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CAYMAN ISLANDS GOVERNMENT

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**Statement to the Legislative Assembly
Intellectual Property Enforcement Training
Minister of Financial Services, the Hon. Tara Rivers, JP, MLA**

Fifth Meeting of the Legislative Assembly 2018/2019
Friday 26 July 2019

Mister Speaker, I rise to make a statement about efforts which are being made by the Government to better protect the creative works of our people and to attract foreign business that relies on numerous safeguards for their creations in the Cayman Islands and around the globe.

As this honourable House is aware, the Cayman Islands is one of the world's leading jurisdictions for financial services. Over the years, we have developed a reputation as a developed and robust international financial centre that caters to all types of business. Time has also brought a number of technological advances that have altered global finance and the financial services industry as a whole, which includes intellectual property.

Technology has created a greater focus on intellectual property rights – such as the ability to make a living producing online videos, crafting distinct branding for products, or designing goods in unique ways. In today's global economy, the preservation of creations is critical, and IP rights are some of the most important assets of any business.

As an international financial centre, the Cayman Islands recognise the important role IP rights have in the reputation of this jurisdiction. The Government is committed to a legislative framework that not only acknowledges and allows for the economic use of those rights, but which also incorporates effective enforcement measures.

For example, our revised 2016 Copyright Law allows the latest documentary films to be screened, bought and sold here with enhanced legal recourse against piracy. It also covers new types of works, such as podcasts, audio books and music streaming services that are commonplace in today's smart phone environment.

Also, brand owners can sell their merchandise and retail goods in the Cayman Islands knowing our revamped Trademarks Law can address any instances of counterfeit goods. This law, which has allowed for direct registration of trademarks in the Cayman Islands since 2017, is not only on par with worldwide trademark practice but also empowers our justice system to carry out enforcement measures.

Training Details

Mister Speaker, our ability to enforce IP rights has not gone unnoticed by our trade partners. In fact, the strength of our IP regime – which has been modernised over the last decade and offers a full suite of IP rights protection – was an important factor in determining the Cayman Islands suitability to host the latest edition of its regional IP enforcement training conference.

The US Government usually conducts regional IP training in developing countries in Africa, Eastern Europe, Latin America, the Caribbean and Southeast Asia. This training is provided to foreign law enforcement, customs officials, prosecutors, regulatory officials and judges charged with enforcing IP crime in their respective jurisdictions.

Leading this week's training on Grand Cayman, which started on Tuesday and concludes on Friday (today), are US Government officials from the Department of State, Homeland Security, Customs and Border Patrol, Department of Justice, the Patent and Trademark Office and the National Intellectual Property Rights Coordination Center.

Law enforcement agencies participating in this week's training include representatives from the Cayman Islands, the Dominican Republic, Honduras, Guatemala, Costa Rica, Panama, St. Lucia, Anguilla, Bermuda, British Virgin Islands, and Jamaica.

This week's training focuses on investigations and enforcement operations, specifically concerning counterfeit goods and their connection to transnational organised crime. Law enforcement in the Cayman Islands plays an important role in this work, collaborating with regional and international authorities to tackle investigations concerning pressing issues like piracy and counterfeiting of goods, which often span multiple jurisdictions and involve increasingly sophisticated criminals.

At this juncture, Mister Speaker, I'd like to point out that the coordination between the US Government officials and local authorities for the conference was handled by the Cayman Islands Intellectual Property Office, or CIPO. Homeland Security, specifically, coordinated the agenda through CIPO, which is Cayman's national IP authority. Established in May 2016, CIPO falls under the remit of the Ministry of Financial Services and has accomplished much and their stellar work has accelerated our status within the IP world.

In fact, it should be noted that the Cayman Islands is a member of the leadership committee within the International Trademark Association. This association is one of the world's top IP advocacy groups, representing some 7,000 organisations in 190 countries. For Cayman to be invited into a leadership role truly speaks volumes.

Additional Legislation

Mister Speaker, all of these facts point to our neighbours having a greater appreciation of our IP regime, and our ability to advance the global push to address IP-related crime across borders. The discussion here on enforcement matters related to topical issues such as piracy and counterfeit goods will help not only our practices, but the enforcement measures taken by the entire region. We also believe the training will encourage the governments represented here to

continue working with their domestic IP practitioners, as we have done, to achieve partnerships that protect against instances of abuse and fraudulent activity, and improve their overall enforcement efforts.

While this week's conference marches on, we have already garnered praise for our IP regime. The US Patent and Trademark Office, for example, spoke glowingly about the legislation here and the breadth of protection available here for IP rights holders.

And Mister Speaker, I'm pleased to note that the work to enhance our IP regime continues. It was only a few short months ago, in April of this year, that we passed our design rights law to allow for the direct registration of the unique designs of an industrial or handcraft item, or a part of it, in the Cayman Islands.

In addition, Mister Speaker, the Cayman Islands is working on offering better protection for various types of inventions. Specifically, the Ministry is currently liaising with the UK Intellectual Property Office to implement the Patent Cooperation Treaty in Cayman.

Conclusion

The Cayman Islands is a prime jurisdiction for companies to base their operations, with excellent infrastructure, a world-class legal framework and outstanding living standards to assist their work with intellectual property. We aim to create a well-defined business environment that attracts legitimate enterprises to our shores. The Government will continue to work to ensure that the Cayman Islands remains a significant player in global finance for future generations to come.

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