



Eidgenössisches Institut für Geistiges Eigentum
Institut Fédéral de la Propriété Intellectuelle
Istituto Federale della Proprietà Intellettuale
Swiss Federal Institute of Intellectual Property



Memorandum of understanding

BETWEEN

The Swiss Federal Institute of Intellectual Property

AND

The Jamaica Intellectual Property Office

ON THE

**"Geographical Indications Project Jamaica -
Switzerland"**

(GIJA)

The Jamaica Intellectual Property Office and the Swiss Federal Institute of Intellectual Property (hereinafter "the Participants"):

Having regard to the friendly relations between the two institutions, and

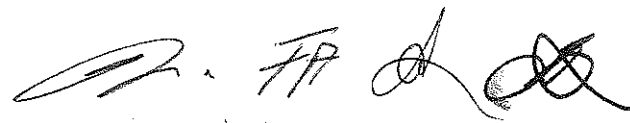
Desirous of further strengthening the ties and to promote a fruitful cooperation between them,

Intending to strengthen their cooperation in the group of "Friends of Geographical Indications" at the World Trade Organization (WTO), and

Aiming at supporting each other in developing an efficient and balanced Geographical Indications protection system:

Foresee the following arrangements:

1. The Swiss Federal Institute of Intellectual Property (IPI) declares its willingness to allocate financial and human resources to the Geographical Indications Project Jamaica Switzerland, the modalities of which, in particular its establishment, its management, administration, and its activities, are laid down in Appendix I. IPI declares that an amount of up to CHF 920'000 will be put at disposal for these purposes. Any unutilised portion of the contribution remaining at the end of the Project shall be repaid to IPI.
2. The financial and human resources defined in paragraph 1 will be made available to the Jamaica Intellectual Property Office (JIPO) provided that JIPO complies fully with the terms and conditions of this Memorandum of Understanding (MOU) including Appendices I and III. In case of failure to comply with the terms and conditions, and of failure of commitment towards a timely implementation of the project, IPI reserves the right to suspend payment or to take any further measure as set out in article 8 and 10 of this MOU.
3. The overall goal and objectives of the cooperation are the following:
 - contribute to the economic success of genuine Jamaican products; and to
 - therefore, make a key contribution to the establishment of an efficient GI-system in Jamaica based on the level provided in the Trade Related Aspects of Intellectual Property Rights (TRIPS) Article 23 for all products, by:
 - supporting the establishment of a legal system in place for GIs, including enforcement mechanisms;
 - capacity building for officials of the public sector;
 - capacity building for representatives of producers' groups; and
 - enhancing and building public awareness on GIs.
4. The activities undertaken within the Project are intended to benefit the Jamaican authorities responsible for intellectual property rights and for the agricultural sector, as well as private sector actors (producers' associations of targeted GI products). Indirect beneficiaries will include future holders of GIs in the Jamaican and Swiss private sector, and consumers in Jamaica and Switzerland.
5. For the execution of the Project, a Management Board and a Steering Committee shall be set up. The Management Board will be responsible for the execution of the project, whereas the Steering Committee will provide strategic guidance to the project implementation. JIPO will encourage and facilitate active participation of the target agencies in the Project activities and meetings.



The participants will promptly inform each other and, to the extent that it is reasonably practicable, consult each other regarding any event which interferes, or threatens to interfere, with the successful implementation of GIJA.

6. The Programme of cooperation includes the following activities:

Support for the establishment of an effective legal system for GIs

- provision of expert assistance as a resource point for best practices
- institutional support for the GI Working Group

Training for the public sector

- study tour for selected officials from Jamaica
- basic training for officials from JIPO and MINAG
- basic training for members of the judiciary
- training for enforcement personnel
- basic training for officials of related agencies

Training for producers of potential GIs (private sector)

- seminars for producers of potential GIs
- specific workshop for producers of the three targeted products
- theoretical and practical training for quality control
- study tour for selected producers

Support for an enhanced public awareness on GIs through:

- up-date of the JIPO-website
- the production of leaflet and brochures
- media coverage

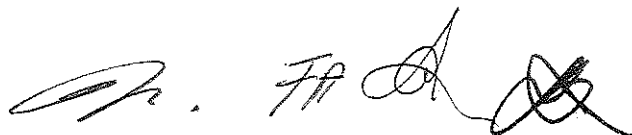
Support for the monitoring of the economic impact of introducing GIs

- Conduct a study for the preparation of a measurement system for the evaluation of the socio-economic impact of GIs in the targeted geographical areas.

7. The following appendices are an integral part of this MOU:

- the project document (15 January 2008) (Appendix I),
- the Diplomatic Note of 28 May 2008 concerning the formal discussions on a bilateral agreement on the mutual recognition and protection of Geographical Indications (Appendix II), and
- the confirmation from the Ministry of Finance and Public Service of 28 May 2008 concerning customs and tax exemptions (Appendix III).

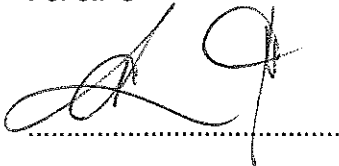
8. The participants share a common concern in the fight against corruption which jeopardizes good governance and the proper use of resources needed for development, and, in addition, endangers fair and open competition based on price and quality. They declare, therefore, their intention of combining their efforts to fight corruption and, in particular, declare that any offer, gift, payment, remuneration or benefit of any kind whatsoever, made to whomsoever, directly or indirectly, with a view to being awarded a mandate or contract within the framework of the Project, or during its execution, constitutes sufficient grounds to justify termination of the Project, the procurement or resulting award, or for taking any other corrective measures foreseen by the applicable law.



9. Duration of GIJA will be for 2 years starting from 1st of July, 2008 and ending on 30th of June 2010.
10. The present MOU will conclude:
- upon termination of the duration foreseen in paragraph 9;
 - if one of the Participants to the present MOU does not conform to the terms of the said MOU including Appendices I and III. In such a case, the Participant wishing to terminate the MOU shall give three months notice in writing to the other Participant.

Done in two original copies in English.

For JIPO



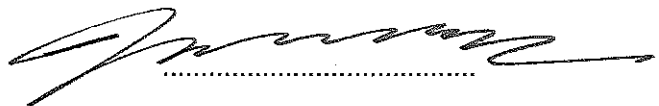
Carol Simpson
Executive Director (Acting)
Place/Date 28/05/08

KINGSTON

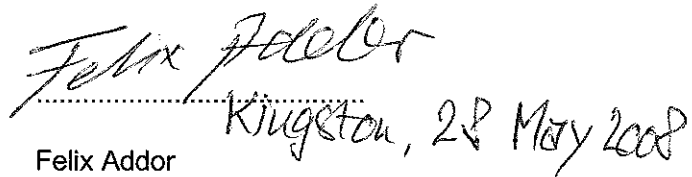


Lily Claire Bellamy
Deputy Director/Legal Counsel
Place/Date

For IPI



Roland Grossenbacher
Director General
Place/Date



KINGSTON, 28 May 2008

Felix Addor
Deputy Director General
Place/Date

APPENDIX I: Project Document

APPENDIX II: Diplomatic Note of the Ministry of Foreign Affairs of 28 May 2008 concerning the formal discussions on a bilateral agreement on the mutual recognition and protection of Geographical Indications

APPENDIX III: Confirmation from the Ministry of Finance and Public Service of 28 May 2008 concerning customs and tax exemptions



ANY REPLY OR SUBSEQUENT REFERENCE SHOULD BE ADDRESSED TO THE
FINANCIAL SECRETARY AND THE FOLLOWING REFERENCE NUMBER QUOTED:-

Telephone No. 92-28600-16
Website: <http://www.mof.gov.jm>
Email: info@mof.gov.jm

MINISTRY OF FINANCE AND THE PUBLIC SERVICE
30 NATIONAL HEROES CIRCLE
P.O. BOX 512
KINGSTON
JAMAICA

May 28, 2008

Ref. No. 108/144

Ms. Carol Simpson
Executive Director
Jamaica Intellectual Property Office
36 Trafalgar Road
Kingston 10

Dear Ms. Simpson,

Re: Signing of MOU with Swiss Federal Institute of Intellectual Property

Reference is made to memorandum dated May 27, 2008 seeking approval for tax exemption/remission on equipment, emoluments and personal belongings of consultants who will be assisting with the implementation of a project to enhance and protect the island's geographical indicators.

Please be advised that the Ministry has no objection to granting the waiver/remission requested, which is subject to the final approval of the Honourable Minister of Finance and the Public Service.

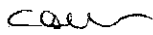
Please be reminded, though, that the agreement to the remission of taxes on emoluments is subject to the provisions of the Income Tax Act which allows persons who work in the island for periods less than 180 days per year to be exempt from the payment of income tax on their earnings. The Ministry, however, awaits further details on specific deliberables of the project.

.../2

Jamaica Intellectual Property Office
Attention: Ms. Carol Simpson
May 28, 2008-05-28

For administrative purposes, kindly provide details of items to be imported, at best five days prior to the arrival of the personnel and equipment. Kindly note, also, that the agreement to the request does not cover fees such as work permit fee.

Yours sincerely,


C. Gordon (Miss)
For Financial Secretary

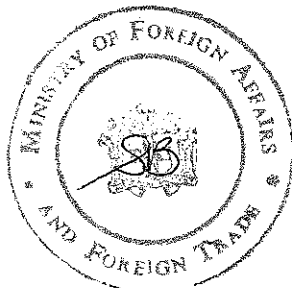
c: Ministry of Industry, Investment & Commerce
Attention: Mrs. B. Rose-Forbes

Ref. No. 330/701/5

The Ministry of Foreign Affairs and Foreign Trade presents its compliments to the Ministry of Foreign Affairs of Switzerland and has the honour to refer to discussions between the Swiss Federal Institute of Intellectual Property (IPI) and the Government of Jamaica on an agreement on the mutual recognition and protection of geographical indications held on 27th May 2008, in Kingston.

The Ministry wishes to confirm the interest of the Government of Jamaica in continuing these discussions with the expectation that the countries would be able to negotiate and conclude such an agreement on or before 30th June 2009.

The Ministry of Foreign Affairs and Foreign Trade avails itself of this opportunity to renew to the Ministry of Foreign Affairs of Switzerland the assurances of its highest consideration.



Ministry of Foreign Affairs of Switzerland

28th May 2008

Copied to: Ministry of Economics, Switzerland
Ministry of Justice, Switzerland