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JAMAICA: Newest Member of Madrid Protocol

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Jamaica recently became the 110th member of the Madrid System when its government deposited its instrument of accession to the Madrid Protocol on December 27, 2021. The Protocol will officially enter into force on March 27, 2022, three months after the accession date.

The country paved the path to Madrid through passage of its Trade Marks (Amendment) Act in June 2021, which provided the necessary legislative framework for joining the Protocol.

Jamaica opted for the 18-month notification period for provisional refusals. Holders of International Registrations designating the island nation must respond to refusals within two months from the date the International Bureau of the World Intellectual Property Organization sends the notification. Local agents must be appointed by those holders that wish to respond but do not have a local address for service.

Jamaica has long been a leader in the Caribbean with respect to furthering the protection of intellectual property. It becomes the third Commonwealth Caribbean member of the Madrid System, following Antigua & Barbuda (joined 2000) and more recently, Trinidad & Tobago (joined 2020).

Cuba is the only other Caribbean member of the Madrid System. The Caribbean Netherlands, Curaçao, and Sint Maarten also participate in the system based on their statuses within the Netherlands. The French Caribbean participates in the system based on its status within France.

Given Jamaica's prominence in the region, it remains to be seen whether its accession to the Protocol will provide the impetus for other jurisdictions in the English-speaking Caribbean to follow.

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