

Kluwer Trademark Blog

IP rights in Trinidad and Tobago remain a best kept secret

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With the implementation of a new trade mark law in Trinidad and Tobago filing has become easier, but there are still challenges to overcome. “While Trinidad and Tobago has a strong and efficient IP system, it is significantly under-utilized.” says Terita Kalloo from [Terita Kalloo Law](#). She has over 10 years experience in Trinidad and Tobago, protecting ideas and helping companies transform them into profit. Time to talk about the small island with the big impact on IP rights.

To start off, could you tell a little about IP in general in Trinidad and Tobago?

Trinidad and Tobago has one of the most modern IP systems in the Caribbean region with a suite of legislation and regulations that provide for the protection of intellectual property rights. Locally, the IP system is utilized mostly for trademark filings, but international companies ensure their trademarks, patents and industrial designs are filed in Trinidad and Tobago as it is one of the largest economies in the Caribbean. It is also one of the wealthiest as it is a major oil and gas producer in the region. Though Trinidad and Tobago is small in size from a global perspective, it is one of the largest countries in the Caribbean and is a high-income country that fosters and promotes entrepreneurship and innovation. Further, from an enforcement standpoint, Trinidad and Tobago is a strategic and major hub for shipments of goods in the region and as such, major brands worldwide ensure protection and enforcement of their rights in Trinidad and Tobago.

Trinidad and Tobago has a wealth of copyright – protectable works as it relates to its vibrant music, fashion, and arts industries. There has been notable progress to meet international standards with the adoption of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who are Blind, Visually Impaired or Otherwise Print Disabled and the Beijing Treaty on Audio-visual Performances.

Trinidad and Tobago has also amended its Trade Mark laws to meet international standards and enable a wider scope of registrable marks, such as non-traditional trademarks. This amendment also notably increased enforcement provisions with an attempt made to simplify and improve the enforcement procedures in Trinidad and Tobago. Further, Trinidad and Tobago is a signatory to the Madrid System for the International Registration of Marks and the Patent Cooperation Treaty which enables easier filing procedures for international trademark and patent filings.

Recently there have been some important changes in the Trade Mark law. What would you say are the most noticeable changes?

The most notable change in the law relates to the trade marks law where international filings are now easily facilitated through the Madrid protocol registration system. An electronic filing system has also been implemented to allow for quicker and easier filing. This has made the process easier for local and international applicants as electronic applications and supporting documentation are now accepted resulting in a less burdensome process. The rights of trademark owners and licensees have also been strengthened with further protection being granted to protect against infringement of trade marks and trade of counterfeit goods. The rights of trade mark owners have been clearly defined and the process and systems to enforce these rights have been improved. It has also provided broader powers to enforcement officials to enable more effective enforcement initiatives.

Further, the introduction of the electronic filing system facilitates easier industrial property filing procedures such as for patent and industrial design filings.

What are the IP challenges in Trinidad and Tobago?

While Trinidad and Tobago has a strong and efficient IP system, it is significantly under-utilized. IPR filings with respect to Patents and Industrial Designs remain relatively low for a high-income country. Despite the substantial importance and benefits of IP protection to both local and international entities, IP rights in Trinidad and Tobago remains a best kept secret. In addition to a low number of firms utilizing the IP system, there is generally a lack of IP knowledge amongst the population as well as within professional fields.

Further, there is little to no inland enforcement initiatives taken by local law enforcement to remove counterfeit goods from the market. This is therefore a deterrence to international companies interested in offering their goods and services in the market. However, with increased interest and action by rights holders, this would encourage inland enforcement initiatives.

Another major IP challenge that is also currently facing Trinidad and Tobago, as well as the world at large and which requires urgent attention, is the inadequate laws and regulations to address issues relating to Artificial Intelligence and Non-Fungible Tokens and the significant effect that has on the protection of intellectual property rights.

Trinidad and Tobago's economy can be significantly improved with the development of an efficient IP marketplace and IP commercialization. Numerous studies conducted worldwide show significant evidence linking IPR protection and economic growth. In fact, researchers have determined that a robust intellectual property rights regime is beneficial for the economic development of a country. However, policies, laws and incentives need to be put in place to enable this and encourage IP to be recognized, valued and used as security and as a viable tradeable asset.

Are there any recent trends in Trinidad and Tobago?

One positive recent trend in Trinidad and Tobago has been a greater focus on enforcement actions against counterfeit goods by our Customs officials with significant seizures being made. This has been facilitated as a result of the new Trade Marks laws, establishment of a Multi-Agency Task Force and Anti-Illicit Task Force in Trinidad and Tobago to deal with counterfeit goods as well as support from the private sector such as from the Trinidad and Tobago Manufacturers Association. This has been a great development towards enforcement IP rights in Trinidad and Tobago.

My law firm has also started working with international clients to enforce their rights and combat counterfeit activity through both civil and criminal actions. As international brands recognize the strategic importance of protecting their rights in Trinidad and Tobago, we have seen a new and keen interest to do this in our jurisdiction.

We have also seen a positive development in local clients utilizing their IP rights to expand their businesses through franchising, licensing, co-branding, introducing new goods and services on the market and exporting their goods and services. Recently, we have been working with entities that have recognized the importance and value of IP and have begun providing both debt and equity financing to companies utilizing IP assets as security. We have also partnered with a regional IP expert to provide IP audit, due diligence and valuation services in the region as we have noted an increased demand for these services.

What is the future for IP in Trinidad and Tobago?

Trinidad and Tobago has been working on further strengthening and developing its IP laws and systems which would encourage both local and international companies to protect their IP in our

jurisdiction. As the legal systems adapt to the digital age and enforcement initiatives increase, this would attract more innovative enterprises to Trinidad and Tobago as they would have more confidence in our IP system.

Our IP office regularly reviews its operations and processes to make the utilization of the IP system more user-friendly and efficient. As such, where more improvements continue to be made, this will facilitate greater use of our IP system both from local and international applicants. Additionally, IP education initiatives have been a core focus of our IP office and we have recently established a National Intellectual Property Training Centre in Trinidad and Tobago which will help to further develop IP education in Trinidad and Tobago.

Trinidad and Tobago has had a keen focus on building an innovative culture with many initiatives being undertaken to promote innovation. It has various well-equipped supporting institutions as well as various strategic connections regionally and internationally to further IP development. This will assist with developing significant IP assets in Trinidad and Tobago which can be protected and exploited, and which will in turn contribute to the development of a robust IP marketplace in Trinidad and Tobago.

You are author of the Trinidad and Tobago chapter for the Wolters Kluwer publication ‘Manual IP (also known as the Brown Book)’. Could you give an insight in what it is like to be involved in this?

It was a true privilege to be the author of the Trinidad and Tobago chapter of the Brown Book. This allowed me to take an in-depth look into all the laws affecting IP rights in Trinidad and Tobago and critically examine areas of development and improvement which are needed. It was a great and seamless experience to work with the Editors to ensure all pertinent aspects of the laws were covered and conveyed in a succinct and clear manner. The Manual is an excellent resource for anyone interested in an expansive understanding of the IP laws of Trinidad and Tobago and is the perfect guide for protecting IP rights in our jurisdiction.

The Manual IP, including the recently updated Trinidad and Tobago chapter, is available online on [Kluwer IP Law](#).

Any final thoughts on IP Rights in Trinidad and Tobago...

Research and studies show a direct correlation between IPR protection and economic growth. As the world skyrockets into the 4th industrial revolution, small and developing countries need to respond with vigour to run the innovation race or risk being left out of the race altogether. The 4th Industrial Revolution is driven by standards, interconnectedness, innovation and IP. As such, strong IP systems and proper utilization of these systems are needed and will become pertinent to the economic development of a country.

Trinidad and Tobago is well equipped to utilize IPR protection to foster economic growth. Given Trinidad and Tobago’s current economy, IP laws and systems, supporting institutions, strategic collaborations and innovation initiatives, there are endless opportunities for local and international entities to protect their businesses and facilitate growth and expansion through utilization of our IP system.

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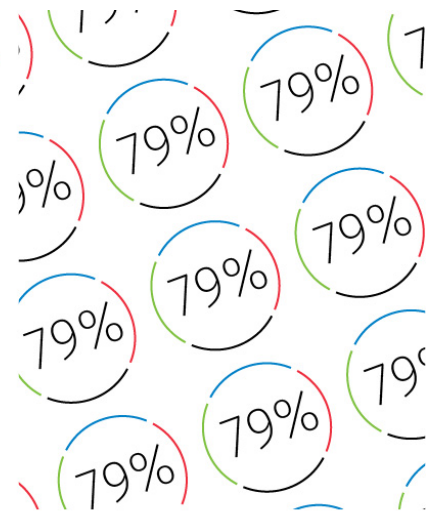
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