

Intellectual Property in the Digital Sphere



**Presented by Mr. Regan Asgarali, Controller
Intellectual Property Office, Office of the Attorney
General and Ministry of Legal Affairs**

Overview



- Introduction to IP
- Types of IP
- Fintech & IP Protection
- Top cities for Fintech investment in the Caribbean
- IPRs systems & business impact
- International Framework & Digital IP Ecosystems
- Trade Marks
- Patents
- Industrial Designs
- Copyright
- List of IT Systems for IPOs
- IT Systems and their advantages to Users of the IP Ecosystem

Overview



- Online Services
- WIPO File Statistics
- Historical Mandate
- IP Office of the Future
- IP Legislation
- IP Treaties
- The Madrid Protocol
- Public Education Initiatives
- International Co-operation
- Testimonials

Introduction to Intellectual Property (IP)



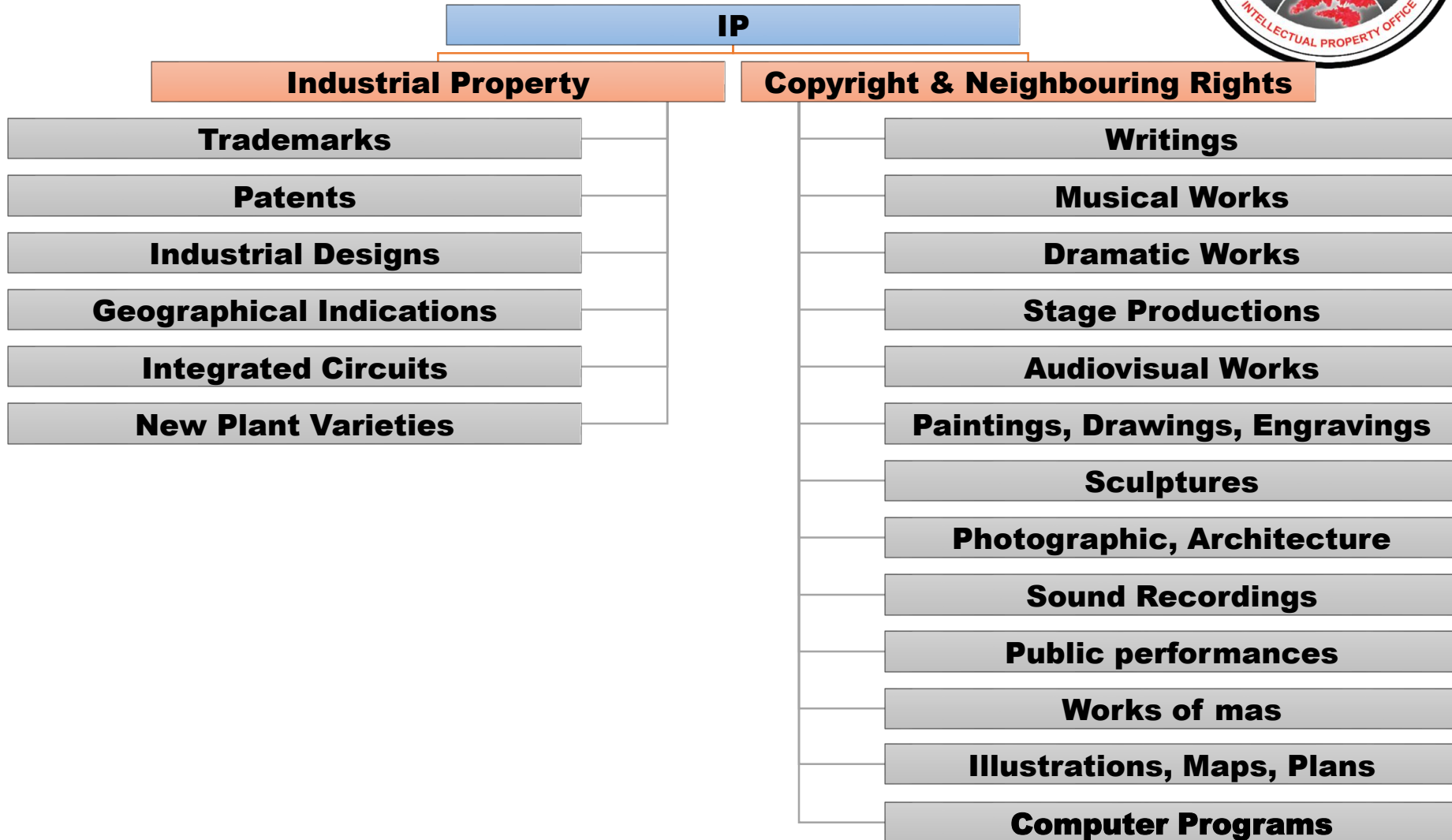
IP refers to expressed creations of the mind

World Intellectual Property Organization (WIPO)



- In 2014, this photo triggered a dispute between David Slater and Wikipedia which uploaded the picture and reasoned that monkeys cannot own copyright.
- In September 2015, the campaign group People for the Ethical Treatment of Animals (PETA) sued Mr. Slater on behalf of Naruto to assert copyright, claiming that the selfie “resulted from a series of purposeful and voluntary actions by Naruto...”
- In January 2016, the trial judge dismissed the action on the basis that even if Naruto had taken the pictures by “independent, autonomous action,” the suit could not continue as animals do not have standing in a court of law.
- PETA appealed the dismissal.
- The parties reached a settlement out of court. deal includes a commitment from the photographer to pay 25 percent of all future royalty revenue to the monkey sanctuary where Naruto lives.

Types of IP



Fintech and IP Protection



TOPIC: Fintech & Regulatory Sandboxing

Trade marks

- Protect against infringement
- A business asset
- Assists with due diligence
- Protection should also be sought for non fungible tokens

Patents

- To protect the technology

Trade Secrets

- To protect confidential information
- Use non-disclosure agreements
- Ensure confidentiality
- Implement confidentiality clauses in third party agreements

Copyright

- Protects software
- Clauses govern ownership of the copyright
- It is important that copyright in any software or other works created by third party contractors is assigned to the fintech

The International Framework and the Digital IP Ecosystems



TOPIC: International Perspective: International Cooperation

INTERNATIONAL INSTRUMENT	ARTICLE	NATIONAL LEGISLATION/ PRACTICE
Trade Related Aspects of Intellectual Property Rights (TRIPS)	Article 10: Computer Programs and Compilations of Data	Section 6(1)(b) of the Copyright Act Chap. 82:80: Derivative works; Section 14 of the Copyright Act Chap. 82:80: Reproduction and adaptation of computer programs.
Protocol Relating to the Madrid Agreement Concerning the Registration of Marks	Article 2: Securing Protection through International Registration https://www.wipo.int/madrid/en/how_to/efile/	Part XII of the Trade Marks Regulations, 2020: Electronic Online System Regulation 5 of the Trade Marks (International Registration) Regulations, 2020: Electronic Online System http://ipo.gov.tt/ipo-news/madrid-e-filing-now-live-in-trinidad-and-tobago/
The Geneva Act (1999) of the Hague Agreement Concerning the International Registration of Industrial Designs	Article 16: International Application Procedure	*The TTIPO is seeking to accede to same. Belize, Jamaica and Suriname are signatories.
The Patent Cooperation Treaty	Article 3: The International Application	Electronic filings are possible Epct: http://ipo.gov.tt/ipo-news/guidance-for-patent-cooperation-treaty-pct-applicants-using-the-trinidad-and-tobago-intellectual-property-office-as-a-receiving-office/

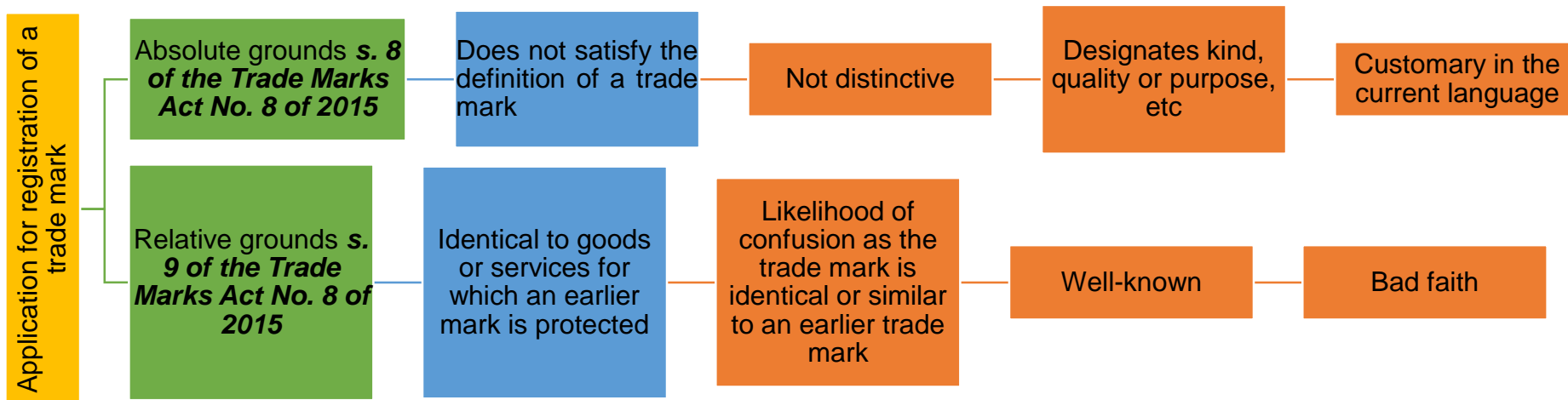
Trade Marks



- “...any sign capable of being represented graphically and which is capable of distinguishing goods or services...” - **S. 3 of the Trade Marks Act No. 8 of 2015**
- Protect the use of logos, names, slogans and symbols.
- Valuable assets.
- Build trust, confidence and loyalty in a product.
- Can be used as a sign of endorsement.
- Enable licensing.



Trade Marks



Cross section of the grounds of refusal of registration adapted from the Trade Marks Act No. 8 of 2015 available online at http://ipo.gov.tt/downloads/Trademark/Trade_Mark_Act_2015.pdf

Trade Marks



Nbr	Status	Description
9	Registered	Downloadable e-wallets
35	Registered	Provision of an online marketplace for buyers and sellers of goods and services
36	Registered	Electronic funds transfer; e-wallet payment services

Trade Marks



TT/0001/51214

Registered

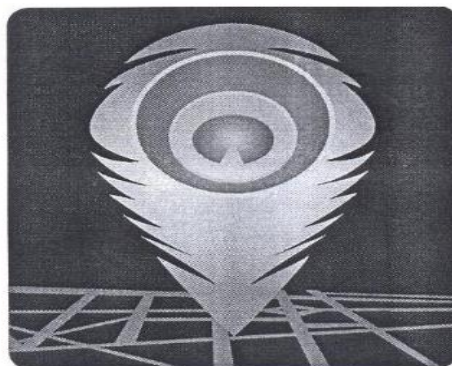
No opposition received, grant registration

12/05/2021 Journal: 1822

Trademark

Both name and logo

D' JUNCTION




D' JUNCTION

Version	Nbr	Status	Description
0-0	9	Registered	Mobile application software

Trade Marks





D'JUNCTION
MOBILE APP

**WE HAVE WHAT
YUH LOOKING FOR!**
Everything carnival at your fingertips.

Download on the
App Store

GET IT ON
Google Play


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MOBILE APP

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Everything carnival at your fingertips.

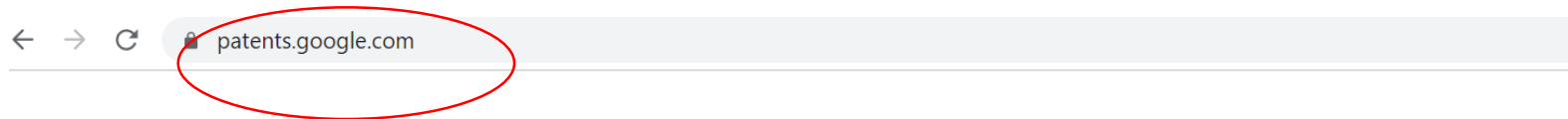
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GET IT ON
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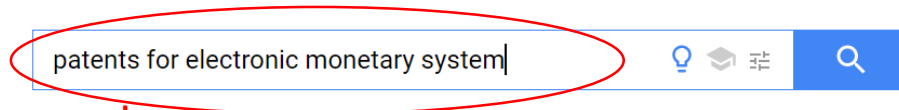
Patents



- Scientific & technical inventions, new formulations and processes



Step 1: enter patents.google.com



Step 2: enter key terms in the search bar

Include non-patent literature (Google Scholar)

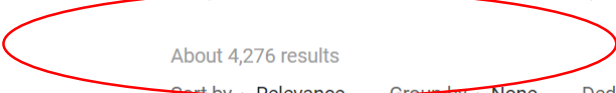
Search and read the full text of patents from [around the world.](#)

Patents



→ ↻ 🔒 patents.google.com/?q=(patent+electronic+monetary+system+citibank)&oq=patent+for+electronic+monetary+system+citibank

Google Patents 🔍 5 of 4276 <

 (patent electronic monetary system citibank);

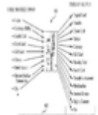
Step 3 : peruse search results

About 4,276 results

Download ▾ Side-by-side

Sort by: Relevance Group by: None Deduplicate by: Family Results / page: 10 ▾

Methods and systems for exchanging and/or transferring various forms of value

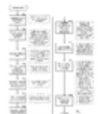


WO EP US AU CA • [US8103586B2](#) • Michael Doran • Coinstar, Inc.

Priority 2002-02-15 • Filed 2009-12-28 • Granted 2012-01-24 • Published 2012-01-24

Methods and systems for exchanging various forms of value, including coins, currency, credit, debit, and/or bank account funds, for prepaid cash cards, credit cards, phone cards, and the like. In one embodiment, a value exchange machine includes a coin input region, a coin sorting/counting ...

Methods and systems for exchanging and/or transferring various forms of value



US • [US20170323282A1](#) • Michael Doran • Coinstar Asset Holdings, Llc

Priority 2002-02-15 • Filed 2017-04-21 • Published 2017-11-09

Methods and systems for exchanging various forms of value, including coins, currency, credit, debit, and/or bank account funds, for prepaid cash cards, credit cards, phone cards, and the like. In one embodiment, a value exchange machine includes a coin input region, a coin sorting/counting ...

Selective escrow using electronic funds transfer



US • [USRE44189E1](#) • Owen H. Brown • Davo Technologies Llc

Priority 2001-12-05 • Filed 2011-07-01 • Granted 2013-04-30 • Published 2013-04-30

A method is employed to impound funds from merchant sales electronically in an escrow account for later use such as payment of associated sales taxes. An electronic funds processor (EFP) determines escrow information for credit/debit card charge payment requests made by the merchant via a credit/ ...

Patents



(19)  **Europäisches Patentamt**
European Patent Office
Office européen des brevets



(11) **EP 0 785 518 A2**

(12) **EUROPEAN PATENT APPLICATION**

(43) Date of publication:
23.07.1997 Bulletin 1997/30

(51) Int. Cl.⁶: **G06F 17/60, G07F 7/10**

(21) Application number: **97105389.7**

(22) Date of filing: **13.11.1992**

(84) Designated Contracting States:
**AT BE CH DE DK ES FR GB GR IE IT LI LU MC NL
PT SE**

(30) Priority: **15.11.1991 US 794112**

(62) Document number(s) of the earlier application(s) in
accordance with Art. 76 EPC:
92119461.9 / 0 542 298

(71) Applicant: **CITIBANK, N.A.**
New York, New York 10043 (US)

(72) Inventor: **Rosen, Sholom Shea**
New York, New York 10024 (US)

(74) Representative: **Molyneaux, Martyn William**
c/o Ladas & Parry,
52-54 High Holborn
London WC1V 6RR (GB)

Remarks:

This application was filed on 01 - 04 - 1997 as a
divisional application to the application mentioned
under INID code 62.

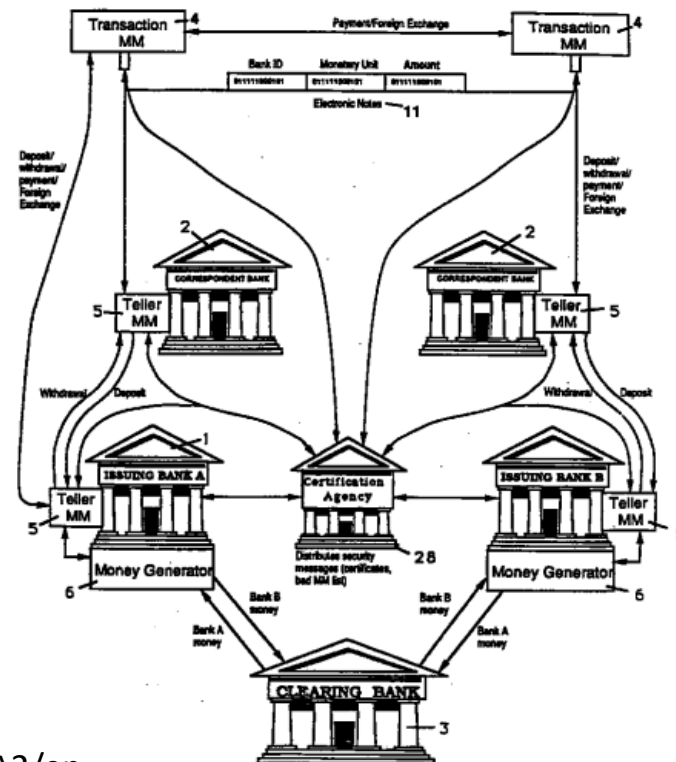
Patents



(54) Electronic-monetary system

(57) An improved monetary system using electronic media to exchange economic value securely and reliably. The invention provides a complete monetary system having electronic money that is interchangeable with conventional paper money comprising (1) issuing banks or financial institutions that are coupled to a money generator device for generating and issuing to subscribing customers electronic currency backed by demand deposits electronic credit authorizations; (2) correspondent banks that accept and distribute the electronic money; (3) a plurality of transaction devices that are used by subscribers for storing electronic money, for performing money transactions with the on-line systems of the participating banks or for exchanging electronic money with other like transaction devices; (4) automated teller devices, associated with the issuing and correspondent banks, for process handling and interfacing the transaction devices to the issuing and correspondent banks themselves; and (5) a clearing bank for balancing the electronic money accounts of the different issuing banks (6).

FIG. 1



Patents



- Patents protect inventions.
- An invention is a new technical solution to an existing problem (process/product).
- A patent is an exclusive right granted for an invention, which is a product or a process that provides, in general, a new way of doing something, or offers a new technical solution to a problem (<https://www.wipo.int/patents/en/>)

- Patents Act 1996 and Rules:

https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/82.76.pdf

Industrial Designs



- Industrial Designs Act 1996 and Rules:
https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/82.77.pdf

Industrial design laws vary greatly from jurisdiction to jurisdiction and have not yet been harmonized on an international level. Consequently, they differ in terms of the type, duration and scope of protection. Depending on the jurisdiction, designs can be registered either under a quasi-patent framework as design patents, or simply within independent realms of design law. The scope of protection usually encompasses the esthetic appearance of a design, which may consist of three-dimensional features, such as the shape of an article, or two-dimensional features, such as patterns, lines or color. However, functionality as a whole is excluded from protection. Design law may be a useful tool for the protection of graphical user interfaces (GUIs) of mobile apps.

Adapted from https://www.wipo.int/export/sites/www/ip-development/en/agenda/docs/scoping_study_mobile_apps.pdf

Industrial Designs

Case Study: Udazzle



- Ms. Rhona Eastman Jack, seamstress, entrepreneur and inventor from Trinidad and Tobago calls on all girls and women to innovate:
 - ***“It is important for women to capitalize on innovation and invention which enhances world economic status and fosters creativity”***



<https://www.youtube.com/watch?v=dHWelVr2MbM> & https://www.wipo.int/ip-outreach/en/ipday/archive/ipday_2018.html#wipoModal2

Copyright



It is important to bear in mind that copyright law does not protect ideas, but is limited to the original expression thereof. In the context of mobile apps, the underlying computer program or screen displays generated by mobile apps are eligible for copyright protection.

Adapted from https://www.wipo.int/export/sites/www/ip-development/en/agenda/docs/scoping_study_mobile_apps.pdf

The Economic Contribution of Copyright-Based Industries in Trinidad and Tobago

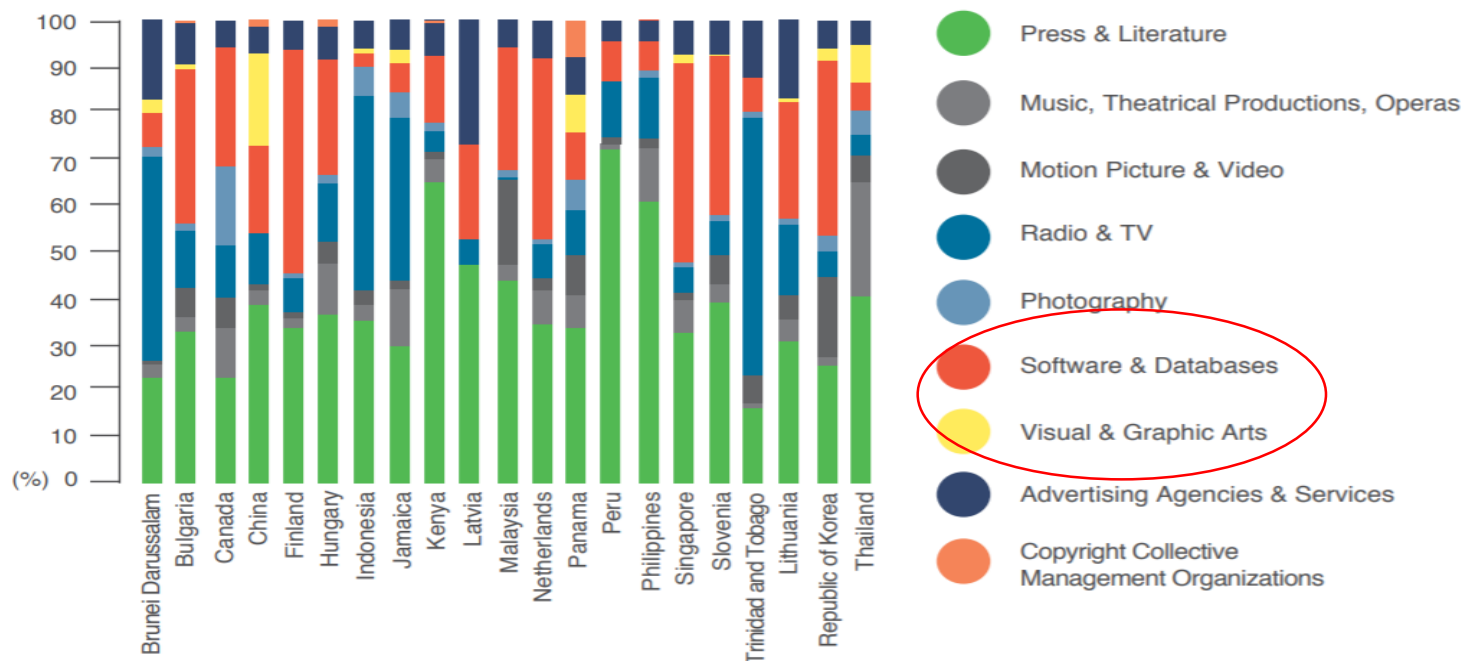
The resulting estimates are that, despite the overwhelming dominance of the petroleum industry, copyright-based industries contributed 4.8% of the GDP and 5% of all jobs in 2011, as compared to 3.6% and 3.9%, respectively, in 2000. These estimates are broadly in line with the global trends in 2011, which average 5.5% of GDP and 5.8% of jobs. The sector also displayed net real growth over the period 2000 to 2011 with respect to the use of intermediates and capital, and a growing capacity to employ finance and retained earnings to fuel expansion over time through growth of the profit share of value added. The growth of employment of intermediates is also a very strong measure of the sector's growing tendency and capacity to generate externalities by employing a variety of forms of domestic capital. The growth in the profit share was perhaps engineered partly by a falling average annual real wage in the sector – an aspect that is a fruitful area for further study. With respect to trade in copyright output (goods and services), the copyright sector was a net positive contributor to the flow of foreign exchange, yielding about US\$32 million of foreign exchange in 2000, US\$35 million in 2007, and US\$50 million in 2011.

The star performer in the copyright sector was radio and television, which experienced explosive growth in the last decade and is also now the largest segment of the core copyright sector and the copyright sector generally. Important contributors to the positive trade performance are steelbands (music) and the export of steelpan; radio and television; and advertising. Some sub-sectors run a trade deficit: mainly press and literature, paper, and furniture and related design. Interestingly, music and related video and sound are small but positive contributors to both output and the trade surplus.

Copyright



- Growth in the creative industries is on average three times that of the economy as a whole.
- In three-quarters of countries surveyed using WIPO evaluation guidelines, the creative industries made a contribution to GDP of between 4 percent and 6.5 percent.



Adapted from: https://www.wipo.int/edocs/pubdocs/en/wipo_pub_cr_2017_1.pdf

List of IT Systems for IPOs



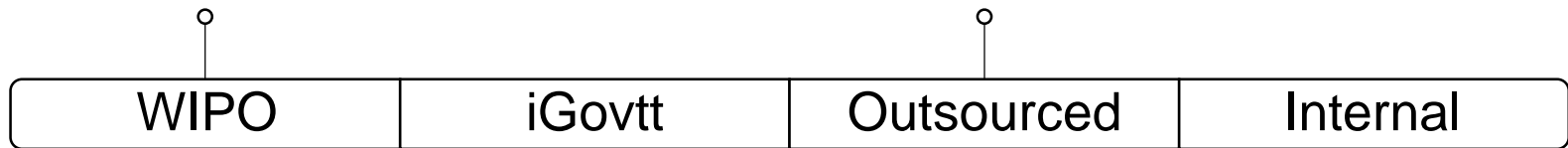
Industrial Property
Administration System
(IPAS)

WIPO Publish

WIPO File

Madrid Module

Point of Sale (POS)



Network Infrastructure

Emails

Acknowledgement
Payment System (APS)

GovPayTT

Register and File
Tracking System (RFTS)

IT Systems and their Advantages to Users of the IP Ecosystem

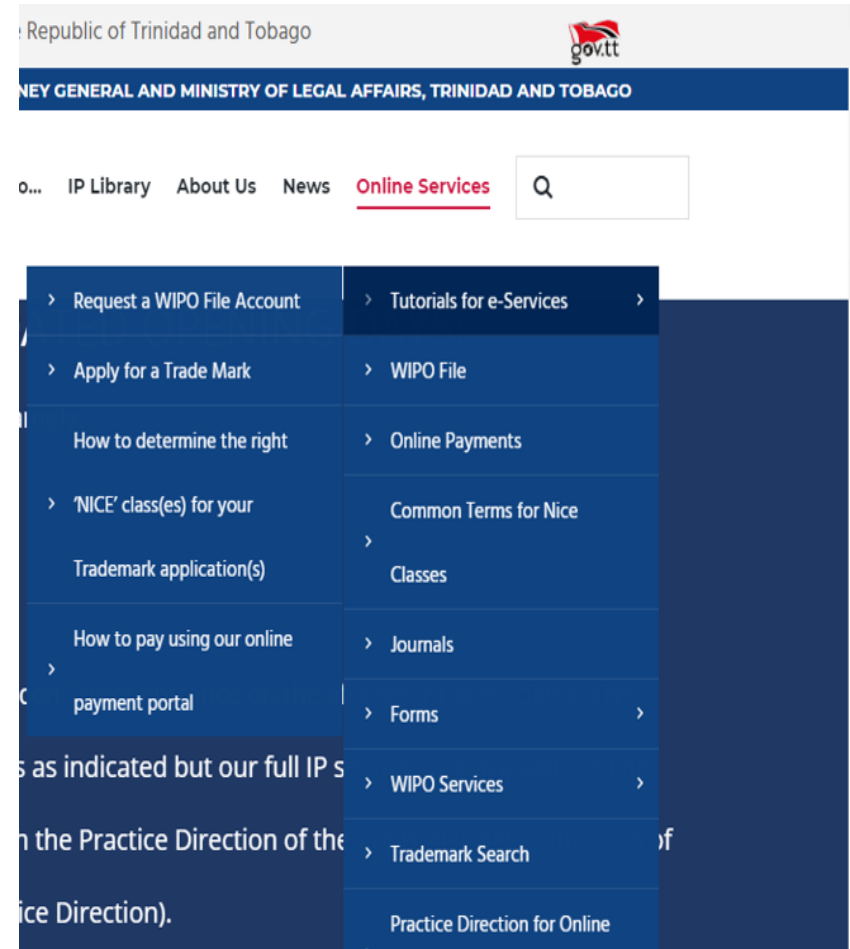


Systems	Internal Services	eServices and their Advantages
IPAS	Reception and processing of all applications and forms filed at TTIPO	Promotes ease of doing business for MSMEs and SMEs, as well as individual applicants.
WIPO Publish	EDMS for IPAS Internal Search Tool	Online Search Tool allows users to search for information with ease.
WIPO File		eFiling of Trademark applications and forms is convenient for MSMEs, SMEs and users as they can file remotely at any time convenient to them.
Madrid Module	Reception of Madrid designations into IPAS	This provides the status of Madrid marks which are included on search reports. Examiners can assist users of the system by providing relevant information as may be necessary.
RFTS	Tracks movement of files and registers	This ensures that they are readily available when the proprietor or agent contacts the TTIPO for information.
POS	Creates acknowledgements for payments Process payments and generate receipts	Emails acknowledgements and receipts to applicants and agents.
APS		Facilitates online payment for acknowledgements via GovPayTT payments gateway.



Online Services

- WIPO File for Online Filing of Trade mark Applications and Forms
<http://efiling.ipo.gov.tt:8080/efiling/>
- Tutorial Videos
<http://ipo.gov.tt/category/tutorials-for-e-services/>
- Online Payments for all transactions
<https://payment.ipo.gov.tt/>
- Online Journal Publication
<http://ipo.gov.tt/journals/>
- Links to multiple WIPO e-Services
<http://ipo.gov.tt/general/wipo-services/>

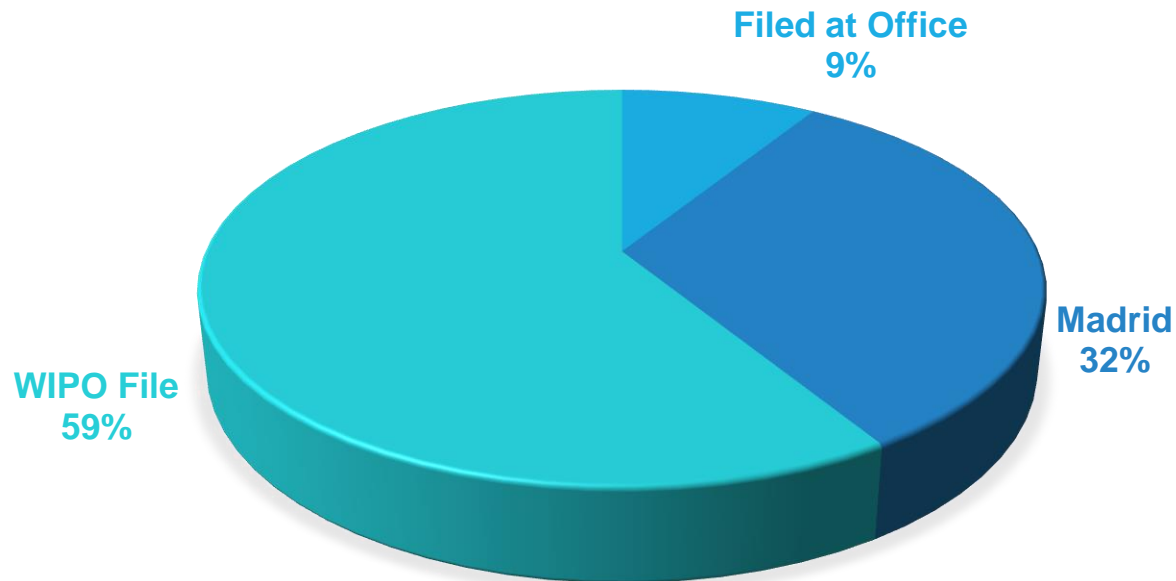


<http://ipo.gov.tt/general/online-services/>



WIPO File Statistics

TRADEMARK APPLICATIONS SINCE MARCH 31, 2020





WIPO File Statistics

Annual Filing Comparison Before and After WIPO File



IP Office of the future: Alternative Dispute Resolution (ADR)



TOPIC: Consumer Protection & Competition/ Fair Trading Legislation to bolster the digital economy

In December 2018, the TTIPO and the WIPO entered into a collaboration through the signing of a Memorandum of Understanding (MOU) to make available ADR options, in particular mediation, for intellectual property (IP) and technology disputes in Trinidad and Tobago and the region, through the WIPO Arbitration and Mediation Center (WIPO Center).

Reduced administration and mediator's fees apply in light of the TTIPO-WIPO collaboration.

WIPO's Administrative Fee	Mediator's Fees
USD 50 per party*	USD 100 per party (includes 4 hours of preparation and mediation). Additional hours: USD 50 per hour per party.

<https://www.wipo.int/amc/en/center/specific-sectors/ipoffices/trinidadtobago/>

IP Office of the future: Leveraging Tools for SMEs IP Diagnostic Tool



TOPIC: Measuring digital economies and creating an enabling regulatory environment for financial innovation

Intellectual Property for Business

An understanding of intellectual property (IP) can help your business become more competitive and manage IP related risks.

The IP system has an important role to play in helping you:

- **protect innovative** products and services;
- **increase the visibility**, attractiveness and value of your products on the market;
- **distinguish your business** and its products from the competition;
- **access technical and business information** and knowledge;
- **avoid the risk** of unknowingly using third party proprietary content or inadvertently losing your own valuable information, innovations or creative output.



WIPO IP Diagnostics

The IP Diagnostics Tool helps you identify your business' IP assets and provides you with an automated report with basic information on how to manage these assets.

<https://www.wipo.int/sme/en/>

IP Office of the future: Appreneurship



TOPIC: Bridging the Digital Divide

1.2.2 Business and intellectual property

In Trinidad and Tobago, SMEs utilize various types of IPRs, namely, trademarks. Search reports generated from the Intellectual Property Administration System (IPAS) reflected trademarks registered at the TTIPO in the last 10 years in Class 9 for software applications. The search revealed that the total number of registrations was 1,132 trademarks, of which 57 were local and 1,075 were international. Also, in 2016, approximately 29% of the trademarks applications were filed by local applicants, many of which are micro- small and medium-sized enterprises (MSMEs). Local MSMEs consume or distribute a considerable amount of IP but some of it may belong to other creators.

Adopted from Pg. 18 of the Scoping Study on Availability and Use of Intellectual Property Tools to Protect Mobile Applications in the Three Beneficiary Countries Namely Kenya, Trinidad and Tobago and the Philippines : https://www.wipo.int/export/sites/www/ip-development/en/agenda/docs/scoping_study_mobile_apps.pdf

IP Legislation



Regulation 39 of the Trade Marks Regulations, 2020

Division 7—Registration

Certificate of
registraiton

39. Upon the registration of a trade mark, the Controller shall issue to the applicant a certificate of registration.

IP Legislation



Electronic Online System

Part XII Trade Marks Regulations, 2020

PART XII

ELECTRONIC ONLINE SYSTEMS

76. Establishment of electronic online system
77. Registration as account holder
78. Identification name and authentication code
79. Obligation to inform Controller of change of particulars
80. Security measures
81. Duty of person using electronic online system
82. Cancellation of registration as account holder
83. Documents to be signed, made on oath or attested

IP Legislation



Regulation 76 of the Trade Marks Regulations, 2020

Establishment of electronic online system 76. (1) There shall be established an electronic online system for the purposes of these Regulations.

(2) The Controller may—

- (a) accept the filing of documents;
- (b) obtain information in any form; and
- (c) issue any document or approval;

by means of electronic records or in electronic form.

IP Legislation



Regulation 76 of the Trade Marks Regulations, 2020

(3) Where the Controller decides to perform any of the functions under the Act or these Regulations by means of electronic records or in electronic form, the Controller may specify—

- (a) the manner and format in which such electronic records shall be filed, created, retained, issued or provided;
- (b) such control processes and procedures, as may be appropriate to ensure adequate integrity, security and confidentiality of electronic records or payments; or
- (c) any other required attributes for electronic records or payments that are currently specified for corresponding paper documents.

(4) The Controller may permit a person to have on-line access to the electronic database or databases for the purpose of examining any information, form, or document that the person is authorised to access under the Act or any other enactment.

(5) Any information, forms, or documents that are required to be signed by a person for filing with the Controller under the Act may be filed with the Controller if signed by electronic signature approved by the Controller, or by an electronically transmitted or reproduced signature.

IP Legislation



Regulation 76 of the Trade Marks Regulations, 2020

- (6) The electronic online system may be used—
- (a) for carrying out any of the transactions as directed by the Controller;
 - (b) by any person for giving, sending to, filing with, or serving on the Controller or Intellectual Property Office any document, other than—
 - (i) a form that is not used for carrying out any of the transactions referred to in subparagraph (a); or
 - (ii) a notice or document to be served in proceedings in court; and
 - (c) by the Controller or Intellectual Property Office for giving, sending to, or serving on, any person any notice or other document, other than a notice or document to be served in proceedings in court.

IP Treaties



TOPIC: INTERNATIONAL PERSPECTIVE: INTERNATIONAL COOPERATION

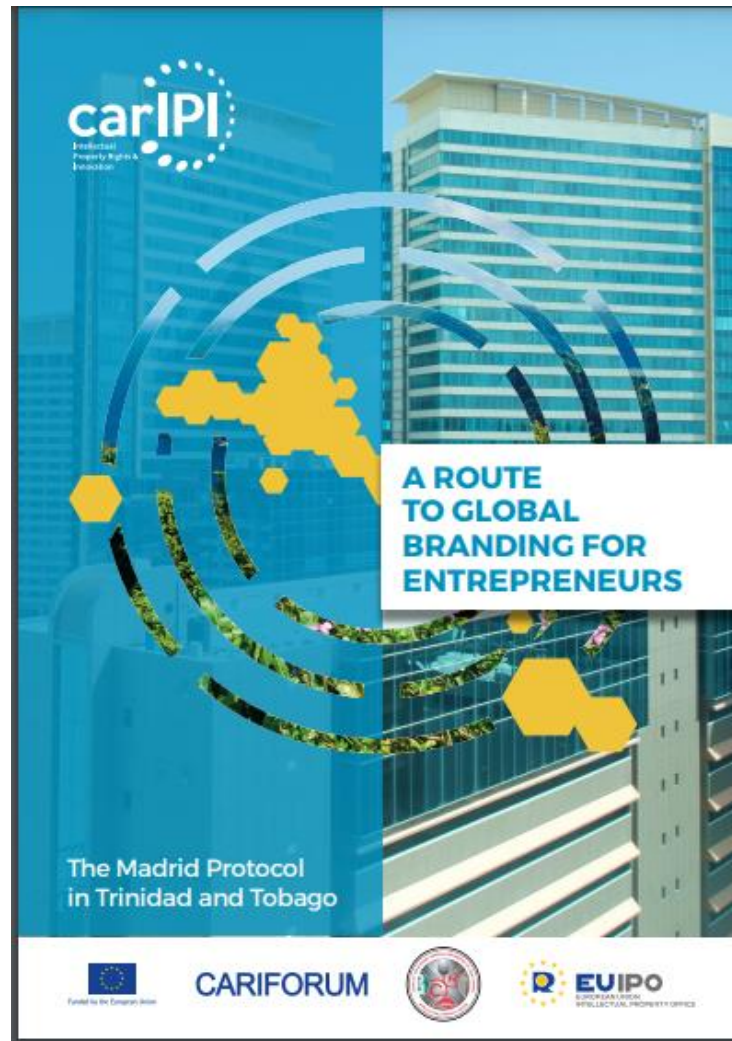
- The full list of International Conventions Relating to Intellectual Property to which Trinidad and Tobago is a member of is available online at <https://bit.ly/3BnF1xn>.
- Some key treaties include:
 - The Paris Convention for the Protection of Industrial Property (1883).
 - The Patent Cooperation Treaty (1970)
 - The Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (1957).

IP Treaties



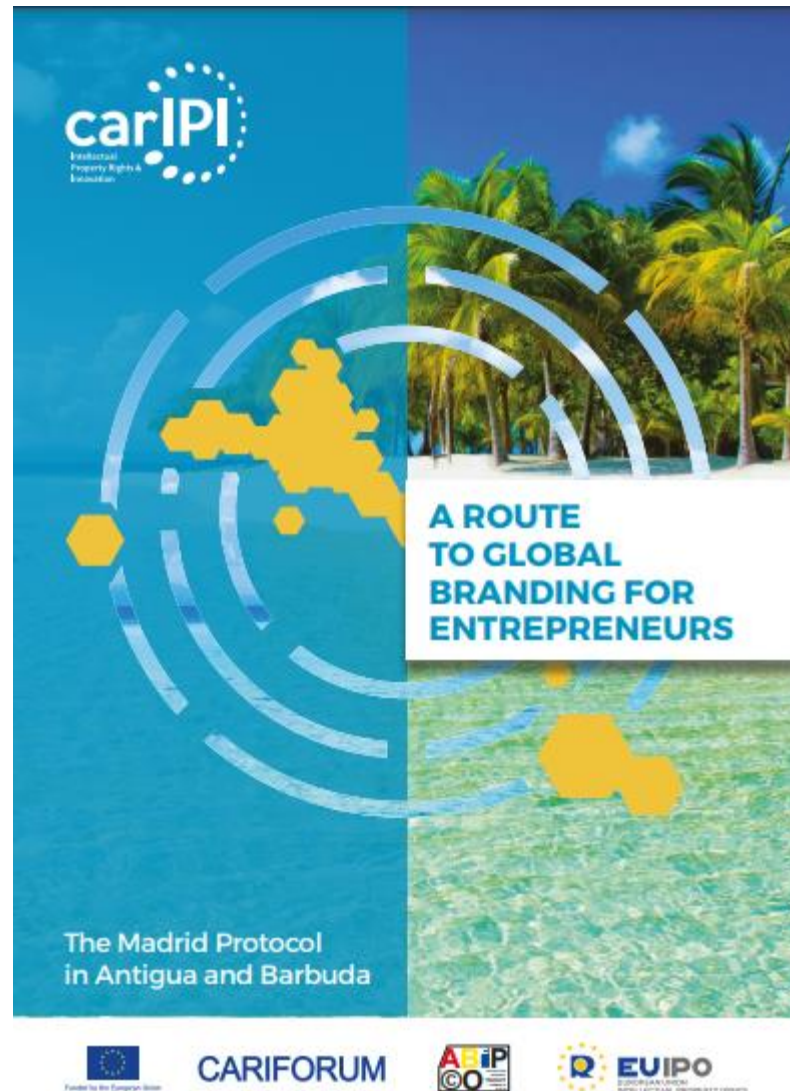
- Singapore Treaty on the Law of Trademarks (2019).
- Beijing Treaty on Audio-visual Performances (2019).
- Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (2019).

The Madrid Protocol



https://internationalipcooperation.eu/sites/default/files/caripi-docs/CarIPI_apr2021_The-Madrid-protocol-in-Trinidad-and-Tobago.pdf

The Madrid Protocol



https://internationalipcooperation.eu/sites/default/files/arise-docs/2020/Caripi_oct2020_The-Madrid-Protocol_HQ.pdf

The Madrid Protocol

Mark



Indication relating to the nature or kind of mark

The words contained in the mark have no meaning

International Classification of the Figurative Elements of Marks (Vienna Classification) - VCL(8)

26.11.12 ; 26.13.01 ; 27.05.01 ; 27.05.08 ; 29.01.15

Information concerning colors claimed

Pacific blue (Pantone Ref #313 C), blue (Pantone Ref #2126 C), dark blue (Pantone Ref #2370 C), fuchsia (Pantone Ref #226 C), purple (Pantone Ref #207 C), peach (Pantone Ref #179 C), yellow (Pantone Ref #102 C), olive green (Pantone Ref #2300 C) and green (Pantone Ref #7739 C).

A rainbow or swirl of colours forming a figurative version of the letter C; The colours from left to right are pacific blue (Pantone Ref #313 C), blue (Pantone Ref #2126 C), dark blue (Pantone Ref #2370 C), fuchsia (Pantone Ref #226 C), purple (Pantone Ref #207 C), peach (Pantone Ref #179 C), yellow (Pantone Ref #102 C), olive green (Pantone Ref #2300 C), green (Pantone Ref #7739 C).

Voluntary description of the mark

The mark spells the word "Carnicon" which is a uniquely contrived word; The letter "C" is displayed figuratively using a painted effect forming a rainbow or swirl of colours to mimic the shape and look of the letter "C"; This is followed by the letters "ARNICON".

International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(11-2021)

41 Organization of events for educational and cultural purposes.

Basic registration

TT, 12.02.2021, 55877

Designation(s) under the Madrid Protocol

CA - EM - GB - JP - US

Indications regarding use requirements

GB - US

International Co-operation



TOPIC: INTERNATIONAL PERSPECTIVE: INTERNATIONAL COOPERATION





Testimonials

TESTIMONIALS FROM A FEW CLIENTS:



I am 100% satisfied with this new lightweight and professional website that is very flexible and well thought-through. It meets all my expectations and needs. Awesome!"

K. Dyer



Intellectual Property Office
Inspiring Innovation Protecting Creations

IpoTrinbago

Address: 3rd Floor, Capital Plaza, 11-13 Frederick Street, Port of Spain.

Email: info@ipo.gov.tt

Phone: 226-4476

www.ipo.gov.tt

