in subsection (2) are satisfied.

(2) The conditions referred to in subsection (1) are that—

- (a) the applicant is a person referred to in section 9(2);
- (b) the geographical indication is not excluded from protection by virtue of section 6; and
- (c) the application—
  - (i) contains the information required by section 9(3); and
  - (ii) complies with any regulation made hereunder in relation thereto.



(3) Where the Registrar ascertains that the conditions specified in subsection (2) are satisfied he shall cause the application to be published in the prescribed manner.

(4) Where an application is published pursuant to subsection (3), a person having an interest in the geographical indication (hereinafter referred to as the objector) may, within the prescribed time and in the prescribed manner, give notice to the Registrar of his opposition to the registration of the geographical indication on any of the grounds specified in subsection (5).

(5) The grounds referred to in subsection (4) are that—

- (a) the geographical indication is excluded from protection by virtue of the provisions of section 6;
- (b) the applicant is not entitled to apply for registration of the geographical indication; or
- (c) the information required under section 9(3) has not been furnished or is incorrect,

and the objector shall state, in relation to—

- (i) paragraph (a), the ground of exclusion;
- (ii) paragraph (b), the reason the applicant is not entitled to apply for registration;
- (iii) paragraph (c), details of the information that has not been furnished or is incorrect.

(6) The registrar shall, on receipt of a notice under subsection (4), send a copy thereof to the applicant who shall send to the Registrar within the prescribed time and in the prescribed manner, a counter-statement of the grounds on which he relies for his application.

SECTION 10 OF THE PRINCIPAL ACT WHICH  
IT IS PROPOSED TO AMEND

(7) Where the applicant sends a counter-statement, the Registrar shall—

- (a) furnish a copy thereof to the objector;
- (b) if requested, give the applicant and the objector the opportunity to be heard in the prescribed time; and
- (c) decide whether or not to register the geographical indication.

(8) the Registrar shall—

- (a) register a geographical indication if he is satisfied that the applicant has complied with subsection (2) and—
  - (i) the registration has not been opposed within the prescribed time; or
  - (ii) where it has been so opposed, the opposition has been resolved in the applicant's favour;
- (b) refuse to register the geographical indication if he is not so satisfied.

(9) the Registrar shall publish in the *Gazette* and a daily newspaper circulating in the island, a notice of the registration of the geographical indication and shall issue to the applicant a certificate of registration in the prescribed form.

(10) If an applicant does not send in a counter-statement within the prescribed time in accordance with subsection (6), the applicant shall be deemed to have abandoned the application.

#### SECTION 17 OF THE PRINCIPAL ACT WHICH IT IS PROPOSED TO AMEND

17.—(1) This section applies to a trademark that contains or consists of a geographical indication relating to a good which does not originate in the territory indicated by the geographical indication, if the use of the indication in the trademark for such product in Jamaica is of such a nature and to mislead the public as to the true place of origin.

(3) Where the Registrar—

- (a) refuses to register a trademark, he shall notify the proprietor of the trademark of such refusal within the prescribed time; or
- (b) revokes a trademark, he shall cause to be published in the *Gazette* and a daily newspaper circulating in the island, a notice of such revocation.

#### SECTION 18 OF THE PRINCIPAL ACT WHICH IT IS PROPOSED TO AMEND

18.—(1) This section applies to a trademark that contains or consists of a geographical indication which identifies wines or spirits, as the case maybe, as originating from a territory, region or locally indicated by the geographical indications which is not the true place of origin of such wines or spirits.

(2) The Registrar shall—

- (a) on his own initiative; or
- (b) at the request of an interested party,

refuse to register that trademark or, as the case may require, revoke its registration.

#### SECTION 19 OF THE PRINCIPAL ACT

19.—(1) Nothing in this Act shall prevent the continued and similar use in Jamaica of a particular geographical indication of a World Trade Organization Member identifying wines or spirits in connection with goods or services produced by any citizen or resident of Jamaica who has used that geographical indication in a continuous manner with regard to the same or related goods or services in Jamaica—

- (a) for at least ten years preceding April 15, 1994; or
- (b) in good faith at any time preceding that date.

(2) Subsection (3) shall apply in any case where an application has been made for registration of a trademark or a trademark has been registered in good faith or rights to a trademark have been acquired through use in good faith—

- (a) before the coming into operation of this Act; or
- (b) before the geographical indication in respect to the trademark is protected in its country of origin.

(3) For the purposes of subsection (2), the provisions of this Act shall not prejudice the registrability of or the validity of the registration of the trademark, or the right to use a trademark on the basis that it is identical with or similar to a geographical indication.

(4) The provisions of this Act shall not apply in respect of a geographical indication of a World Trade Organization Member other than Jamaica, as respects—

- (a) goods or services for which the relevant indication is identical with the term customarily used as the common name for such goods and services in Jamaica; or
- (b) goods of the vine for which the relevant indication is identical with the customary name of a grape variety existing in Jamaica as of January 1, 1995.

(5) Proceedings under section 3 with respect to the use or registration of a trademark containing or consisting of a geographical indication shall, if the conditions specified in subsection (6) are satisfied, be instituted within five years after the adverse use of the protected geographical indication has become generally known in Jamaica or after the date of registration of the trademark in Jamaica.

(6) The conditions referred to in subsection (5) are that—

- (a) the trademark is published by the date of registration referred to in that subsection, if such date is earlier than the date on which the adverse use became generally known in Jamaica; and
- (b) the geographical indication is not used or registered in bad faith.

(7) The provisions of this Act shall not prejudice the right of any person to use, in the course of trade, that person's name or the name of that person's predecessor in business, except where that name is used in such a manner as to mislead the public.

REGULATION 7 OF THE PROTECTION OF GEOGRAPHICAL  
INDICATIONS REGULATIONS, 2009 WHICH IT IS  
PROPOSED TO AMEND

7.—(1) Where the Registrar accepts an application the Registrar shall inform the applicant by notice in writing of the Registrar's—

- (a) acceptance of the application; and
- (b) intention to publish the application.

(2) An application published pursuant to paragraph (2) shall state—

- (a) the date of filing of the application;
- (b) the proposed date of registration of the geographical indication;
- (c) the name, address and (as the case may require) the nationality or Country of incorporation or domicile, of the applicant, or his agent and his address for service;
- (d) the goods to which the geographical indication applies;
- (e) how the geographical indication is to be used and any conditions under which the indication may be used;
- (f) the quality, reputation or other characteristics of the goods;
- (g) the demarcation of the geographical area to which the geographical indication applies; and
- (h) in accordance with regulation 8(1), the time allowed for the lodging of objections to the registration.

REGULATION 8 OF THE PROTECTION OF GEOGRAPHICAL  
INDICATIONS REGULATIONS, 2009 WHICH IT IS  
PROPOSED TO AMEND

8.—(1) A person who objects to the registration of a geographical indication (hereinafter referred to as "the objector") may, within three months from the

date of publication of the application for registration or within such further time, not exceeding one month, as the Registrar may allow, give a notice of objection to the Registrar in the form set out as Form 3 in the First Schedule.

(2) The notice referred to in paragraph (1) shall set out the grounds on which the objector relies, and be accompanied by any supporting evidence.

(3) The objector shall serve a copy of the notice referred to in paragraph (1) on the applicant at his address for service pursuant to regulation 7(3)(c).

REGULATION 9 OF THE PROTECTION OF GEOGRAPHICAL  
INDICATIONS REGULATIONS, 2009 WHICH IT IS  
PROPOSED TO AMEND

9.—(1) The applicant shall, within two months of his receipt of the copy of the notice of objection, send to the Registrar a counter-statement in the form set out as Form 4 in the First Schedule, setting out the grounds relied on for making the application, and accompanied by any supporting evidence.

(2) A copy of the counter-statement shall be served by the applicant on the objector.

REGULATION 10 OF THE PROTECTION OF GEOGRAPHICAL  
INDICATIONS REGULATIONS, 2009 WHICH IT IS  
PROPOSED TO AMEND

10.—(1) The applicant or the objector may in writing submit to the Registrar a request for a hearing.

(2) The Registrar shall give the applicant and the objector no less than one month's notice of the date of the hearing.

(3) The date referred to in paragraph (3), shall be a date no later than one month after the expiration of the period allowed for filing the counter-statement.

(4) An applicant or objector who intends to appear at the hearing shall, within fourteen days of the receipt of the notice of the date of the hearing, notify the Registrar in writing of such intention.

REGULATION 13 OF THE PROTECTION OF GEOGRAPHICAL  
INDICATIONS REGULATIONS, 2009 WHICH IT IS  
PROPOSED TO AMEND

13. The Registrar shall publish from time to time, in the Gazette or in the Geographical Indications Journal (referred to in regulation 15), a list of the geographical indications registered in accordance with the Act.

REGULATION 14 OF THE PROTECTION OF GEOGRAPHICAL  
INDICATIONS REGULATIONS, 2009 WHICH IT IS  
PROPOSED TO AMEND

14.—(1) An application for rectification under section 12, or a request for cancellation of registration under section 13, of the Act shall be made in the form set out in Form 6 in the First Schedule.

(2) The application or request referred to in paragraph (1) shall be accompanied by a statement setting out—

- (a) the nature of the person's interest;
- (b) the facts and grounds which form the basis of the case; and
- (c) the relief sought.

(3) The Registrar shall publish a copy of the application or request referred to in paragraph (1), by notice in a daily newspaper in circulation throughout Jamaica, specifying—

- (a) the time within which the parties may submit written submissions in respect thereof to the Registrar; and
- (b) the time within which any other interested party may apply to be joined in the matter.

... ..

(10) Where the Registrar rectifies the Register under paragraph (1), the Registrar shall—

- (a) make the necessary changes to the Certificate of Registration, and for that purpose may require the Certificate of Registration to be produced by the person to whom the application relates;
- (b) send a copy of the rectified entry to the parties and to any other person who appears from the Register to have an interest in the geographical indications; and
- (c) publish the rectified entry in the Gazette or a daily newspaper in circulation throughout Jamaica.

... ..

REGULATION 15 OF THE PROTECTION OF GEOGRAPHICAL  
INDICATIONS REGULATIONS, 2009 WHICH IT IS  
PROPOSED TO AMEND

15. The Registrar may publish an annual journal which shall be entitled “The Geographical Indications Journal” and which shall contain—

- (a) the particulars of pending applications under the Act for the registration of geographical indications; and
- (b) such other information relating to geographical indications as the Registrar thinks fit.

REGULATION 16 OF THE PROTECTION OF GEOGRAPHICAL  
INDICATIONS REGULATIONS, 2009 WHICH IT IS  
PROPOSED TO AMEND

16.—(1) A request under section 17(2)(b) of the Act for the Registrar to refuse or, as the case may require revoke, the registration of a trade mark misleading as to the origin of a good, shall be made in the form set out as Form 8 in the First Schedule.

(2) A request under section 18 of the Act, for the Registrar to refuse or revoke the registration of a trade mark that inaccurately identifies the origin of wines or spirits, shall be made in the form set out as Form 9 in the First Schedule.

...

...

...

(4) Where the Registrar revokes a trade mark under section 18 of the Act, he shall cause a copy to be published in the Gazette and a daily newspaper in circulation throughout Jamaica, a notice of the revocation.

FIRST SCHEDULE OF THE PROTECTION OF GEOGRAPHICAL INDICATIONS REGULATIONS, 2009 WHICH IT IS PROPOSED TO AMEND

FORM 2

THE PROTECTION OF GEOGRAPHICAL INDICATIONS ACT  
THE PROTECTION OF GEOGRAPHICAL INDICATIONS REGULATIONS, 2009  
Amendment or Request for Correction of Error  
in Application  
(Pursuant to Regulation 8(2))

To the Registrar:

I. In the matter of a geographical indication in the name of

.....  
Applicant

II. It is hereby requested that the entry in the register in respect of the abovementioned application for a geographical indication be amended or be corrected in the following manner—

Dated this ..... day of ..... 20 .....

Name: .....

Signature: .....

Name and daytime telephone number of person to contact: .....

State number of sheets attached to this form: .....

Address of service: .....



FIRST SCHEDULE OF THE PROTECTION OF GEOGRAPHICAL INDICATIONS REGULATIONS, 2009 WHICH IT IS PROPOSED TO AMEND

FORM 3

<p>THE PROTECTION OF GEOGRAPHICAL INDICATIONS ACT THE PROTECTION OF GEOGRAPHICAL INDICATIONS REGULATIONS, 2009 Notice of Objection to Registration of Geographical indication <i>(Pursuant to Regulation 10)</i></p> <p>I. IN THE MATTER OF: Application No. .... for Registration of Geographical Indication Filing Date of Application: Published in ..... of the ..... day of ..... 20 ..... No. .... page .....</p>
<p>II. Name(s) of the person objecting to the Registration: Address(es): ..... ..... Address for service in:</p>
<p>III. GROUNDS FOR OBJECTION: The grounds for objection are as follows: Additional information is contained in the Annexed Schedule which is incorporated in this Form. <input type="checkbox"/> Supporting evidence accompanied this Form <input type="checkbox"/></p>
<p>IV. ATTORNEY-AT-LAW The following Attorney-at-law has been appointed by the applicant as his duly Authorized Agent Name: ..... Address: ..... ..... Tel. No.:                      E-Mail address (if any):                      Fax No.:</p>

FIRST SCHEDULE OF THE PROTECTION OF GEOGRAPHICAL  
INDICATIONS REGULATIONS, 2009 WHICH IT IS  
PROPOSED TO AMEND, CONT'D

FOR OFFICIAL USE

Notice of objection received on:

Fees received on:

<p>FORM 4</p> <p>THE PROTECTION OF GEOGRAPHICAL INDICATIONS ACT</p> <p>THE PROTECTION OF GEOGRAPHICAL INDICATIONS REGULATIONS, 2009</p> <p>Counter-Statement</p> <p><i>(Pursuant to Regulation 10(6))</i></p>	
I.	Your reference: .....
II.	Give details of the application to which this counter-statement relates: ..... .....
III.	Full name of application: .....
IV.	Grounds for Notice of Objection: .....
V.	Name of agent (if appropriate): .....
VI.	Grounds relied on for making the application: .....
	..... .....
VII.	Supporting evidence (if available): .....
	.....

ANNEX

1. These notes will help you to fill in this form. If you need any more help or you have any questions, please contact the Geographical Indication Registry
2. Write your answers in capital letters using black ink or you may type them.
3. If there is not enough space for your answer to any section of this form, use in separate sheets. Number each one and write on the form how many extra sheets you have used.
4. Once you have filled in the form you must remember to sign and date it.
5. This form is used if you want to defend your application against a third party who has lodged an opposition against your application to rectify, or to invalidate your registration. (Rule 9(1) of the Protection of Geographical Indications Regulations, 2009 refers).

6. You must send us details of the grounds for this customer statement on a separate sheet of paper.
7. If your address for service is different from your agent, then please give us full details of both.

FORM 5

THE PROTECTION OF GEOGRAPHICAL INDICATIONS ACT  
THE PROTECTION OF GEOGRAPHICAL INDICATIONS REGULATIONS, 2009  
Certificate of Registration of Geographical Indication  
(Pursuant to Regulation 10(9))

In accordance with section 10 of the Act it is hereby certified that a geographical indication having the Registration No. .... has been registered in the name(s) of:

Name(s): .....  
.....

Address(es): .....  
.....

on ..... in respect of a geographical indication registered  
(date)  
pursuant to an application filed on: ..... being a  
(date)

geographical indication used for: ..... and which  
(goods)

applies to: .....  
(geographical area)

A description of the quality, reputation or other characteristic of the goods for which the geographical indication is used and any conditions under which the indication may be used accompanies this certificate.

Date: .....

.....  
Registrar

<p>FORM 6</p> <p>THE PROTECTION OF GEOGRAPHICAL INDICATIONS ACT</p> <p>THE PROTECTION OF GEOGRAPHICAL INDICATIONS REGULATIONS, 2009</p> <p>Request for rectification of the register or the cancellation of the registration of geographical indication</p> <p><i>(Pursuant to sections 12 and 13)</i></p>	
<p>1. To the Registrar</p>	
<p>2. In the matter of a Geographical indication No. .... registered in the name of ..... an Class .....</p>	
<p>3. It is hereby registered that the entry in the register in respect of the abovementioned Geographical indication may be (removed) (rectified) in the following manner:—</p>	
<p>4. The Register will make any rectification or amendment in default of a response to this notice within the required time.</p>	
<p>Dated this ..... day of ..... 20 .....</p>	
<p>NAME:</p>	<p>ADDRESS FOR SERVICE:</p>
<p>SIGNATURE:</p>	<p>SIGNATURE:</p>

<p>FORM 7</p> <p>THE PROTECTION OF GEOGRAPHICAL INDICATIONS ACT</p> <p>THE PROTECTION OF GEOGRAPHICAL INDICATIONS REGULATIONS, 2009</p> <p>Application for leave to join proceedings relating to the reactification of the register or the cancellation of the registration of geographical indication</p> <p><i>(Pursuant to section 14)</i></p>	
<p>In the matter of the Geographical Indication No. ....</p> <p>registered in the name of.....</p> <p>I/we .....</p> <p>hereby apply for leave to be joined as parties to the proceedings relating to the rectification or removal of the entry in the register in respect of the abovementioned geographical indication/additional protection under section or cancellation of an authorized user.</p> <p>My/our interest in the geographical indication is .....</p> <p>My/our address for service is:</p> <p>Dated this ..... day of ..... 20 .....</p>	
	<p>.....</p> <p>Signature</p>

FORM 8

THE PROTECTION OF GEOGRAPHICAL INDICATIONS ACT  
THE PROTECTION OF GEOGRAPHICAL INDICATIONS REGULATIONS, 2009

Request to Refuse or Remove Registration of  
Misleading Trade Mark

*(Pursuant to section 17(2)(b))*

I. IN THE MATTER OF

An Application for Registration Registration No.\* of Mark

Filing Registration

Date

Application Registration\* Published in the periodical

.....  
(No.)

(Page)

(Date)



<p>FORM 9</p> <p>THE PROTECTION OF GEOGRAPHICAL INDICATIONS ACT</p> <p>THE PROTECTION OF GEOGRAPHICAL INDICATIONS REGULATIONS, 2009</p> <p>Request to Refuse or invalidate Registration of a Mark conflicting with a Geographical Indication for Wines and Spirits</p> <p><i>(Pursuant to section 18)</i></p>			
<p>1. IN THE MATTER OF</p> <p>Application Registration No.* of Mark:</p> <p>Filing Registration:</p> <p>Date:</p> <p>Application Registration* Published in the periodical</p> <p>.....</p> <table><tr><td style="text-align: center;">(No.)</td><td style="text-align: center;">(Page)</td><td style="text-align: center;">(Date)</td></tr></table>	(No.)	(Page)	(Date)
(No.)	(Page)	(Date)	

...

...

...

ANNEX

1. Delete whichever does not apply
2. If there is more than one person or competent authority, together, requesting the refusal or invalidation of the registration of the trade mark, the data concerning each applicant must appear in this box or if the space in any of the boxes is not sufficient, the information should be set out in additional sheets and attached to this Form.
3. Where an Attorney-at-law has been appointed, the address of the Attorney-at-law shall be treated as the address to which communication shall be transmitted.
4. Type name(s) under signature and delete whichever does not apply. The typed names and signatures of all opponents should appear (one in below the other).

