

WORLD TRADE ORGANIZATION

RESTRICTED

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**Council for Trade-Related Aspects
of Intellectual Property Rights**

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REVIEW OF LEGISLATION

Response from Antigua and Barbuda to the question posed by Australia

Addendum

By means of a communication from the delegation of Antigua and Barbuda dated 27 November 2001, the Secretariat has received the following response to the question posed by Australia, as circulated in document IP/C/W/328.

A. PATENTS (INCLUDING PLANT VARIETY PROTECTION)

1. *How does your country provide protection for new plant varieties as required under Article 27.3(b)? If your legislation is based on the UPOV system, on which UPOV Act was it modelled? Can new plant varieties be protected by patent in your country?*

Antigua and Barbuda has decided to create a *sui generis* system of protection for plant varieties. It has made plant varieties an exception for protection under section 2 of the Patent Bill. A bill has not yet been drafted for the administration of these rights as discussions are still being conducted as to what system would best suit the right holders' particular needs. The OECS countries are also examining the best possible system to ensure that all the countries implement similar systems. The Trinidad model, which is based on the UPOV model, is also being examined. Caricom has also placed an obligation under Protocol 3 of its Trade Agreement on the member States to ensure that all legislation pertaining to intellectual property be harmonised.