



The Government of the Republic of Trinidad and Tobago
Ministry of the Attorney General and Legal Affairs

INTELLECTUAL PROPERTY OFFICE

December 14, 2022

World Intellectual Property Organization (WIPO)
SCP Secretariat
34, chemin des Colombettes
1211 Geneva 20
Switzerland

Dear Sirs,

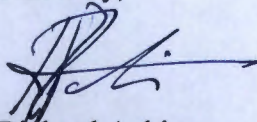
Re: Additional inputs – SCP 34

I refer to the above subject and to your letter C.9141 of December 7, 2022 requesting any additional inputs for the preparation of documents. Please see below the responses of the Trinidad and Tobago Intellectual Property Office.

- i) The exception regarding use of articles on foreign vessels, aircrafts and land vehicles is contained in Section 42(d) of the Patents Act, Chap. 82:76. However, no matters have arisen as yet regarding the implementation of that provision.
- ii) Regarding document SCP/31/8 Rev, there are no specific provisions in the Patents Act, Chap. 82:76 but we have no objection to the study proposed by Brazil and Spain. It is understood that areas that are currently regarded as “unpredictable art” will become less and less inscrutable as the very sciences that created them also find ways to measure, quantify and describe them, as has been done in the evolution of science.
- iii) Regarding the Prioritized Examination of COVID-19 related patent applications, there are no specific provisions in the Patents Act, Chap. 82:76. It should also be stated that no applications have been received for this area of technology. In such a case, the TTIPO would be guided by the examination reports emanating from larger offices such as the “IP5”. If they have an expedited search and examination procedure for these inventions, the TTIPO would also arrive at a decision sooner.

- iv) Regarding how offices handle artificial intelligence, there are no specific provisions in the Patents Act, Chap. 82:76. If the invention consists of software alone, it would fall under the exclusion of the Patents Act regarding software and be covered instead under the Copyright Act, Chap. 82:80. For both laws, ownership and inventorship would flow from the definition of IP – creations of the human mind/intellect, which then prescribes human ownership and inventorship. This is consistent with other national laws where humans acquire rights and responsibilities.

Sincerely,

A handwritten signature in black ink, appearing to be 'Richard Aching', with a long horizontal stroke extending to the right.

Richard Aching
Manager, Technical Examination