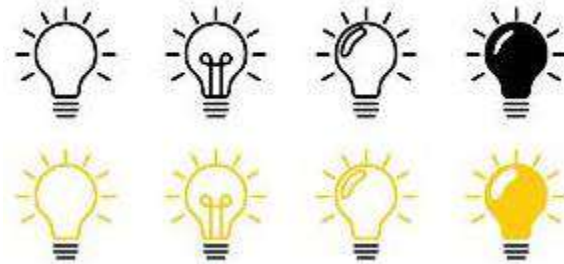


WELCOME

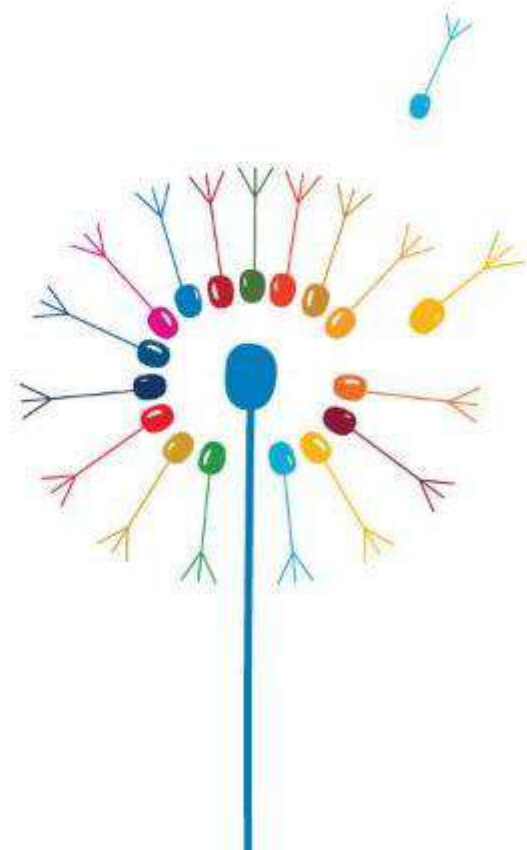
Intellectual Property 101

*Candace Westby
Director of Intellectual Property
CIG Lunch & Learn
April 18, 2024*



TOPICS

- Types of IP
 - Trade Marks
 - Copyright
 - Designs
 - Patents
- Crown Copyright
- Trade Secrets





How does IP Affect Business?

IP & the SDGs
Building
our common
future with
innovation
and creativity

An illustration on the left side of the slide shows two hands, one brown and one pink, holding a glowing yellow lightbulb. Above the lightbulb are several colorful, abstract shapes resembling stylized leaves or branches in purple, yellow, and orange. The main text is centered in a large, bold, dark blue font.

Almost every business has a trade name or logo, valuable confidential business information, original designs/images or produced copyrighted work.

MAIN PRINCIPLES OF IP

Exclusive rights to:



Make
Import or export

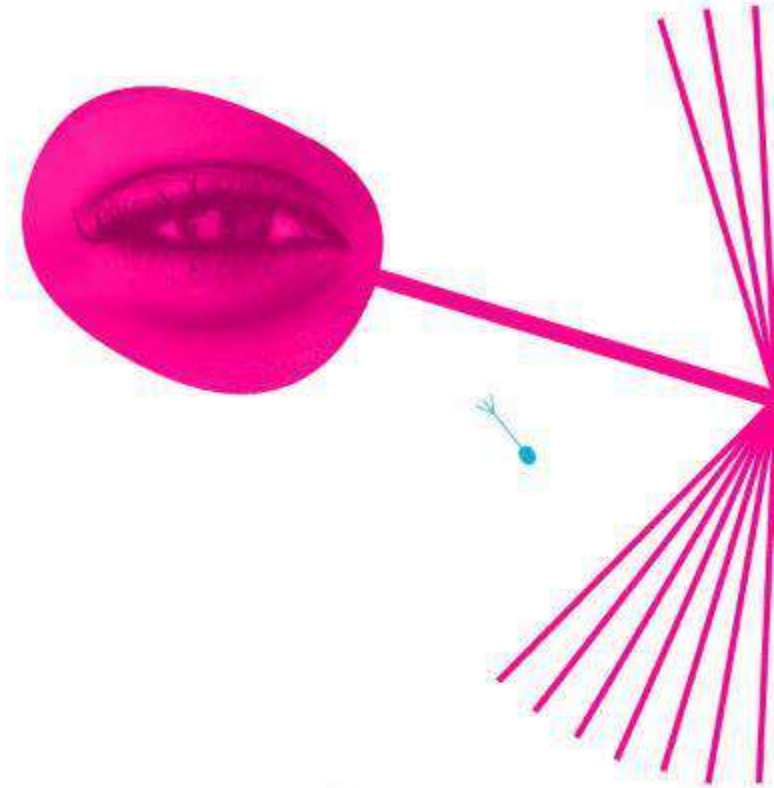
Offer for sale

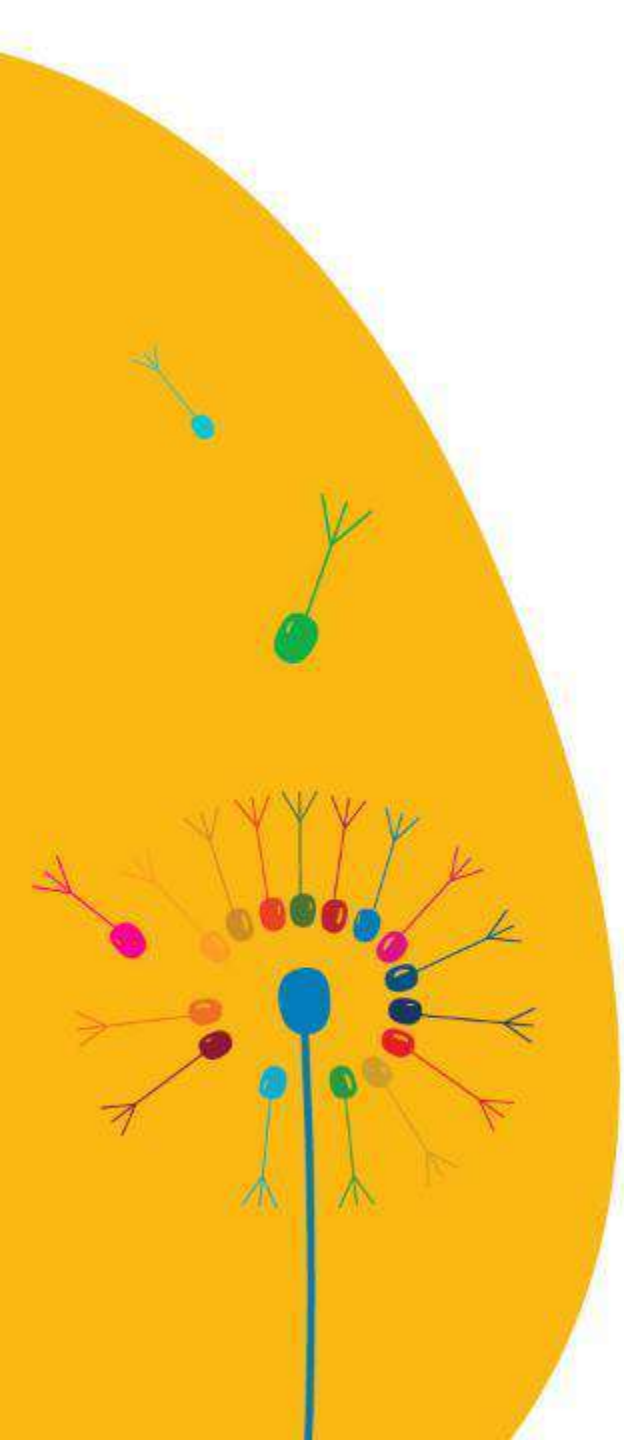
Use the product, process or logo



Copy

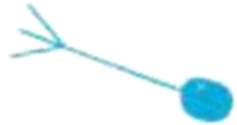
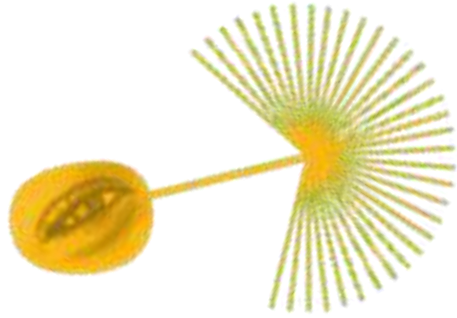
Distribute





DESIGNS

#WorldIPday



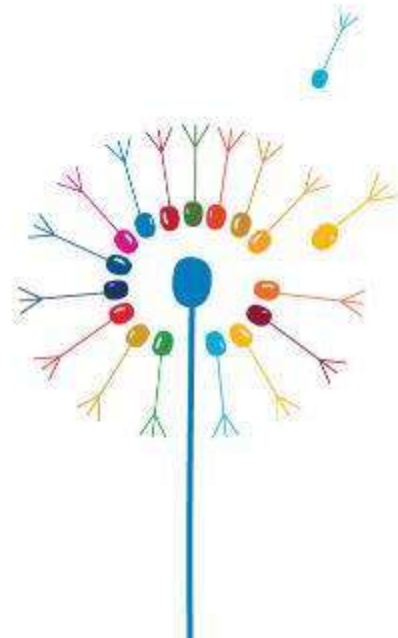
Protects the way a product looks

Granted if a product has some unique configuration and/or distinct surface ornamentation

Registered by extension of a UK right for up to 25 years

Registration fee: \$150.00

**Design Right
Industrial Design
Design Patent**

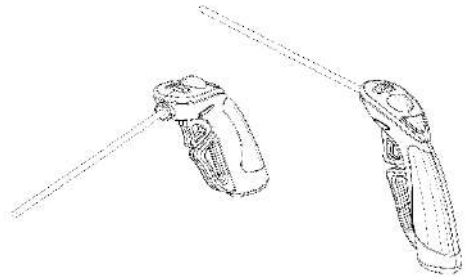




DESIGNS

May be applied to a variety of industrial products.

**Technical
and medical
instruments**



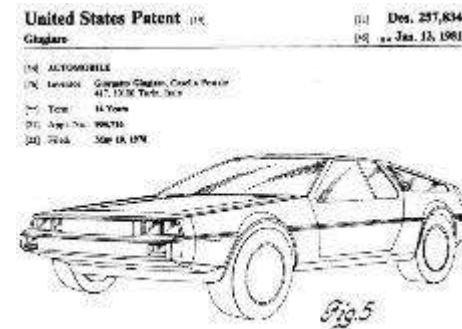
**Watches
and
Jewellery**



**Housewares
and
Electrical
Appliances**



Vehicles



**Leisure
Goods
and
Textile
Designs**

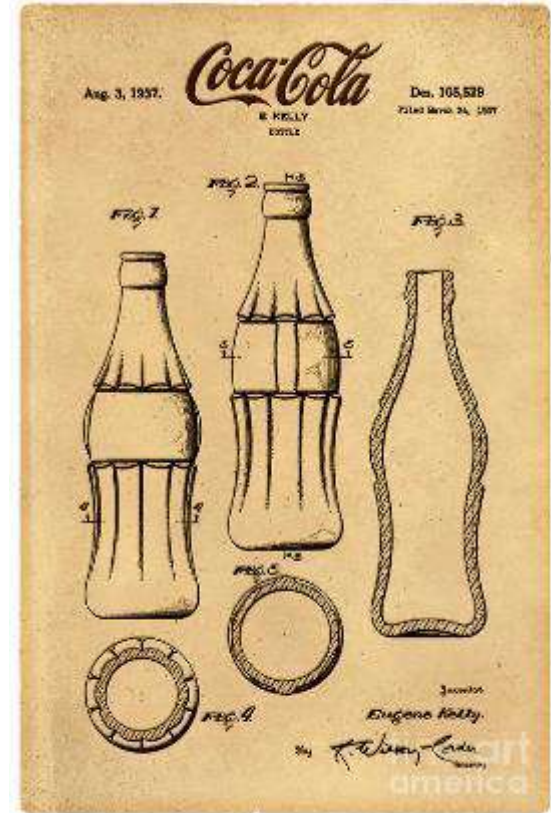




Can you guess some of the most famous designs in the world?



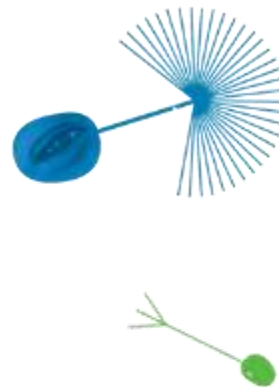
Most Famous Design



The outer border of the cuff is defined by its metallic frame.

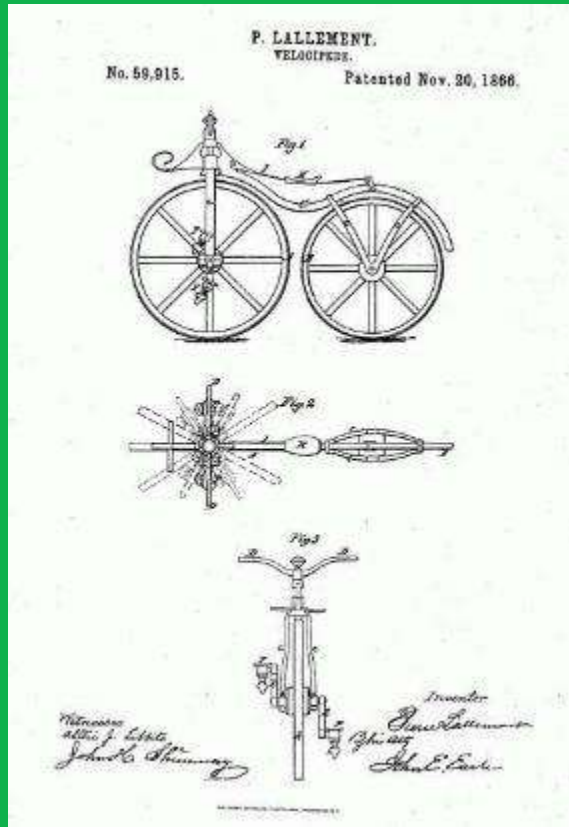
Internal part of the cuff made from silver thatch palm using traditional braiding techniques.

By local jewellery designer Rachel Christ



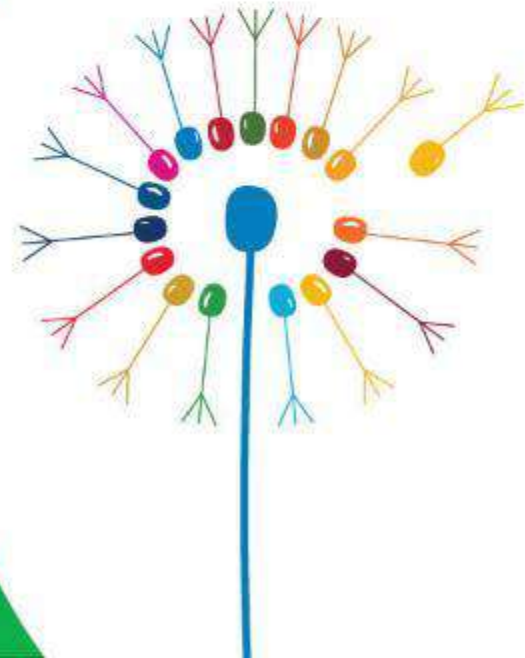
Local Registered Design





PATENT

#WorldIPday



Patent

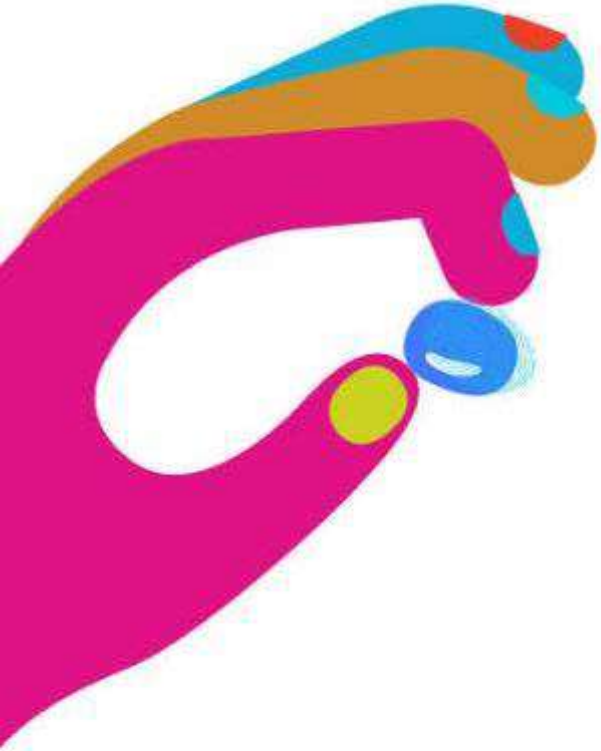
Title granted to protect an invention

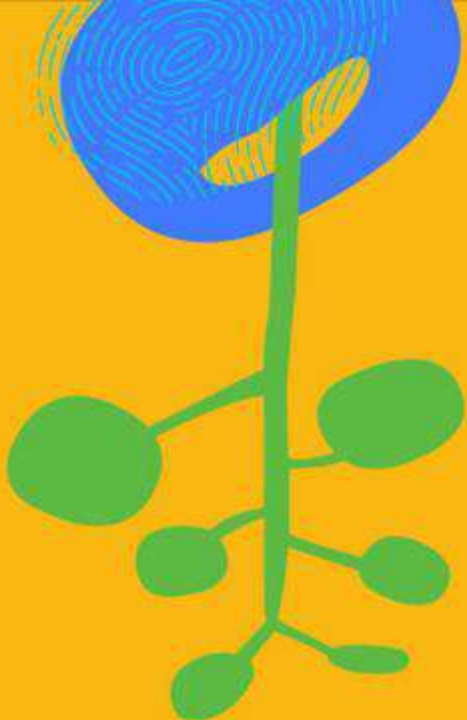
Must be new, something that can be used and inventive

Registered by extension of a UK right

Protected for 20 years from the filing date

Registration fee: \$200.00





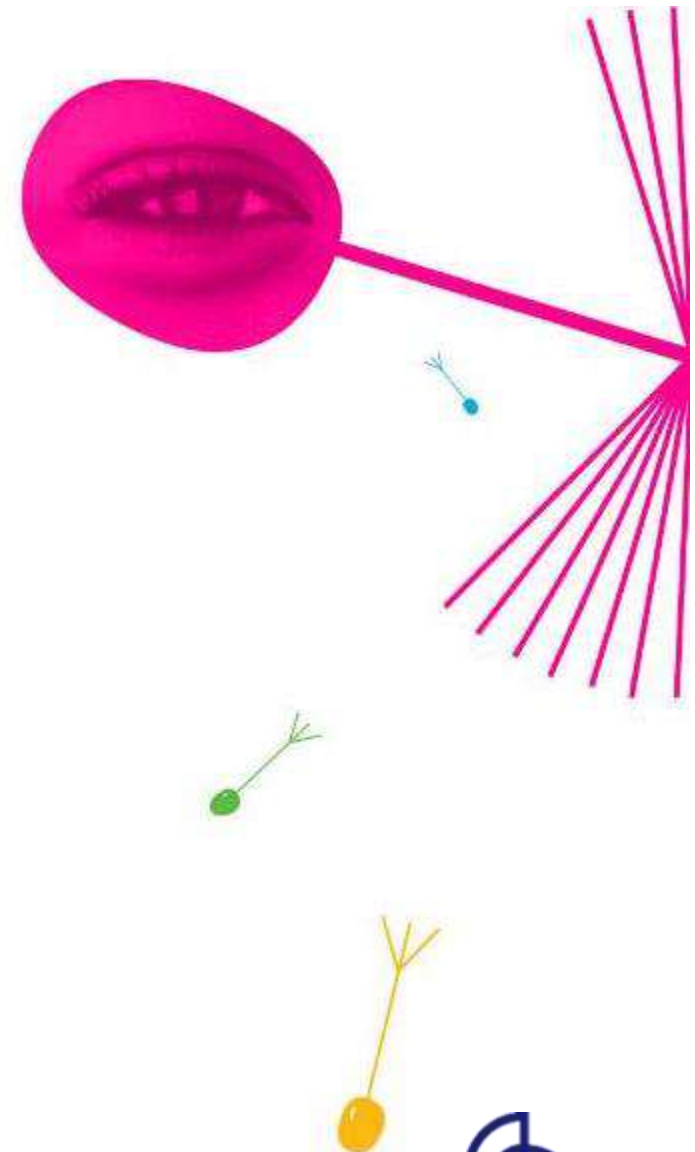
What Cannot Be Patented

- **An idea.**
- **Literary, dramatic, musical or artistic works**
- **A way of doing business, playing a game or thinking**
- **A method of medical treatment or diagnosis**
- **A discovery, scientific theory or mathematical method**
- **New types of plants, seeds or animals**
- **The way information is presented.**
- **Computer programs**



TRADE MARKS

Can you guess what is the most valuable brand in the world?





#1

\$880,455 \$mil



APPLE

Apple sits on top of the Kantar BrandZ Most Valuable Global Brands 2023 ranking for the second year in a row.

Google

Microsoft

amazon



VISA

Tencent 腾讯

Top 10:

- 8. Louis Vuitton
- 9. Mastercard
- 10. Coca-Cola

Key Trends:

Coca-Cola (No.10) showed great resilience, increasing its brand value by 8% and breaking back into the Top 10 for the first time in seven years.

The Luxury, Fast Food and Food & Beverages categories proved to be the most resilient to market fluctuations.



Is protected for 10 years from the date of registration.

May be renewed every 10 years.

**Application fee is \$200 and includes 1 class of goods or service.
\$75 per additional class and \$50 publication fee.**



May include:

Words, letters, symbols, numbers, personal names, colours, and any combination of the above.

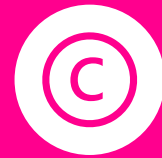
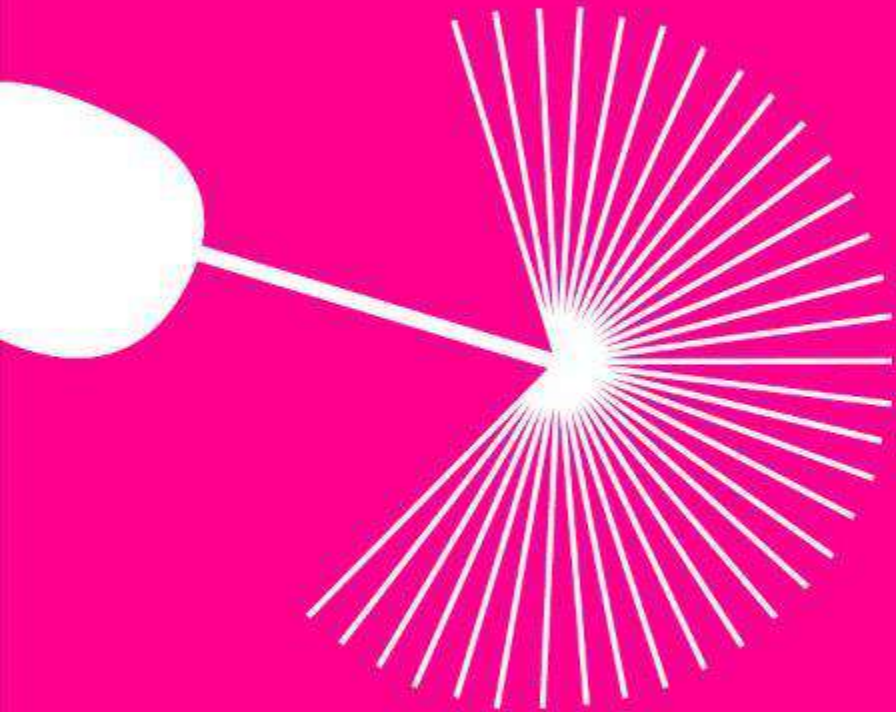
Needs to be registered to be protected under the law.



Application must be filed through a Registered Agent.

Trade Marks

World IP Day 2024



COPYRIGHT



#WorldIPday
wipo.int/ipday



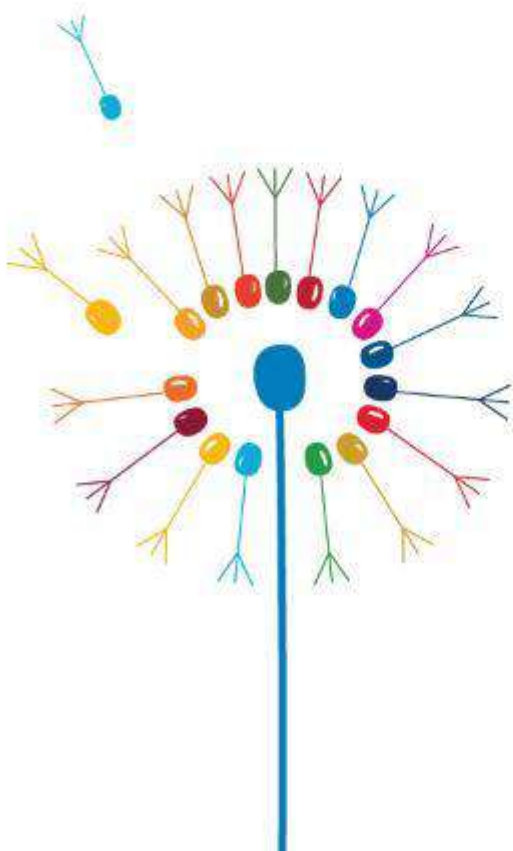
CIPO
CAYMAN ISLANDS
INTELLECTUAL PROPERTY OFFICE

A stylized illustration of a hand with pink, orange, and blue fingers holding a small blue seed. The hand is positioned in the top left corner of the slide.

**The legal protection given to the creator
of an original work.**

Protection is automatic.

Copyright



COPYRIGHT

Protected works and their duration.

Literary Dramatic Artistic Musical Works

70 years after the author's death

Includes illustration and photography, mimes, dances, works of architecture, stories, essays, poems etc.

Non-literary, written work

50 years from the year of creation

e.g. software, apps, web content and databases

Sound and Music Recordings

50 years from the year in which the sound recording was made. If during that period the sound recording is published or made available to the public (e.g. by being played in public or broadcast), copyright lasts for 70 years from that year.

Film and Television Recordings

70 years after the death of the last surviving author, director, writer, or composer. If the identity of these persons is unknown then the term is 70 years from creation, or if released to the public, 70 years from being made available.

Broadcasts

50 years from the year in which the broadcast was made.

e.g. television shows



COPYRIGHT

Protected works and their duration.

Non-creative films

50 years from the year of creation

e.g. mere fixations like CCTV

Performer's rights

50 years from the year of the performance.

50 years from the year of release of a recording other than a sound recording, provided the recording took place during the 50 years after the performance.

70 years from the year of the release of a sound recording of the performance, provided the recording took place during the period of 50 years after the performance.

Works of joint/co-authorship

70 years from the year in which the last surviving author dies.

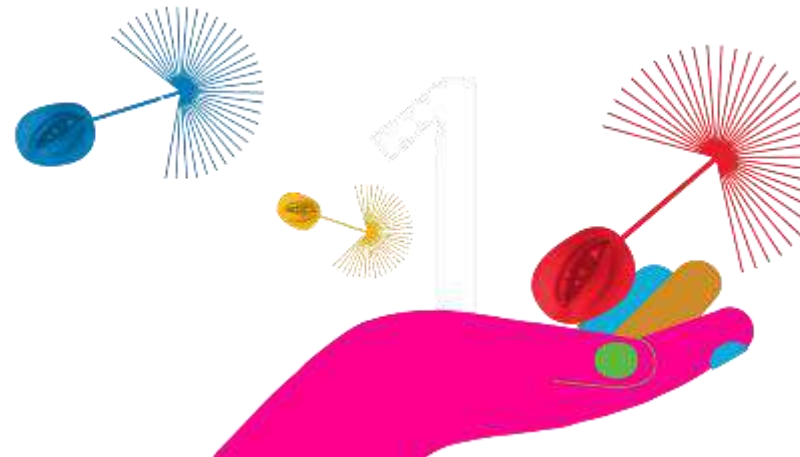
Works of unknown authorship

70 years from the end of the year in which it was made. If during that period the work is made available to the public (publication, exhibition, etc.), 70 years from the end of the year in which it was first made available.

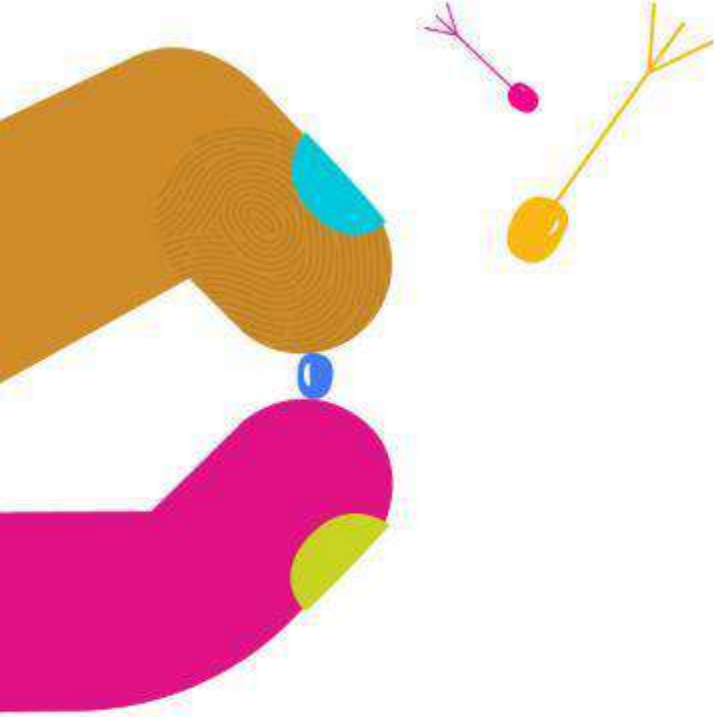
Crown copyright works

125 years from creation.

50 years from commercial publication, if published within 75 years of creation.



Exceptions to Copyright or “Fair Use”



- **Non-commercial research or private study**
- **Text and data mining for non-commercial research**
- **Criticism, review and reporting of current events**
- **Teaching**
- **Helping disabled people**
- **Time-shifting**
- **Parody, caricature and pastiche**

Exceptions to Copyright or “Fair Use”

Legal term used to establish if use is protected by law

A matter of fact, degree and impression in each case

How would a fair-minded and honest person have dealt with the work?

IP & the SDGs
Building
our common
future with
innovation
and creativity



Image Use

Images on the internet are not copyright free.

Always

- ✓ **seek sources that are royalty-free or in the public domain**
- ✓ **obtain written permission to use an image**
- ✓ **acknowledge your source**
- ✓ **never alter an image**

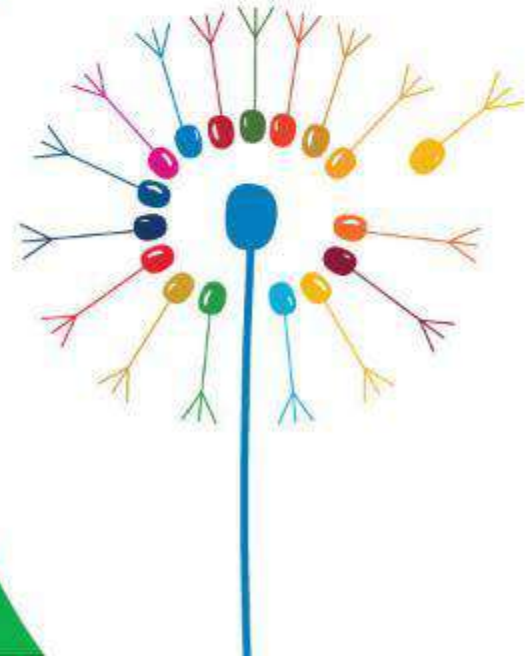
Your Due Diligence

- 1. Make your copyright conditions known (creator's name and date).**
- 2. If there are more than 1 authors, sort out © ownership BEFORE you create the work.**
- 3. Ensure that the person granting a license has the underlying rights.**
- 4. Get it in writing.**



CROWN COPYRIGHT

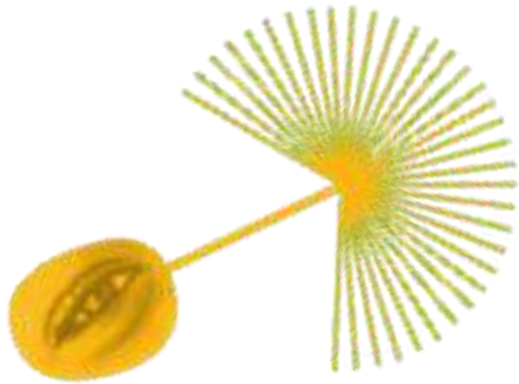
#WorldIPday



Crown Copyright

**Covers material created by civil servants,
ministers and government departments
and agencies during the course of their
duties**

**Copyright works produced by civil
servants belong to the Crown**



50

Years from the end
of the calendar year
in which the work
was made

**The Crown is entitled to copyright in
every Law of the Legislature**

**50 years from the end of the calendar
year in which the Governor's Assent was
given**

Copyright in Laws



50

Years from the end
of the calendar year
in which the work
was made

Work made by or under the direction or control of the Legislative Assembly

Includes:

- **Work made by an officer or employee of the LA**
- **Any sound recording, film or live broadcast of the proceedings of the LA**

*** Does not include commissioned work**

Parliamentary Copyright





Departments can authorise the reproduction of their own logos but use of Coat of Arms, flag etc. must come from the Deputy Governor's Office

Departmental Logos



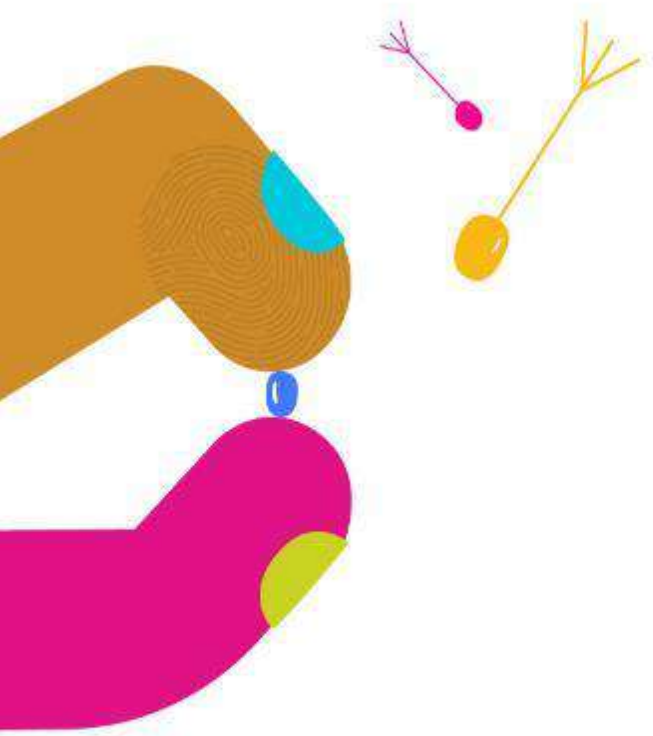
Crown may:

(a) Copy the work

(b) Issue copies to the public

(c) Make the work available by electronic transmission for members of the public to access it

Material communicated to the crown in the course of public business for any purpose



Materials which are open to public inspection under any law

May be copied

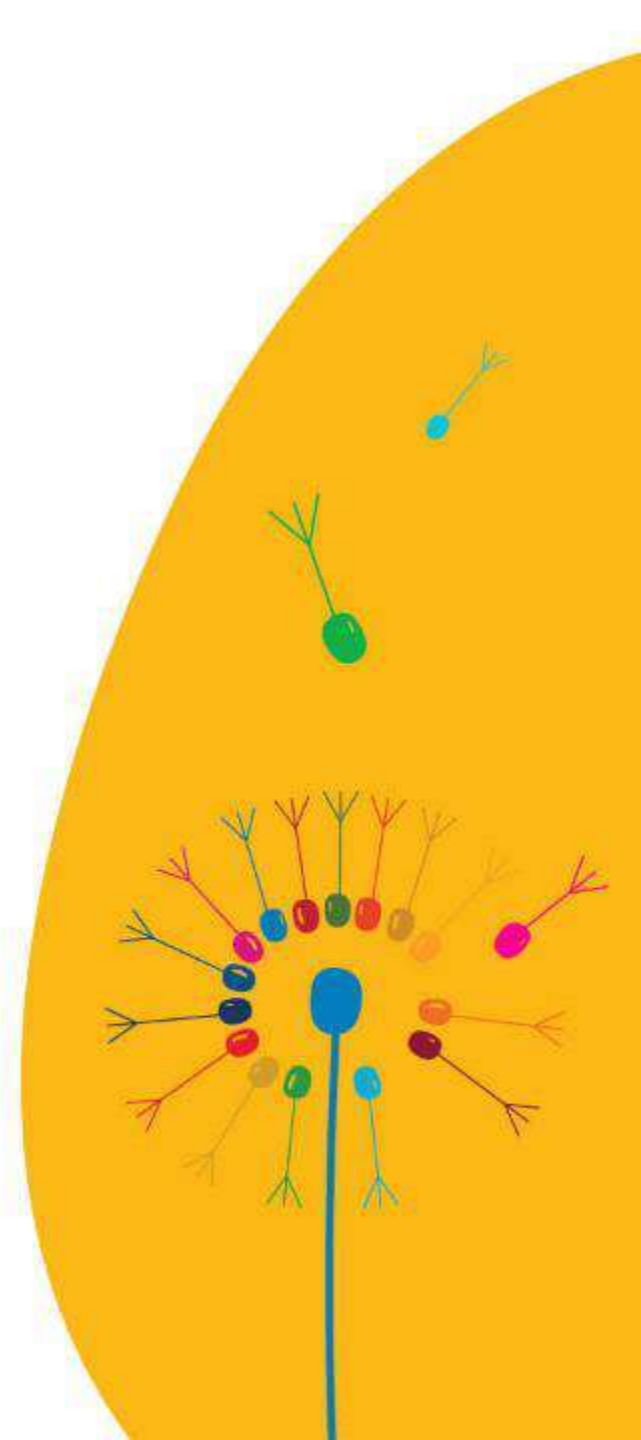
Copy may be supplied to any person or with the authority of any appointed officer

Public Records



TRADE SECRETS

#WorldIPday



Trade Secrets

Any confidential business information which provides you with a competitive edge and is unknown by others.

IPRs on confidential information which may be sold or licensed.

Does not require registration.

What kind of information is protected by trade secrets?

May include:

***technical information** such as manufacturing processes, pharmaceutical test data, designs and drawings of computer programs, and commercial information, such as distribution methods, list of suppliers and clients, and advertising strategies*

***combination of elements**, each of which by itself is in the public domain, but where the combination, which is kept secret, provides a competitive advantage.*

What qualifies as a trade secret?



Commercially value

Information is valuable because it is a secret.



Known to a limited group

Information must only be known by specific persons in the company.



Reasonable steps taken

Information must be subject to reasonable steps taken by the rightful holder to keep it a secret, including use of NDA's.



Non-disclosure Agreements (NDA)

Non-compete Agreements (NCA)

Robust IT security infrastructure

Controlling the accessibility of important documents

How can I protect my trade secret?

Angostura Bitters is protected using trade secrets.

Has remained a secret since 1824 (main IP is nearly two hundred years old).

As few as five company directors are allowed to enter the room where the ingredients that make up Angostura Bitters are mixed.

Angostura Limited, Trinidad and Tobago



According to an affidavit by Sr. VP for Coca-Cola, written version of secret formula is kept in a secured vault that can be opened by a resolution from the Board of Directors.

Company policy that only 2 persons in the company shall know the “Merchandise 7x” formula at any one time.

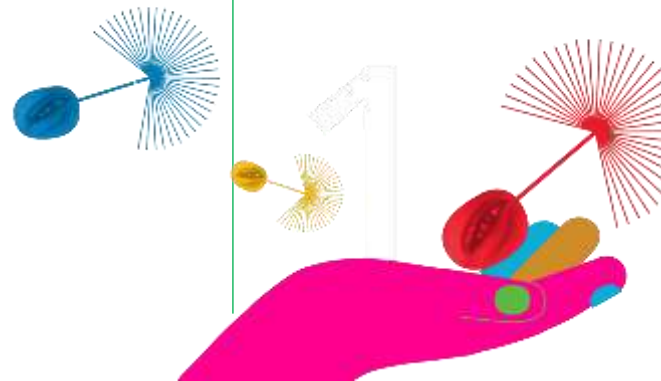
Only those 2 persons may oversee the actual preparation of the formula.

Coca-Cola does not disclose the identity of the two persons.

They are not allowed to fly on the same plane at the same time.



Coca-Cola





KEY TAKEAWAYS



1. **All applications must be filed through a Registered Agent.**
2. **Trade marks are registered locally through CIIPO.**
3. **Trade mark applications must be published for 12 weeks in the IP Gazette before registration.**
4. **Trade marks currently take between 3 - 6 months to be registered.**
5. **Designs and patents must first be registered with the UK IPO and a request for recording submitted to CIIPO thereafter (extension of right).**
6. **Copyright protection is automatic.**
7. **Registration gives you the right to enforce your IPRs under the law.**

7 Key Registration Facts



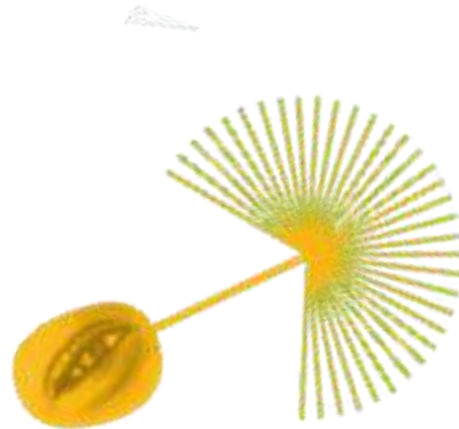


When Nike tried to register its now famous “Nike” mark, it found that in Spain, the word “Nike” had already been registered by its ex distributor, a Spanish company called Cidesport.

This was before Nike became famous.

For many years, Nike could only sell its products in Spain using the company’s “swoosh” logo, not the Nike name.

Key takeaway: check your freedom to operate by conducting a trade mark search locally and internationally before finalising your brand name and logo.

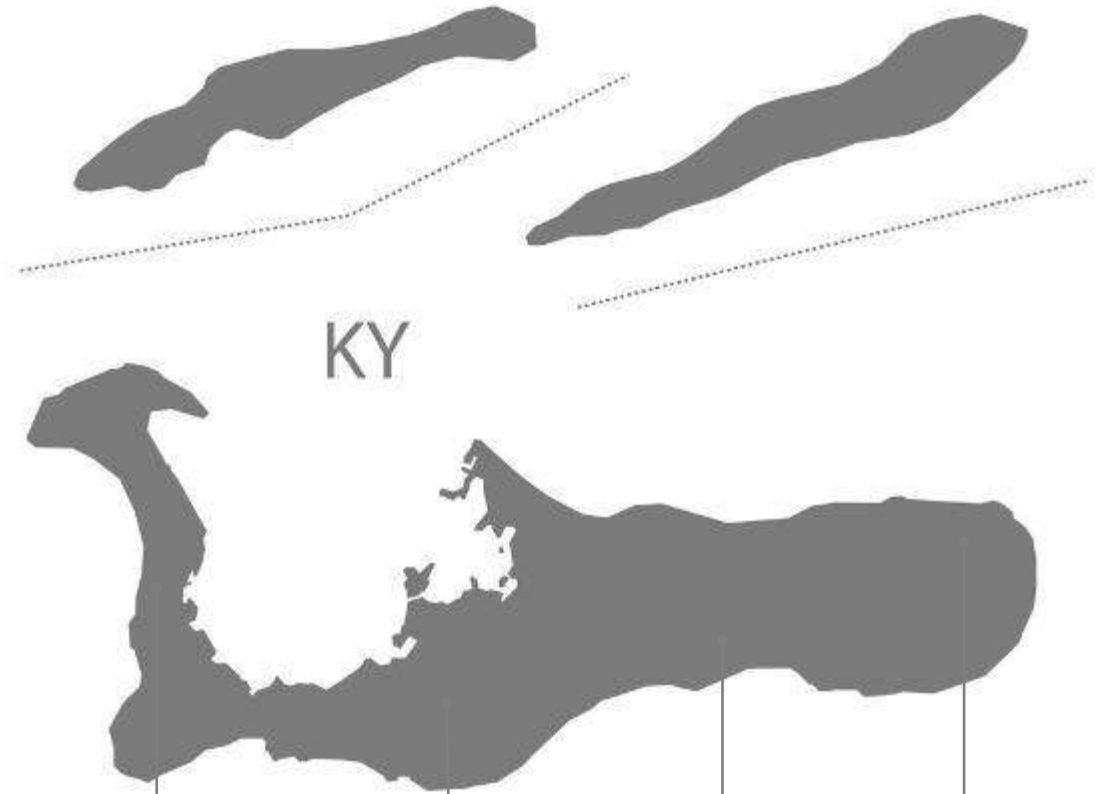


MEET THE CIIPO TEAM

www.ciipo.gov.ky

Contact us

Mailing Address:	Cayman Islands Intellectual Property Office (CIIPO) Ground Floor, Government Administration Building 133 Elgin Avenue Box 123 Grand Cayman KY1-9000 Cayman Islands
Telephone:	(345) 946 7922
Fax:	(345) 949 0969
Office Hours:	Mon-Fri. 8:30am – 5:00pm Closed on Public Holidays
Email:	Intellectual Property Queries info@ciipo.gov.ky



*Candace Westby
Director of
Intellectual Property*



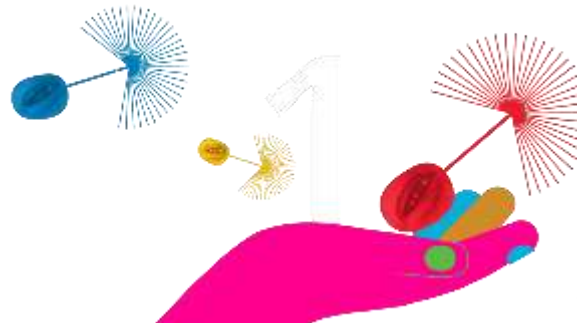
*Carolee Nunez
IP Examiner*



*Omara Whittaker
IP Registry Officer*

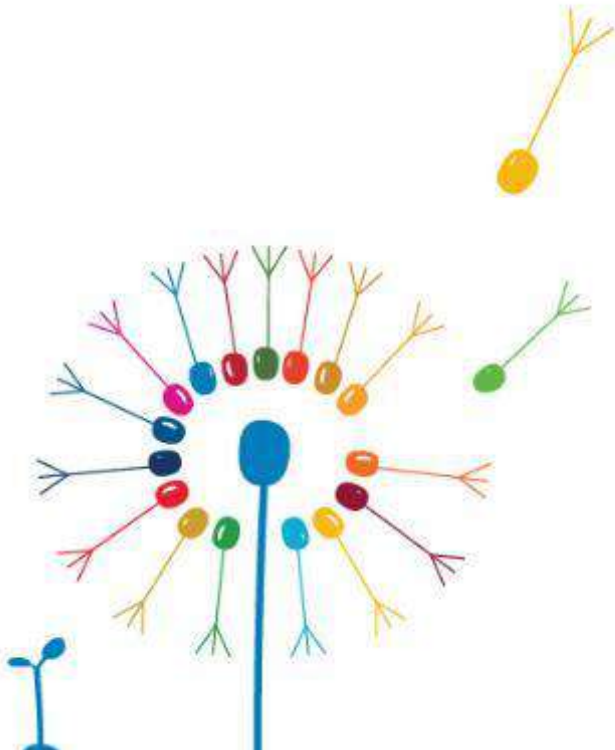


*Pamela Ebanks
IP Registry Officer*



THANK YOU

Any more questions?



IP & the SDGs
Building our common
future with innovation
and creativity

