

THE JAMAICA INTELLECTUAL PROPERTY  
OFFICE ACT

ARRANGEMENT OF SECTIONS

*Preliminary*

1. Short title.
2. Interpretation.

*Establishment and Functions of Office*

3. Establishment of Office.
4. Functions of Office.
5. Ministerial directions.

*Financial Provisions, Annual Report*

6. Funds and resources of the Office.
7. Borrowing powers.
8. Advances and grants to Office.
9. Repayment of and interest on advances and sums issued to meet guarantee.
10. General financial duties.
11. Accounts and Audit.
12. Annual report and estimates.
13. Exemption from customs duty, etc.
14. Exemption from income tax, transfer tax, stamp duty, fees.

*Advisory Board*

15. Advisory Board.
16. Functions of Advisory Board.

*General*

17. Secrecy.
18. Regulations.

**SCHEDULES.**

THE JAMAICA INTELLECTUAL PROPERTY  
OFFICE ACT

Act  
25 of 2001.

[1st February, 2002.]

*Preliminary*

1. This Act may be cited as the Jamaica Intellectual Property Office Act. Short title.

2. In this Act, unless the context otherwise requires— Interpreta-  
tion.

"Board" means the Advisory Board established under section 15;

"Executive Director" means the Executive Director of the Office appointed under paragraph 2 of the First Schedule; First  
Schedule.

"functions" includes powers and duties;

"Office" means the Jamaica Intellectual Property Office established under section 3;

"relevant law" means—

- (a) The Copyright Act;
- (b) The Designs Act;
- (c) The Layout Designs (Topographies) Act;
- (d) The Merchandise Marks Act;
- (e) The Patents Act;
- (f) The Trade Marks Act; or
- (g) any other enactment relating to the conferment of or protection and administration of intellectual property rights.

*Establishment and Functions of Office*

Establishment  
of Office.

**3.—(1)** There is hereby established a body to be known as the Jamaica Intellectual Property Office which shall be a body corporate to which the provisions of section 28 of the Interpretation Act shall apply.

First Schedule.

**(2)** The provisions of the First Schedule shall have effect as to the constitution of the Office and otherwise in relation thereto.

Functions of  
Office.

**4.** It shall be the duty of the Office to—

- (a)** administer all relevant laws;
- (b)** advise the Minister on matters relating to the administration of such laws;
- (c)** promote the progressive development of intellectual property rights in Jamaica;
- (d)** carry out such other functions relating to intellectual property rights as the Minister, after consultation with the Executive Director, may determine;
- (e)** exercise any power and perform any function conferred on it by or under this Act or any relevant law, and to do all such other things as in the opinion of the Office are necessary or incidental to the proper performance of its functions.

Ministerial  
directions.

**5.** The Minister may give to the Office such directions of a general nature, as to the policy to be followed by the Office in the performance of its functions under this Act and under any relevant law, as the Minister considers necessary in the public interest, and the Office shall give effect to those directions.

*Financial Provisions, Annual Report*

Funds and  
resources of  
the Office.

**6.** The funds and resources of the Office shall consist of—

- (a) such sums as may be provided by Parliament for the Office in the annual estimates of revenue and expenditure;
- (b) such sums as may be allocated from time to time to the Office from loan funds;
- (c) any property, mortgages, debentures, or investments acquired by or vested in the Office, and any moneys earned or arising therefrom;
- (d) sums borrowed by the Office for the purpose of meeting any of its obligations or discharging any of its functions;
- (e) revenues derived from charges imposed by the Office for the use of any facility or service provided by it;
- (f) revenue from registration or other fees charged consequent on the administration of the relevant laws;
- (g) all other sums or property which may in any manner become payable to or vested in the Office in respect of any matter incidental to its functions.

7.—(1) Subject to the provisions of subsection (2), the Office may borrow sums required by it for meeting any of its obligations or discharging any of its functions. Borrowing powers.

(2) The power of the Office to borrow shall be exercisable only with the approval of the Minister responsible for finance, as to the amount, as to the sources of borrowing and as to the terms on which borrowing may be effected.

(3) An approval given in any respect for the purposes of this section may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

Advances and grants to Office.

**8.—(1)** The Minister may from time to time make advances and grants to the Office, out of sums placed upon the estimates of revenue and expenditure for the purpose and approved by the House of Representatives.

(2) With the approval of the House of Representatives, the Minister responsible for finance may guarantee, in such manner and on such conditions as he thinks fit, the payment of the principal and interest on any authorized borrowing of the Office made otherwise than by way of advance under subsection (1).

(3) Where the Minister responsible for finance is satisfied that there has been default in the repayment of any principal moneys or interest guaranteed under the provisions of this section, he shall direct the repayment out of the Consolidated Fund of the amount in respect of which there has been such default.

Repayment of and interest on advances and sums issued to meet guarantee.

**9.** The Office shall make to the Accountant-General, at such times and in such manner as the Minister responsible for finance may direct, payments of such amounts as may be so directed in or towards repayment of advances made to the Office under section 8, and of any sums issued in fulfilment of any guarantee given thereunder, and payments of interest on what is outstanding for the time being in respect of such advances and of any sums issued at such rate as the Minister aforesaid may direct, and different rates of interest may be directed as respects different advances or sums and as respects interest for different periods.

General financial duties.

**10.—(1)** It shall be the duty of the Office to conduct its affairs so as to ensure that its revenue (including any grant towards revenue made to it in pursuance of section 8) is not less than sufficient to meet charges properly chargeable to revenue account, taking one year with another.

(2) Moneys standing to the credit of the Office may from time to time be invested in securities approved either generally or specifically by the Minister; and the Office may, from time to time, with the like approval, sell all or any of such securities.