

# TRINIDAD AND TOBAGO: First Caribbean Nation to Join Madrid Protocol in 20 Years

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Trinidad and Tobago joined the Madrid Protocol on October 12, 2020, by depositing its accession with the World Intellectual Property Organization. The Protocol will enter into force in Trinidad and Tobago on January 12, 2021. On that day, applicants in Trinidad and Tobago will be able to apply for an international registration and those from abroad will be able to designate Trinidad and Tobago with the International Bureau.

The island country is now the second Commonwealth Caribbean nation to join Madrid and the first in more than two decades.

This development follows a recent overhaul of Trinidad and Tobago's trademark legislation and regulations ([as reported in the \*INTA Bulletin\*](#)), made less than four months before the Madrid accession. These changes paved the way for accession by providing the authority to make regulations related to the Madrid Protocol. Those regulations—the Trade Mark (International Registrations) Regulations, 2020—were promulgated on August 7, 2020.

While many of the procedures in these regulations are analogous to those for a local application, some subtle but important differences exist. For example, extensions are not available for local applicants to respond to official actions but are available for Madrid applicants to respond to notifications of refusal. Another notable difference: false representations related to international registrations can be punished with 10 years of imprisonment, whereas analogous false representations as to local marks carry only the possibility of a fine.

Trinidad and Tobago made declarations as part of its accession. It elected the 18-month refusal period and elected for opposition-based refusals beyond the 18-month period, per Articles 5(2)(b) and (c) of the Madrid Protocol, respectively. The nation also elected to receive individual fees rather than a share of revenue under Article 8(7)(a) of the Madrid Protocol.

In this region, the accession by Trinidad and Tobago follows Antigua and Barbuda, which joined in 2000. Cuba is the only other independent Caribbean member of the Madrid System. The Caribbean Netherlands, Curaçao, and Sint Maarten participate as non-members based on their status within the Kingdom of the Netherlands, but independently from Benelux and the European Union (EU). The French Caribbean participates based on its status as part of France and (excepting St. Barthélemy) the EU.

*Although every effort has been made to verify the accuracy of this article, readers are urged to check independently on matters of specific concern or interest. Law & Practice updates are published without comment from INTA except where it has taken an official position.*

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