

Act No. 18 of 2000

L.S.

AN ACT to amend the Geographical Indications Act, 1996, the Patents Act, 1996, the Protection Against Unfair Competition Act, 1996, the Layout-Designs (Topographies) of Integrated Circuits Act, 1996, the Protection of New Plant Varieties Act, 1997 and the Copyright Act, 1997.

[Assented to June 15, 2000]

ENACTED by the Parliament of Trinidad and Tobago as Enactment follows:—

Short title

1. This Act may be cited as the Intellectual Property (Miscellaneous Amendments) Act, 2000.

Act No. 20 of 1996 amended

2. [Section 19](#) of the Geographical Indications Act, 1996 is amended by repealing [subsection \(1\)](#) and substituting the following subsection:

“(1) Nothing in this Act shall prevent continued and similar use in Trinidad and Tobago of a particular geographical indication of another country identifying wines or spirits in connection with goods or services by any national or domiciliary of Trinidad and Tobago who has used that geographical indication in a continuous manner with regard to the same or related goods or services in Trinidad and Tobago either—

- (a) for at least ten years preceding April 15, 1994; or
- (b) in good faith preceding that date.”.

Act No. 21 of 1996 amended

3. [Section 46](#) of the Patents Act, 1996 is amended—

- (a) in [subsection \(5\)](#), by deleting the words “is determined by the Court on the application of either party.” and substituting the words “the Court may, taking into account the economic value of the licence, determine on the application of either party.”;
- (b) by repealing [subsection \(6\)](#) and substituting the following subsection:

“(6) Before a licence is granted under [subsection \(1\)](#), the Court must be satisfied that the person applying for the licence has made efforts to obtain a licence from the patentee on reasonable commercial terms and conditions within a reasonable time, but has failed to do so.”; and
- (c) in [subsection \(7\)](#), by deleting the words “an integrated circuit.” and substituting the words “semiconductor technology except for public non-commercial use or to remedy a practice determined after judicial or administrative process to be anti-competitive”.

Act No 27 of 1996 amended

4. The Protection Against Unfair Competition Act, 1996 is amended—

- (a) in [section 4\(2\)](#), by deleting the words “who is a competitor or customer of another person or is a consumer or a user of the goods and services of another person and who is” and the words “committed by that other person or a person connected with him”; and
- (b) in [section 9](#)—
 - (i) in the marginal note, by deleting the words “trade secrets” and substituting the words “secret information”;
 - (ii) in [subsection \(1\)](#), by deleting the words “trade secrets” and substituting the words “secret information”;
 - (iii) in [subsection \(2\)](#), by deleting the words “trade secrets” and “a trade secret” and substituting in each place the words “secret information”;
 - (iv) in [subsection \(3\)](#)—
 - (A) by deleting the words “a trade secret” and substituting the words “secret information”; and
 - (B) in [paragraph \(b\)](#), by deleting the word “a trade”; and
 - (v) by inserting after [subsection \(4\)](#), the following new subsection:

“(5) [Subsection \(4\)](#) shall be construed as precluding, in particular, any person other than the person who submitted undisclosed tests or other data, the origination of which involves a considerable effort, from relying on such data in support of an application for product approval for a reasonable period of time after the submission of those tests or data and the period of time shall be determined by the Court, taking account of the nature of the data and the person’s efforts and expenditure in producing them, and shall normally not be less than five years.”.

Act No. 19 of 1996 amended

5. The Layout-Designs (Topographies) of Integrated Circuits Act, 1996 is amended—

- (a) in [section 16\(1\)\(b\)](#), by deleting the words “of his licence” and substituting the words “or his licensee”; and
- (b) in [section 16\(4\)](#), by deleting the words “non-voluntary licence” and substituting the word “authorization”.

Act No. 7 of 1997 amended

6. The Protection of New Plant Varieties Act, 1997 is amended—

- (a) in [section 3\(e\)](#), by deleting the word “23” and substituting the word “24”; and
- (b) in [section 19\(4\)\(b\)](#), by deleting the words “12(2)” and substituting the word “16”.

Act No. 8 of 1997 amended

7. Section 25 of the Copyright Act, 1997 is amended—

- (a) by deleting the word “25” and substituting the words “25(1)”; and

(b) by inserting after **paragraph (d)** the following new subsection:

“(2) The permission under **paragraph (a)** shall not extend to reproduction of any performance, sound recording or broadcast in cases where reproduction would conflict with a normal exploitation of the performance, sound recording or broadcast or would otherwise unreasonably prejudice the legitimate interests of the owner of neighbouring rights.”.

Passed in the Senate this 11th day of April, 2000.

N. COX

Clerk of the Senate

Passed in the House of Representatives this 5th day of May, 2000.

J. SAMPSON-JACENT

Clerk of the House

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