

# E-COMMERCE-RELATED POLICIES, INITIATIVES & LEGISLATION ACROSS CARICOM



## Diagnostic Review 2020

The Shridath Ramphal Centre for International Trade Law, Policy & Services

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## ABOUT THIS REPORT

This Report provides an overview of existing policies, initiatives and legislation across the Caribbean Community (CARICOM) which are relevant for facilitating and promoting e-commerce. After providing a brief overview of general e-commerce trends, the Report is divided into two main sections; the first offers a regional perspective, while the second examines the national situation in each of the fifteen CARICOM Member States. The information contained herein has been compiled primarily from desk research and should not be viewed as an exhaustive compilation of existing policy and legislative frameworks on e-commerce in the region. Instead, it provides initial insights on the topic which we hope will inspire further research and policy initiatives across CARICOM.

*E-commerce is a US\$ 29 trillion market with long-term gains especially for developing countries. Built to overcome traditional barriers, e-commerce holds significant potential for economic development, trade expansion and global integration.*

The SRC recognises the pivotal role that e-commerce can play in the region's economic growth and sustainable development. However, unlocking this potential will require improvement and coordination of infrastructural, regulatory and legislative frameworks across the Caribbean region. The SRC is committed to advancing research in this area and providing advice to both governments and firms on how best they can position themselves to take advantage of the new opportunities presented by the digital economy.

To see more of our research work on e-commerce visit our webpage: [www.shridathramphalcentre.com](http://www.shridathramphalcentre.com)

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# UNPACKING E-COMMERCE

## Definition



There is no widely accepted definition of e-commerce. In some contexts, e-commerce is understood to include all aspects of online business activity like production, marketing, selling, purchasing, and logistics; in other cases, its definition is restricted to online buying and selling. In this Report, we adopt the definition developed by the Organisation for Economic Co-operation and Development (OECD), which defines e-commerce as “the sale or purchase of goods and services conducted over computer networks by methods specifically designed for the purpose of receiving or placing orders. The goods or services are ordered by those methods, but the payment and the ultimate delivery do not have to be conducted online” (OECD, 2011). While the reference to “digital trade” is sometimes understood to be broader than, and encompass e-commerce, we use the terms e-commerce and digital trade interchangeably in this Report, without intending to differentiate between them.

## Statistical Overview

In 2017, global e-commerce sales reached approximately US\$ 29 trillion and the number of online shoppers totalled 1.3 billion people, constituting one quarter of the world’s population (UNCTAD, 2019a). E-commerce transactions can be categorized based on geographic location where those occurring within borders are considered **domestic** e-commerce, while those occurring across different countries are classed as cross-border or **international** e-commerce. These transactions can be further classified according to the nature of the stakeholders involved, namely Business (B), Government (G) or Consumer (C). The most popular e-commerce transaction pairings are Business to Business (B2B)<sup>1</sup>, Business to Consumer (B2C)<sup>2</sup> and Consumer to Consumer (C2C)<sup>3</sup>, largely due to the Internet’s expanding capacity for commercial and information exchanges (Baker, 2017).

### Global E-commerce Statistical Snapshot

#### Global E-commerce Sales (US\$ 29 Trillion)

Global e-commerce sales grew 13% in 2017 compared to 2016.

#### Online Shoppers Worldwide (1.3 Billion People)

Online shoppers increased by 12% in 2017 compared to 2016.

#### Global B2B E-commerce Sales (US\$ 25 Trillion)

Accounted for 88% of all e-commerce sales in 2017.

#### Global B2C E-commerce Sales (US\$ 3.9 Trillion)

Experienced the most growth, increasing by 22% in 2017.

#### Cross-Border B2C Sales (US\$ 412 Billion)

Considered a proxy for international e-commerce which remains difficult to measure, cross-border B2C sales accounted for around 11% of total B2C sales, a 4% increase from 2016.

(UNCTAD, 2019a)

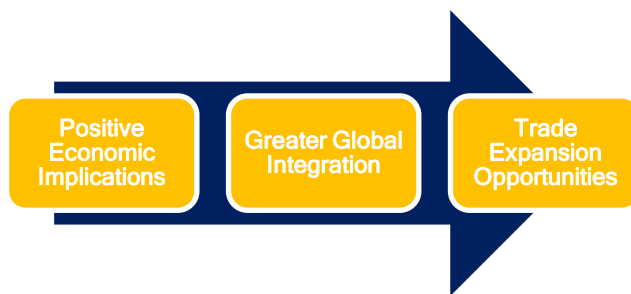
<sup>1</sup> Businesses selling goods and services to each other using online platforms or through other electronically facilitated means.

<sup>2</sup> Businesses selling goods and services to consumers using online platforms or through other electronically facilitated means.

<sup>3</sup> Electronically facilitated transactions between consumers usually through a third party such as Amazon or eBay, where there are online auctions.

## Expected Benefits

Absent data, it is difficult to ascertain the Caribbean's current level of e-commerce engagement. In 2011, Statista (2020) estimated the annual B2C e-commerce sales in the Caribbean to be around US\$ 2.75 billion but more recent figures are harder to come by. Still, there are uncontested benefits that e-commerce holds for the region. Firstly, the productivity gains stemming from lower transaction costs, more efficient supply and distribution management, and improved access to information will likely boost economic growth, employment wage levels and standards of living. Secondly, in the e-commerce environment, traditional barriers to trade including geographic locations, historical ties and huge outlays on physical infrastructure are moot, allowing developing countries more opportunities to integrate into the global landscape. Thirdly, theoretically unfettered access to world markets provides countries with endless opportunities for trade expansion and diversification, allowing micro, small and medium sized enterprises (MSMEs), women and other traditionally 'sidelined' economic actors a chance to



participate in the global economy. More recently, the COVID-19 pandemic has thrust e-commerce into the spotlight as a viable response to new social and physical distancing measures. As the world adapts to this 'new normal', an increasing uptake in the e-commerce business model, even within traditional sectors, can be expected.

## The E-commerce Ecosystem

At face value, e-commerce appears to be a simple online transaction. However, behind the computer screen and each online transaction, are various interconnected components working in the background. For example, online platforms like Amazon and eBay connect buyers and sellers, but they also allocate resources across the entire system including online payment platforms which facilitate the capital flow between buyers and sellers; logistics operations which provide buyers with optimal worldwide delivery options; value-added support which covers a range of activities such as online translation services, product certifications, return policies, marketing and more. These interconnected components form a complex ecosystem which does not exist in vacuum; therefore, it is also impacted by political, economic, social and technological factors which comprise the external environment. Recognizing this, when designing strategies to facilitate and promote e-commerce, it is important that a holistic approach is adopted. For example, it is not sufficient to develop e-commerce websites under the banner of promoting e-commerce without due consideration for other facets such as online payment systems, delivery options, legislative frameworks, etc. Against this backdrop, this Report highlights some of the different policies, initiatives and legislation capable of facilitating and promoting e-commerce, or related components of the e-commerce ecosystem.



# THE REGIONAL FRONT

## The Caribbean Community (CARICOM)

The Caribbean Community (CARICOM) is a regional grouping comprising fifteen member states (Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago) and five associate members (Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, and Turks and Caicos). It is built on four pillars of regional integration including: (i) economic integration, (ii) foreign policy coordination, (iii) human and social development and (iv) security. CARICOM remains one of the primary institutions under which regional efforts for the Caribbean are mobilized and enforced through functional cooperation.

This section provides an overview of existing regional frameworks and initiatives related to e-commerce which have been developed and/or adopted by CARICOM or which involve CARICOM. Emphasis is placed on those regional policies and initiatives, addressing:

1. **Digital Infrastructure**
2. **Payment Solutions**
3. **Digital Trade Facilitation**
4. **Consumer and Business Trust**
5. **Cross-Border Data Flows**
6. **Intellectual Property**
7. **Taxation, Customs & Market Access**
8. **E-Government Initiatives**

Article 239 (a) of the Revised Treaty of Chaguaramas (RTC), which established CARICOM, provides that “member states elaborate a protocol relating to electronic commerce”. Apart from launching an e-commerce study, little has been done on the regional front to advance the e-commerce agenda. Instead, the observed approach appears to be largely disjointed, even though there are positive efforts at regional initiatives which we examine below.

## Digital Infrastructure

Digital infrastructure can be thought of as the physical resources needed for enabling the use of data, computerized devices, methods, systems and processes. Other definitions differentiate between hybrid and dedicated digital infrastructures, noting that the first includes traditional physical infrastructures with added digital components, while the latter by its very nature is digital (Atkinson et al., 2016). However, UNCTAD (2019b) finds it useful to consider different levels of digital infrastructure, namely:

- ICT networks - which represent a core digital infrastructure component necessary for connectivity,
- Data infrastructure - this includes submarine cables, cloud infrastructure and data centres,
- Digital devices and applications - this includes a range of ICT devices such as computers, tablets, etc.,
- Digital platforms - these provide infrastructure-like functions by connecting two or more sides of a market,
- Electricity infrastructure - this is a critical component since digital infrastructure requires a power source.

Digital infrastructure is a prerequisite for any online activity and across the region the digital infrastructure differs drastically. Some member states lack infrastructure to allow for basic levels of connectivity and others have advanced facilities. That said, sorely lacking is an updated assessment of the region's digital infrastructure, which would allow for targeted action capable of reducing the region's digital divide.

To date, various regional initiatives have been launched to improve digital infrastructure. Some of these include the Vision and Roadmap for a CARICOM Single ICT Space which was approved at the at the Twenty-Eighth Inter-Sessional Meeting of the Conference of Heads of Government of the Caribbean Community on 16 February 2017, making this one of the most recent regional initiatives in this regard. However, prior to this initiative was the Regional Information and Communication Technology for Development Strategy (Regional ICT 4D Strategy) in 2010; the Caribbean Regional Communications Infrastructure Programme (CARCIP) created in 2012 and the Broadband Infrastructure Inventory and Public Awareness in the Caribbean (BIIPAC) launched in 2013. Detailed information is provided below.

### ✓ The Vision and Roadmap for a CARICOM Single ICT Space

Included in this vision and roadmap initiative, which was approved in 2017, is a framework for the design of a robust regional broadband infrastructure, with a proposed budget of US\$ 7-10 million and a priority timeline stretching across 2017-2022<sup>4</sup>. This framework is by far the most detailed as it relates to digital infrastructure development at a regional level. It proposes to design and provide:

- Ubiquitous and affordable access to standardised fixed and mobile broadband services
- Competitive, redundant high-capacity fibre and satellite systems
- Modernised IP-based Government Networks

<sup>4</sup> These timelines and budget figures are based on the estimates outlined in the Integrated Work Plan for The CARICOM Single ICT Space.



- Dedicated regional network capacity for "social bandwidth" applications
- Regionally connected broadband services and Government networks
- Nationally autonomous, regionally harmonised critical internet
- Infrastructure (IXP, DNS)
- IPv6 ready networks

However, much of the activities are either ongoing or yet to be completed, and when considering the proposed 2022 completion schedule, then perhaps these timelines may be overly ambitious.

(CTU Secretariat, 2017)

### ✓ **The Regional Information and Communication Technology for Development Strategy**

The draft version of this CARICOM developed strategy was circulated to member states in 2010. One of its broad regional strategic objectives is to fully establish modern regional regulatory and open telecommunications infrastructures with affordable networks using converged technologies, to provide affordable and ubiquitous access. It encourages targeted extensive public and private sector investment in infrastructure and the expectation is that member states use this regional ICT strategy to develop and reform their ICT infrastructures.

(CARICOM Secretariat, 2010)

### ✓ **The Caribbean Regional Communications Infrastructure Programme**

This programme was created in 2012 by the Caribbean Telecommunications Union (CTU), with support from the Eastern Caribbean Telecommunications Authority (ECTEL) and a USD 25 million financial commitment from the World Bank. Although participation in this programme is open to all CARICOM member states, only Grenada, Saint Lucia, and Saint Vincent and the Grenadines have joined. Furthermore, limited information exists on the developmental progress of this programme, but it continues to be listed as an active project on the World Bank Database until December 31, 2020. This programme has 4 main components including:

1. **Regional connectivity infrastructure** - "submarine cable infrastructure, terrestrial broadband backbone fibre networks and terrestrial or submarine cross-border links, leveraging government networks as needed, and national and regional Internet Exchange Points (IXPs), as well as enabling an environment that would ensure Public Private Partnership in the ownership, management and competitive access to the infrastructure."
2. **ICT-led innovation** - "leverages the regional broadband infrastructure - to foster growth of the regional IT/IT Enabled Services (ITES) industry."
3. **Implementation support** - "supports implementation, institutional and capacity building as well as monitoring and evaluation."
4. **Programme design** - "improves government and private sector efficiency and transparency by leveraging the regional broadband infrastructure towards the delivery of a wide variety of e-services."

(World Bank, 2020)

### ✓ **The Broadband Infrastructure Inventory and Public Awareness in the Caribbean**

This project was launched in February 2013 as an initiative of the Caribbean Association of National Telecommunications Organisations (CANTO), with support from the Inter-American Development Bank (IADB). It sought to provide a broadband diagnosis and infrastructure map. However, only eight Caribbean countries (Barbados, Belize, Dominican Republic, Guyana, Haiti, Jamaica, Suriname, and Trinidad & Tobago) participated in this initiative, limiting its regional scope. Recognizing the absence of a regional broadband plan during the BIIIPAC initiative, it was recommended that a framework for a regional approach to broadband supply and demand strategies be developed through the CARICOM Single Market and Economy (CSME) structure. Beyond recommendations for the development of regional initiatives, under the BIIIPAC project, each of the eight countries benefitted from a publicly available diagnostic review of their digital infrastructure and readiness, along with recommendations for improvement. The BIIIPAC project ended in 2016, but the extent to which desired results were achieved is not publicly available.

(Downes-Haynes, 2016)

A common theme in all the initiatives was provision of ubiquitous and affordable online access across the region. That said, limited elaboration is given to expected outcomes, which makes progress assessment difficult and, in most cases, unknown.

## Payment Solutions

In order to facilitate e-commerce cashless solutions are necessary. However, “the absence of Caribbean based payments processor services which can aggregate payments from websites to a payment gateway” has left the region dependent on foreign-owned third-party payment systems like PayPal and Stripe (Beecher et. al, 2018). Cashless payment solutions represent an untapped economic opportunity for regional banks, fintech companies and innovators alike. At the national level some entities have risen to the call, with digital payment options like mobile and e-wallet payments emerging in Barbados (mMoney), St. Kitts and Nevis (CaribePay, JAD Cash), Jamaica (MPay, MYCash and Quisk), Trinidad and Tobago (WiPay), Guyana (GTT) and the Bahamas (OMNI, SunCash and Cash n Go) (Beecher et. al, 2018). However, in some cases, these digital payment options are only for domestic transactions.

At the regional level, the thrust towards digital payment solutions is less intense. Perhaps the most tangible manifestation to date is the Eastern Caribbean Central Bank Digital EC Currency Pilot launched in March 2019 which is now being rolled out. Apart from this, the CARICOM Online Companies' Registries which was launched in 2017, included a region-wide electronic platform for e-payments. Beyond these tangible examples, other regional initiatives are aimed at spearheading research in this area. For instance, the Vision and Roadmap for a CARICOM Single ICT Space which was approved on 16 February 2017, the Strategic Plan for CARICOM 2015-2019 approved in 2014, and Bitt Inc. a Barbadian-based fintech company who has been pioneering regional approaches in digital currencies. Details of these regional approaches are provided below.

- **The Eastern Caribbean Central Bank Digital EC Currency Pilot**

On March 12, 2019 the Eastern Caribbean Central Bank launched its ECCD Digital EC Currency (DXCD) pilot which has been developed by Barbadian based fintech company Bitt Inc. Presently, only some members of the Organisation of Eastern Caribbean States (OECS) are participating in this pilot programme. Its objectives are to test the potential efficiency and welfare gains of a digital sovereign gains with a focus on economic growth, deeper financial inclusion, resilience and competitiveness. Reports indicate that the digital EC currency is now being rolled out.

- **CARICOM Online Companies' Registries**

Launched in 2017 with support from the European Union, the online companies' registries includes a region-wide electronic platform for e-payments.

- **The Vision and Roadmap for a CARICOM Single ICT Space**

Included in this roadmap are provisions for research on the development of a regional e-payment platform. Thus far, this has been categorized as an in-progress activity to be led by the Caribbean Centre for Development Administration (CARICAD).

- **The Strategic Plan for CARICOM 2015-2019: Repositioning CARICOM**

Under TEC 2, priority was attributed towards the strengthening of financing solutions through the development of e-payments and digital wallets.

- **Bitt Inc.**

Bitt is a Barbadian-based fintech company, who annually hosts a Central Bank Meets Blockchain conference which raises awareness about digital payment solutions. Bitt's focus on regional solutions might portend regionally inclusive digital currency initiatives beyond the OECS in the future.

(CTU Secretariat, 2017; ECCB, 2019; The Gleaner, 2017; CARICOM Secretariat, 2014; Bitt, 2020)

## Digital Trade Facilitation

“Digital trade facilitation refers to the application of modern information and communication technologies to simplify and automate international trade procedures. It is becoming essential to maintaining trade competitiveness and enabling effective participation in cross-border e-commerce” (Duval and Mengjing, 2017). Not only are digital advancements like paperless trade, modernized customs procedures and e-documentation necessary for facilitating cross-border e-commerce but also for making the region globally competitive.

The WTO Trade Facilitation Agreement which entered into force on 22 February 2017, remains the main impetus for the modernization efforts have taken place across the region. Since then The Caribbean Association of Customs Brokers has affirmed their commitment towards modernizing trade facilitation and customs procedures throughout the region and the Hub and Spokes Programme of the ACP has been providing CARICOM states with assistance as it relates to their compliance with the TFA. More details on these initiatives are provided below.

<b>Caribbean Association of Customs Brokers</b>	<b>WTO Trade Facilitation Agreement</b>	<b>The Hub and Spokes Programme</b>
<p>The Caribbean Association of Customs Brokers (CACUB) was revived in 2018 after a nine-year hiatus. The CACUB was mandated to a renewed mission focusing on the modernization of trade facilitation and customs procedures throughout the region. The CACUB noted that the slow implementation of the ASYCUDA World system and the Electronic Single Window across the Caribbean remains problematic.</p> <p>(CARICOM Today, 2018)</p>	<p>After the WTO's TFA entered into force on 22 February 2017, CARICOM Member States adopted a regional approach towards its implementation. Following advice from the CARICOM Council for Trade and Economic Development (COTED), a coordinated approach to TFA implementation was established as was a Regional Trade Facilitation Committee. The CARCIOM Secretariat has been working with member states in this regard. Furthermore, CARICOM has facilitated the preparation of a Regional TFA Strategy. To date, eleven CARICOM member states have ratified the TFA, and others are in the process of finalising their ratification and notifications.</p> <p>(Morgan, 2019)</p>	<p>This is an innovative 'aid for trade' initiative that helps enhance trade capacity in the ACP states. The programme has been assisting CARICOM on the regional front in terms of compliance with the TFA. Additionally, an assessment of CARICOM member state's TFA notifications signals the need for any developed regional initiatives to be supported by capacity building assistance.</p> <p>(Hub &amp; Spokes, 2018)</p>

## Consumer & Business Trust

“Trust is as vital for e-commerce as good internet connection” (UNCTAD, 2018). Without the benefit of in person interaction, consumers and businesses must trust that online transactions will be conducted in a secure manner that is satisfactory to the needs of both parties (i.e. the buyer and seller). Even with the best digital infrastructure, the uptake of e-commerce can be severely hindered by public distrust. With the rise of cybercrime, secure online platforms, best business practices and consumer protection regulations are emerging as solutions to build trust in the digital economy.

There has been word of a Draft CARICOM Model Consumer Protection Bill, which unfortunately, is not publicly available, making commentary on the role that it may play in creating a trust-conducive environment for online consumers impossible. Additionally, Chapter Eight: Part Two of the Revised Treaty of Chaguaramas which covers consumer protection may also apply to consumers engaged in electronic transactions, since on its face it is technology neutral (CARICOM Secretariat, 2001), but at best this establishes only broadly delineated protections and obligations.

Cybersecurity is another important component for building trust in the digital economy is cybersecurity. Broadly speaking, “cybersecurity is the organization and collection of resources, processes, and structures used to protect cyberspace and cyberspace-enabled systems from occurrences that misalign de jure from de facto property rights” (Craig, Diakun-Thibault and Purse, 2014). It therefore involves the protection of computer systems, networks and online data from unwarranted penetration, malicious damage and misuse.

Cybersecurity has been addressed in the 2013 CARICOM Crime and Security Strategy, the 2008-2013 Harmonization of ICT Policies and Legislation Across the Caribbean (HIPCAR) project and more recently in the Vision and Roadmap for a CARICOM Single ICT Space (approved on 16 February 2017), as detailed below.

### The 2013 CARICOM Crime and Security Strategy

Strategic Goal 8 aimed to strengthen CARICOM's resilience to cybercrime, by raising awareness and educating the general public on internet use, establishing a CARICOM Cyber Crime

Centre, a network of CARICOM Cyber Security Points of Contact and a CARICOM Computer Emergency Response Team and forming active partnerships with the private sector.

The majority of these initiatives are still ongoing.

(IMPACS, 2013)

### The 2008 -2013 HIPCAR Project

The HIPCAR project was developed by the International Telecommunications Union (ITU), in collaboration with the CARICOM Secretariat and the Caribbean Telecommunication Union (CTU), following requests from member states for a unified approach towards ICT development. Under the ICT legislative framework of the HIPCAR project are model guidelines and legislative texts on cybercrime and cybersecurity. However, few CARICOM member states have enacted legislations on the HIPCAR model law.

(ITU, 2020)

### The Vision and Roadmap for a CARICOM Single ICT Space

Under the Vision and Roadmap for a CARICOM Single ICT Space provisions exist for the creation of a consistent consumers rights regional regime and the development of a regionally harmonised cybersecurity policy framework (CTU, 2017). This component has a proposed budget of US\$ 2 million and a phase 2 priority status (2018-2019).

(CTU, 2017)

Absent from the regional front are workshops, seminars and fora, geared towards increasing the uptake of e-commerce by consumers and businesses, which will be important for tackling cultural misconceptions about the digital economy.

## Cross-Border Data Flows

Data is considered the oil of the digital economy and in today's gig economy, unfettered access to large datasets provides the holder of that information with a competitive advantage. The way in which cross-border data flows are handled can either support or restrict the successful development of e-commerce. For example, online suppliers and service providers might require access to sensitive consumer data like delivery addresses and credit card details in order to fulfil online transactions. In that case, a consumer must be assured that his/her privacy rights over the data are safeguarded and respected. On the other hand, overly restricted data flows can significantly limit the development of advances in the digital economy. Therefore, finding a balance where cross-border data flows are allowed but data privacy and protection are maintained, is important.

The box below provides insight on how on some regional developments such as The Revised Treaty of Chaguaramas, the Vision and Roadmap for a CARICOM Single ICT Space, the Regional Information Exchange Initiatives, the Harmonization of ICT Policies and Legislation Across the Caribbean (HIPCAR) Project and the Caribbean Internet Governance Forum address and/or facilitate cross-border data flows.

### The Revised Treaty of Chaguaramas

Under the RTC the only mention of regional data protection and privacy is under Article 226 (k) of the General Exceptions clause which offers a basis for CARICOM countries to deviate from RTC commitments.

### The Vision and Roadmap for a CARICOM Single ICT Space

Under the component entitled "Regionally Harmonised Policy, Regulatory and Legislative Regimes" there is mention of the need for a compatible regional data protection regime. The proposed budget for this is US\$ 2 million, with activities scheduled to occur between 2017-2021<sup>5</sup>. Furthermore, under the required government action necessary for the success of the CARICOM Single ICT Space is promoting the free flow of data.

### Regional Information Exchange Initiatives

During 2017 several regional information exchange initiatives which facilitate the cross-border flow of certain types of data were developed and launched, including:

- **The CARICOM Labour Market Information Systems** - a central depository for data on the labour markets of member states.
- **The CARICOM Online Companies Registries** – a regional online platform allowing name searchers and name reservation, business and company registration, public access to records and more.
- **The Community Public Procurement Notice Board** – an online information exchange point for procurement opportunities and contract awards across the region.

<sup>5</sup> These timelines and budget figures are based on the estimates outlined in the Integrated Work Plan for The CARICOM Single ICT Space.



**Harmonization of ICT Policies and Legislation Across the Caribbean (HIPCAR)**

The HIPCAR Project was launched during 2008-2013 by the International Telecommunications Union (ITU), in collaboration with the CARICOM Secretariat and the Caribbean Telecommunication Union (CTU), following requests from member states for a unified approach towards ICT development. Under the ICT legislative framework of the HIPCAR project are model guidelines and legislative texts on privacy and data protection, as well as access to public information.

**The Caribbean Internet Governance Forum**

During 2018 the Caribbean Telecommunications Union (CTU) held the Caribbean Internet Governance Forum which represented an effort by several Caribbean countries to establish and strengthen policies which ensure that personal information from internet users is collected, shared and used in appropriate ways.

(CARICOM Secretariat, 2001; CTU 2017; CARICOM Secretariat, 2017; ITU, 2020; Best, 2018)

Regional harmonization of legislative and regulatory frameworks in the areas of data protection and privacy is gaining traction. However, apart from general recommendations and guidelines, very few tangible efforts have materialized thus far as it relates to regional approaches to cross-border data flows.

## Intellectual Property

“Intellectual property (IP) refers to creations of the mind, such as inventions, literary and artistic works, designs, and symbols, names and images used in commerce. IP is protected in law by, for example, patents, copyright and trademarks, which enable people to earn recognition or financial benefit from what they invent or create” (WIPO, 2020a). In the digital realm where the real value of technology companies resides in intangible assets, IP protection becomes imperative to avoid IP-related piracy and theft which can hinder innovation (Khoury, 2015).

On the regional front, IP protection is provided for under the Revised Treaty of Chaguaramas Article 66. The region has also benefited from IP-related cooperation activity projects led by the World Intellectual Property Organization (WIPO). Additionally, the Vision and Roadmap for a CARICOM Single ICT Space (approved in 2017) has called for an IP regime. More details on these three efforts are given below.

### The Revised Treaty of Chaguaramas

Article 66 of the RTC outlines provisions for the protection of IP rights across member states, it speaks to the strengthening of IP protection regimes and also the establishment of a regional administration for IP rights

(CARICOM Secretariat, 2001)

### The Vision and Roadmap for a CARICOM Single ICT Space

Under the regionally harmonised ICT policy, legal and regulatory regimes component is mention of the need for a compatible IP regime.

(CTU, 2017)

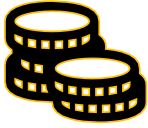
### WIPO Cooperation Activity

In 2014, WIPO engaged in Cooperation Activities in CARICOM, with the intention of working with the University of Technology to establish the first Technology and Innovation Support in the Caribbean. Other WIPO projects in the Caribbean include technology transfer training, patent and trademarks examination training, branding and geographical indications, MOUs with the University of the West Indies and the University of Technology, and Caribbean patent administration, amongst other activities.

(Simpson, 2014)

Although there exists IP protection legislation across different member states that may be more detailed than that provided in Article 66 of the RTC, the region’s main challenge lies in enforcement. This signals the need for more initiatives related not only to the strengthening of legislation but also of enforcement mechanisms.

## Taxation, Customs & Market Access

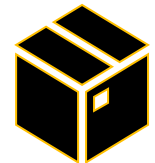


### Taxation

Taxation issues have attracted limited regional attention, perhaps due to the fact that tax-related decisions and policies are often made nationally. Some countries like Barbados are applying value added tax (VAT) to electronic transactions (Smith, 2020), but activity on the regional front in this regard is very limited and, in some cases, even nonexistent.

### Customs & Market Access

Apart from the previously discussed approaches towards modernization efforts under the regionally coordinated TFA implementation approach, there are very few major regional initiatives relating to customs procedures. The Automated System Customs Data (ASYCUDA) has been installed within several Caribbean countries, and in some respects has begun to shape a standard implementation process towards customs procedures throughout the region. There is also a CARICOM Model Customs Regulations Bill which seeks to harmonize customs legislation throughout the region.



Regarding customs duties, all CARICOM member states except for Bahamas (currently in the process of accession) and Montserrat (a UK-dependent territory) are WTO members and therefore suspend customs duties on electronic transmissions. Additionally, under the CARIFORUM-EU Economic Partnership Agreement, CARICOM member states have agreed to a permanent imposition of the moratorium on customs duties on electronic transactions (Article 119). Beyond this, the CARICOM's Common External Tariff (CET) although not containing explicit carve outs for ICT-related goods, have conditional duty exemptions criteria under which duty-free importation of ICT goods may be possible. It should be noted that in some CARICOM countries, most ICT-related goods enter duty-free. Certainly, the removal of customs duties speaks favorably to market access in some regards.

## E-government Initiatives

“Electronic government (or e-Government) is the application of information and communication technologies (ICTs) to government functions and procedures with the purpose of increasing efficiency, transparency and citizen participation” (OAS, 2020). There are various regional e-government initiatives, including the Electronic Government for Regional Integration Project (EGRIP) which lasted from 2009 until 2014, the Draft CARICOM e-Government Strategy 2010-2014, the PUICA Eastern Caribbean Modernization Project which was initiated in 2011 and more recently, the Vision and Roadmap for a CARICOM Single ICT Space which was approved in 2017. Further details on these regional initiatives are provided below.

### The Electronic Government for Regional Integration Project (EGRIP)

This project was managed by the OECS Secretariat and funded through loans from the World Bank and the Caribbean Development Bank. Its duration was from 2009-2014 and involved Antigua and Barbuda, Dominica, Grenada, Saint Lucia, St. Kitts and Nevis and St. Vincent and the Grenadines. The project's goal was to “promote the efficiency, quality and transparency of public services through the delivery of regionally integrated e-government applications that apply economies of scale.” It comprised of two main phases.

- Phase 1 focused on the harmonization of national and regional e-government policies and initiatives.
- Phase 2 focused on improving e-government technology.

This project had various successful outputs, but several activities had to be reduced or cut due to financial and other challenges that limited the project's overall success.

### The Draft CARICOM e-Government Strategy 2010-2014

This strategy outlined a multifaceted regional approach towards accelerating improvements in the delivery of public services through ICT use. It is built on seven strategic initiatives, namely:

1. **Organizational Capacity Development**
2. **eGovernment Framework**
3. **Program Management**
4. **Common ICT Procurement**
5. **Interoperability**
6. **ICT-enabled Service Delivery Channels CT-enabled Service Delivery Channels**
7. **eCommerce Environment**

### PUICA Eastern Caribbean Modernization Project

This project was conceptualized and managed by the Organization of American States and involved Antigua and Barbuda, Dominica, Grenada and St. Kitts and Nevis. It involved the digitalization of statistical records into an electronic database. The project also involved training data entry clerks to digitize information on birth, marriage, death, adoption and legitimization certificates, along with the purchase of equipment and development of software.

### **The Vision and Roadmap for a CARICOM Single ICT Space**

Under the CARICOM Single ICT Space vision and roadmap provisions were outlined for updating the 2010-2014 e-government strategy. This initiative is to be led by the Caribbean Centre for Development Administration (CARICAD) and was given priority 1 status, meaning that it should have been completed December 2018. According to The Integrated Work Plan for The CARICOM Single ICT Space the proposed budget for this component is US\$ 15 million.

(Williams and Marius, 2016; CARICAD, 2009; and CTU, 2017)

## Towards Regionally Harmonized ICT Legislation

One of the major initiatives geared towards regionally harmonizing ICT legislation is the HIPCAR Project which lasted from 2008-2013. The project was developed by the International Telecommunications Union in collaboration with the CARICOM Secretariat and the Caribbean Telecommunication Union, following requests for a unified approach towards ICT by member states and ICT stakeholders. As a result of the HIPCAR Project, a range of model policy guidelines and legislative texts in ICT priority areas were developed for the region as shown below.

### Harmonization of ICT Policies and Legislation Across the Caribbean (HIPCAR)

Under the HIPCAR Project model policy guidelines and legislative texts were developed for the following ICT priority areas:

#### 1. ICT legislative framework covering information society issues:

- E-commerce Transaction
- E-commerce Evidence
- Access to Public Information
- Privacy and data protection
- Cybercrimes and Cybersecurity
- Interception of Communications

#### 2. Telecommunication Acts

- Universal Service and Access Framework
- Licensing in a Convergent Environment
- Interconnection Including Cost Modelling

Under the HIPCAR Project in-country technical assistance was provided to Barbados, Grenada, Haiti, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines and Trinidad and Tobago.

(ITU, 2020)

However, although these model policy guidelines and legislative texts exist, reports indicate that very few member states are enacting their ICT-related legislation based on the HIPCAR model. Therefore, individual member states continue to adopt individual legislation. A cross-sectional overview of those CARICOM member states with existing ICT-related legislation is shown below.

## Cross-sectional Overview of Existing ICT-related Legislation

BMC	IDI ICT Regulatory Tracker Score (100)		Progress with Select ICT-specific Legislation			
	2007	2017	■ Legislation;	■ Draft/Partial Legislation;	■ No Legislation	
			Electronic Transactions	Consumer Protection	Privacy and Data Protection	Cybercrime
ANT	20.83	42.83	■	■	■	■
BAH	39.17	88.83	■	■	■	■
BAR	61.50	68.50	■	■	■	■
BZE	6.50	63.83	■	■	■	■
DOM	4.50	72.50	■	■	■	■
GRE	41.50	74.00	■	■	■	■
GUY	41.83	45.83	■	■	■	■
HAI	23.67	49.83	■	■	■	■
JAM	65.50	78.50	■	■	■	■
SKN	<i>Not rated</i>		■	■	■	■
SLU	50.33	86.00	■	■	■	■
SVG	72.00	82.00	■	■	■	■
SUR	9.50	58.00	■	■	■	■
TT	43.00	85.33	■	■	■	■

BMC - Borrowing Member Country

(Photo source: CDB 2019)

The above chart was compiled by the CDB (2019) as part of a discussion paper entitled “Digital for Caribbean Development”. However, since its compilation there have been a few changes. In Barbados’ case the Draft Data Protection Bill has since been revised, accepted and passed. According to UNCTAD (2020a) Cybercrime Legislation Worldwide Database, Belize currently has cybercrime legislation which perhaps may come under the Interception of Communications Act, 2010 (UNIDIR, 2018). Additionally, Jamaica’s Data Protection Bill was recently passed by the House in May 2020 (Linton, 2020). In St. Kitts and Nevis reports indicate that the country’s Consumer Affairs Act 2003 is being repealed to allow for a new Bill which will be better aligned with the CARICOM Bill (CARICOM Today, 2016). In St. Vincent and the Grenadines there is now a 2019 Draft Consumer Protection Bill (Gov.vc, 2019). In St. Kitts and Nevis during 2018 legislators passed the Data Protection Bill (The St. Kitts and Nevis Observer, 2018). In St. Lucia, there is a Consumer Protection Act No. 9 of 2016 which has been passed and it appears that Suriname now has data protection and privacy legislation (UNCTAD, 2020b). Among the popular ICT-related legislation across the region are Electronic Transactions, Electronic Crimes, Computer Misuse and Data Protections Acts.

# THE NATIONAL FRONT

This section provides insight into national efforts related to e-commerce across member states. Presently, no member state is a signatory to either the WTO's Information Technology Agreement, which aims to eliminate duties on IT products, or the plurilateral Joint Statement Initiative currently being negotiated at the WTO on trade related aspects of e-commerce.

Antigua & Barbuda



The Bahamas



Barbados



Belize



Dominica



Grenada



Guyana



Haiti



Jamaica



Montserrat



St. Kitts & Nevis



St. Lucia



St. Vincent & the Grenadines



Suriname



Trinidad & Tobago





## Antigua and Barbuda



Antigua and Barbuda, has benefitted from regional initiatives under both CARICOM and the OECS. Antigua and Barbuda's legal framework includes ICT-related legislation, which addresses areas of cybersecurity, data protection, electronic transactions, and others. Among such existing legislation includes:

Key indicators for Antigua and Barbuda (2017)		The Americas	World
Fixed-telephone sub. per 100 inhab.	23.5	23.9	13.0
Mobile-cellular sub. per 100 inhab.	180.4	111.8	103.6
Active mobile-broadband sub. per 100 inhab.	47.1	89.5	61.9
3G coverage (% of population)	99.0	93.9	87.9
LTE/WiMAX coverage (% of population)	99.0	84.3	76.3
Individuals using the Internet (%)	76.0	67.5	48.6
Households with a computer (%)	62.4	64.8	47.1
Households with Internet access (%)	62.4	68.3	54.7
International bandwidth per Internet user (kbit/s)	83.8	77.1	76.6
Fixed-broadband sub. per 100 inhab.	8.8	19.9	13.6
<b>Fixed-broadband sub. by speed tiers, % distribution</b>			
<i>-256 kbit/s to 2 Mbit/s</i>	24.9	6.6	4.2
<i>-2 to 10 Mbit/s</i>	75.1	23.1	13.2
<i>-equal to or above 10 Mbit/s</i>	-	70.3	82.6

Note: Data in italics are ITU estimates. Source: ITU (as of June 2018).

- **Consumer Protection & Safety Act 1988**
- **Computer Misuse Act 2006**
- **Data Protection Act 2013**
- **Electronic Transactions Act 2013 (Amended in 2016)**
- **Electronic Crimes Act 2013 (Amended in 2018)**
- **Electronic Evidence Act 2013**
- **Telecommunications Bill 2016**

ITU (2018) compiled estimates on key ICT indicators for Antigua and Barbuda as shown in the snapshot. The country scores above the Americas' and World's averages for most indicators.

Below are some of the national policies and initiatives which are ICT-related or relevant for e-commerce.

### ✓ **The Connect Antigua and Barbuda Initiative**

This initiative was launched in 2006 to promote computer literacy, bridge the digital divide and to connect Antigua and Barbuda to the world. It included several components including *inter alia*:

- The development of community computer access centres
- Community technology officers
- Mobile IT classrooms
- Technology for the physical, visually and otherwise challenged.

### ✓ **GATE Initiative**

The Government Assisted Technology Endeavour (GATE) initiative was launched in 2012 and has four main components:

1. ICT Cadet Programme
2. e-Education Computer Tablets and e-Education Connectivity
3. 4G LTE Connectivity for Government (e-Government)
4. Multipurpose ICT Training Facility and Special Needs Resource Centre

### ✓ ICT in Education Policy

The Government launched this policy in 2013 with the aim of transforming Antigua and Barbuda into a knowledge-based economy, by training citizens in the effective use of technology.

### ✓ E-business workshops

In 2013, the Antigua and Barbuda Coalition of Services Industries launched a series of e-business workshops with the aim of encouraging MSMEs to take advantage of opportunities from the e-business model and those in the digital economy.

### ✓ Open Data Readiness Assessment Project

In 2013 the World Bank conducted an open data readiness Assessment framework to determine the readiness of Antigua and Barbuda to create an open data initiative. "The report found Antigua and Barbuda to be ready along the dimensions of leadership, institutional preparedness, financing, and infrastructure and skills."

(Government of Antigua and Barbuda, 2012; ECLAC, 2020a; World Bank, 2013)

Regarding trade facilitation, Antigua and Barbuda has ratified the WTO's Trade Facilitation Agreement and currently has a 37% rate of implementation of commitments (TFA Database, 2020). Some of the country's commitments under this agreement that are relevant to digital trade and their subsequent implementation dates are shown below. Additionally, it is worth noting that, Antigua and Barbuda's Customs and Excise Division currently utilizes the ASYCUDA World system, which has a live access portal.

PROVISION & HEADING	CATEGORY	INDICATIVE DATE FOR IMPLEMENTATION	DEFINITIVE DATE FOR IMPLEMENTATION
Article 1.2 (Information Available Through the Internet)	C	31 December 2030	1 January 2035
Article 7.2 (Electronic Payment)	A	-	22 February 2017
Article 10. 4 (Single Window)	C	31 December 2031	1 January 2035

(TFA Database, 2020)



In terms of frameworks for the protection of intellectual property (IP) rights, Antigua and Barbuda is a member of WIPO, a signatory of the WTO TRIPS agreement and has established the Antigua and Barbuda Intellectual Property and Commerce Office (ABIPCO). Additionally, embedded within Antigua and Barbuda's legal framework are 14 legislative texts related to IP.

#### Constitution / Basic Law

Constitution of Antigua and Barbuda (1981)

#### Main IP Laws: enacted by the Legislature

Patents Act, 2018 (2018)

Copyright Act 2003 (2003)

Geographical Indications Act 2003 (2003)

Industrial Designs Act 2003 (2003)

#### IP-related Laws: enacted by the Legislature

International Trust Act 2007 (2007)

Investment Authority Act 2006 (2006)

Customs (Control and Management) Act, 1993 (1993)

Unfair Contract Terms Act (Cap. 451) (1987)

**Main IP Laws: enacted by the Legislature (contd.)**

Integrated Circuits Topography Act 2003 (2003)

Intellectual Property Office Act 2003 (2003)

Trade Marks Act 2003 (2003)

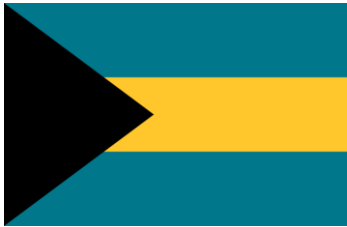
**IP-related Laws: enacted by the Legislature (contd.)**

Arbitration Act, 1975 (Cap. 33) (1975)

Medical Act 1938 (Cap. 269) (1938)

(WIPO, 2020b)

## The Bahamas



The Bahamas remains one of the two CARICOM member states not party to the WTO, but it is currently in the process of accession. The Bahamas' legal framework includes ICT-related legislation, which addresses areas of cybersecurity, data protection, electronic transactions, and others. Among such existing legislation includes:

Key indicators for Bahamas (2017)		The Americas	World
Fixed-telephone sub. per 100 inhab.	28.8	23.9	13.0
Mobile-cellular sub. per 100 inhab.	89.4	111.8	103.6
Active mobile-broadband sub. per 100 inhab.	81.6	89.5	61.9
3G coverage (% of population)	98.0	93.9	87.9
LTE/WiMAX coverage (% of population)	95.0	84.3	76.3
Individuals using the Internet (%)	85.0	67.5	48.6
Households with a computer (%)	75.0	64.8	47.1
Households with Internet access (%)	70.4	68.3	54.7
International bandwidth per Internet user (kbit/s)	610.0	77.1	76.6
Fixed-broadband sub. per 100 inhab.	22.0	19.9	13.6
<b>Fixed-broadband sub. by speed tiers, % distribution</b>			
<i>-256 kbit/s to 2 Mbit/s</i>	5.8	6.6	4.2
<i>-2 to 10 Mbit/s</i>	17.0	23.1	13.2
<i>-equal to or above 10 Mbit/s</i>	77.2	70.3	82.6

Note: Data in italics are ITU estimates. Source: ITU (as of June 2018).

- **Computers Misuse Act 2003**
- **Electronic Communications and Transactions Act 2003**
- **Consumer Protection Act 2006**
- **Data Protection (Privacy of Personal Information Act) 2007**

ITU (2018) compiled estimates on key ICT indicators for the Bahamas as shown in the snapshot. The country scores above the Americas' and World's averages for most indicators. However, it falls behind in areas like mobile-cellular, fixed telephone, and active mobile broadband subscriptions.

The Bahamas has a significant number of IT and e-commerce related national policies and initiatives.

### ✓ Policy statement on e-commerce and the Bahamian Digital agenda

This 21-page document was released in 2003 and outlines the advantages offered by the Bahamas for e-business, the foundation for e-commerce and the digital Bahamian economy, and an action plan which sought to address the following areas:

- E-Business Development Office
- Telecommunications Infrastructure
- Human Resources Development
- Legal Issues
- Financial Issues
- E-Government
- Content

### ✓ Towards a National Cybersecurity Strategy

In 2014 the government announced its intention to create a national cybersecurity strategy that would strengthen the country's data protection capabilities by improving cybercrime legislation. Since then in December 2019 it was announced that within the next 9 months Bahamas will have its National Cybersecurity Strategy Plan as it prepares to establish a full computer emergency response team (CERT) in the early part of 2020.

✓ **The Bahamas e-Government Portal Services**

This government initiative aims to make doing business with government easier by providing online access to a range of public services.

✓ **Digital Governance Initiative**

The Inter-American Development Bank (IDB) has provided the Bahamas with a \$30 million loan in 2018, aimed at the digital transformation of the country's public sector, with a goal of increasing the number of people using online government services by 70% by 2025.

✓ **Towards an Open Internet Policy**

In 2017 at the Ministerial Roundtable of the International Telecommunication Union, Bahamas indicated its intention of implementing an Open Internet Policy, which would remove barriers to digital business, enable cross-border protection of property rights and stimulate trade.

✓ **National Internet Exchange Point (IXP) Regulatory Framework**

In 2019 the Utilities Regulation and Competition Authority's (URCA) decided to move forward with the development of a National Internet Exchange Point (IXP) Regulatory Framework. Success in this regard could signal Bahamas as a serious technology player.

✓ **Project Sand Dollar**

This is a Bahamian Payment System Modernization Initiative currently involved in the development of a digital version of the Bahamian dollar, with expectations to deliver the first national digital currency by 2020.

✓ **Ecommerce for SMEs Toolkit**

Bahamas Trade Info has developed an Ecommerce for SMEs Toolkit, which is supported by various e-commerce seminars and workshops such as the E-commerce Seminar in Nassau. More recently, in 2019 an ICT roadshow focused on strengthening the local internet with the themes: security, resilience and converge was hosted by The Utilities Regulation and Competition Authority of the Bahamas in collaboration with ARIN, ICANN and the Internet Society.

✓ **Vision 2040**

Under the Vision 2040 one of the highlighted goals included the development of a comprehensive ICT strategy for the Bahamas and the exploration of new growth sectors such as ICT.

(The Bahamas Ministry of Finance, 2020; Thompson, 2019; GovNet.bs, 2020; IDB, 2018; ITU, 2017; Hainel, 2019; Central Bank of the Bahamas, 2019; Bahamas Trade Info, 2020; The Government of Bahamas, 2020)

Although not a WTO Member, and therefore not a signatory to the WTO's Trade Facilitation Agreement, the Bahamas has implemented the New Electronic Single Window to automate customs procedures.

In terms of frameworks for the protection of intellectual property (IP) rights, the Bahamas is a member of WIPO, and has approximately 18 existing IP-related laws. Additionally, under the Registrar General's Department is the Intellectual Property: Trademarks and Patents Office Department.

**Constitution / Basic Law**

The Constitution of the Commonwealth of the Bahamas (2006)

**Main IP Laws: enacted by the Legislature**

Geographical Indications, 2015 (Act No. 44 of 2015) (2015)

Copyright (Amendment) Act, 2004 (Act No. 2 of 2004) (2004)

Copyright Act, 1998 (CH.323) (as amended by the Copyright (Amendment) Act, Act No. 2 of 2004) (2004)

Industrial Property Act, 1965 (CH.324) (as amended up to Act No. 24 of 1994) (1994)

Trade Marks Act, 1906 (CH.322) (as amended up to Act No. 5 of 1987) (1987)

**IP-related Laws: enacted by the Legislature**

Broadcasting Act, 1956 (CH.305) (as amended up to Act No. 10 of 2009) (2009)

Companies Act, 1992 (CH.308) (as amended up to Act No. 13 of 2009) (2009)

Customs Management Act, 1976 (CH.293) (as amended up to Act No. 33 of 2009) (2009)

Pharmacy Act, 2009 (CH.227) (2009)

Penal Code, 1924 (CH.84) (as amended up to Law No. 1 of 2007) (2007)

Standards Act, 2006 (CH.338A) (2006)

Co-operative Societies Act, 2005 (CH.314) (2005)

Civil Aviation Act, 1976 (CH.284) (as amended up to Act No. 21 of 2001) (2001)

Antiquities, Monuments and Museum Act, 1998 (CH.51) (1998)

Registration of Business Names Act, 1989 (CH.330) (1989)

Sale of Goods Act, 1904 (CH.337) (as amended by Law No. 5 of 1987) (1987)

Food Act, 1985 (CH.236) (1985)

## Barbados



Barbados has enacted a variety of ICT-related laws some of which include:

- **Electronic Transactions Act 2001 (Amended in 2014)**
- **Telecommunications Act 2001**
- **Telecommunications Amendment Bill 2017**
- **Consumer Protection Act 2002**
- **Computers Misuse Act 2005**
- **Electronic Filing Bill 2014**
- **Data Protection Bill 2019 (as amended)**

Key indicators for Barbados (2017)		The Americas	World
Fixed-telephone sub. per 100 inhab.	48.9	23.9	13.0
Mobile-cellular sub. per 100 inhab.	118.2	111.8	103.6
Active mobile-broadband sub. per 100 inhab.	50.6	89.5	61.9
3G coverage (% of population)	100.0	93.9	87.9
LTE/WiMAX coverage (% of population)	99.6	84.3	76.3
Individuals using the Internet (%)	81.8	67.5	48.6
Households with a computer (%)	72.5	64.8	47.1
Households with Internet access (%)	70.0	68.3	54.7
International bandwidth per Internet user (kbit/s)	215.3	77.1	76.6
Fixed-broadband sub. per 100 inhab.	31.3	19.9	13.6
<b>Fixed-broadband sub. by speed tiers, % distribution</b>			
<i>-256 kbit/s to 2 Mbit/s</i>	-	6.6	4.2
<i>-2 to 10 Mbit/s</i>	9.6	23.1	13.2
<i>-equal to or above 10 Mbit/s</i>	90.4	70.3	82.6

Note: Data in italics are ITU estimates. Source: ITU (as of June 2018).

ITU (2018) compiled estimates on key ICT indicators for Barbados as shown in the snapshot. The country scores above the Americas' and World's averages for most indicators.

Some of Barbados' national policies and initiatives which are ICT-related are highlighted below.

### ✓ **National Information and Communications Technologies Strategic Plan of Barbados (2010-2015)**

This strategic plan outlined:

- *The National ICT Vision* - "To utilise ICTs to transform Barbados into a globally competitive society"
- *The National ICT Mission* - "To facilitate and create the environment that makes ICTs available and accessible to all in order to drive competitiveness, stimulate local knowledge creation and sustain economic, social and cultural development."
- *The Broad National ICT Goals* – (1) To develop an ICT literate society that enables Barbadians of all segments of society to participate fully in the Information Society; (2) Utilize ICTs to encourage and promote a culture of innovation and entrepreneurship in Barbadian society; (3) Ensure that ICTs are available to all Barbadians; (4) Use ICTs to position Barbados as a competitive jurisdiction; (5) Transformation of public and business sectors to e-environment; (6) Facilitate the continuity of Governance in national disasters.

### ✓ **Smart Bridgetown Project**

Under the new Barbados Labour Party Administration, the Smart Bridgetown Project aims to provide internet free access throughout the island's capital, along with smart parking and mobile apps for tourists.

### ✓ mMoney

Advancements are also being made in the area of digital payment solutions, with Barbadian-based fintech company Bitt Inc. spearheading the development of the domestically used digital mobile wallet mMoney, which is now accepted at around 120 stores on the island.

### ✓ The Regulatory Sandbox Project

Following a collaboration between the Central Bank of Barbados and Financial Services Commission, this project was launched. It aims to ensure that innovative technologies are properly tested and not stymied by traditional systems.

### ✓ The Amazon Tax

Effective March 1, 2020 Amazon Web Service announced that it would be charging Value Added Tax at a rate of 17.5% to Barbadian customers, following the request for such by the Government of Barbados.

(BLP, 2019; Madden, 2019; Bitt, 2020; Central Bank of Barbados, 2020; Smith, 2020)

Regarding trade facilitation, Barbados has ratified the WTO's Trade Facilitation Agreement, and has currently achieved a 33.2% rate of implementation of commitments (TFA Database, 2020). Some of Barbados' commitments under this agreement that are relevant to digital trade and their subsequent implementation dates are shown below. Barbados has also recently implemented the ASYCUDA World system, and despite initial challenges, the system is now fully operational.

PROVISION & HEADING	CATEGORY	INDICATIVE DATE FOR IMPLEMENTATION	DEFINITIVE DATE FOR IMPLEMENTATION
Article 1.2 (Information Available Through the Internet)	C	31 December 2030	31 December 2028
Article 7.2 (Electronic Payment)	B	31 December 2019	31 December 2021
Article 10. 4 (Single Window)	C	31 December 2022	31 December 2025

(TFA Database, 2020)



In terms of frameworks for the protection of intellectual property (IP) rights, the Barbados a member of WIPO, a signatory to the WTO TRIPS Agreement, has a Corporate Affairs and Intellectual Property Office (CAIPO), and approximately 29 IP-related laws exist.

#### Constitution / Basic Law

The Constitution of Barbados, 1966 (as amended up to 2007) (2007)

#### Main IP Laws: enacted by the Legislature

Patents Act, 2001 (Cap. 314) (as amended by Act No. 2 of 2006) (2006)

Trade Marks Act, Cap. 319 (2006)

Geographical Indications Act (Cap. 320, consolidated as of 2002) (2002)

Integrated Circuits Act, Cap. 320A (consolidated as of 2002) (2002)

Protection of New Plant Varieties Act, Cap. 267 (consolidated as of 2002) (2002)



Trade Marks (Amendment) Act, 2001 (Act No. 16 of 2001) (2001)  
 Copyright Act, 1998 (Cap. 300)(as revised up to 2006) (1998)  
 Registration of Business Names Act (Cap. 317, consolidated as of 1989) (1989)  
 Corporate Affairs and Intellectual Property Office, Cap. 21A (1988)  
 Industrial Designs Act, 1981, (CAP. 309A) (as last amended by Act 1988-6) (1988)  
 Protection of the Olympic Symbol Act, Cap. 315A (1985)  
 Intellectual Property Acts (Amendment) Act, 1984(Act No. 20 of June 22, 1984) (1984)

**IP-related Laws: enacted by the Legislature**

Companies Act, 1982 (Cap. 308, as amended up to Act No. 17 of 2007) (2007)  
 International Commercial Arbitration Act, 2007-45 (2007)  
 Civil Aviation Act, 2004 (Cap. 288B) (2004)  
 The Supreme Court of Judicature Act, 1981 (Cap. 117A) (as amended up to 2004) (2004)  
 Fair Competition Act, Cap. 326C (codified as of 2002) (2003)  
 Caribbean Broadcasting Corporation Act, Cap. 276 (as consolidated 2002) (2002)  
 Consumer Protection Act, 2002 (Cap. 326D) (2002)  
 Telecommunications Act, 2001 (Cap. 282B) (2001)  
 Protection Against Unfair Competition Act, 1998 (Act No. 20 of 1998) (1998)  
 Arbitration (Foreign Arbitral Awards) Act, Cap. 110A (Consolidated as of 1985) (1985)  
 Barbados National Standards Institution (Certification Marks) Act, Cap. 325A (codified as of 1985) (1985)  
 Control of Standards Act, Cap. 326A (consolidated as of 1985) (1985)  
 National Emblems and National Anthem of Barbados (Regulation) Act, 1969 (Cap. 300A) (as amended up to Act No. 1 of 1982) (1982)  
 Publications (Legal Deposit) Act, 1982 (Cap. 301A) (1982)  
 Broadcasting Act, Cap.274B (consolidated as of 2002) (1980)  
 Arbitration Act, Cap. 110 (1967)

## Belize



On the legislative front, Belize's efforts appear limited. In fact, according to UNCTAD Belize currently has no privacy and data legislation in force.

However, the following IT-related legislation are in force:

Key indicators for Belize (2017)		The Americas	World
Fixed-telephone sub. per 100 inhab.	5.9	23.9	13.0
Mobile-cellular sub. per 100 inhab.	64.9	111.8	103.6
Active mobile-broadband sub. per 100 inhab.	14.1	89.5	61.9
3G coverage (% of population)	95.0	93.9	87.9
LTE/WiMAX coverage (% of population)	66.0	84.3	76.3
Individuals using the Internet (%)	47.1	67.5	48.6
Households with a computer (%)	36.7	64.8	47.1
Households with Internet access (%)	36.1	68.3	54.7
International bandwidth per Internet user (kbit/s)	45.3	77.1	76.6
Fixed-broadband sub. per 100 inhab.	6.7	19.9	13.6
<b>Fixed-broadband sub. by speed tiers, % distribution</b>			
<i>-256 kbit/s to 2 Mbit/s</i>	65.4	6.6	4.2
<i>-2 to 10 Mbit/s</i>	34.6	23.1	13.2
<i>-equal to or above 10 Mbit/s</i>	-	70.3	82.6

Note: Data in italics are ITU estimates. Source: ITU (as of June 2018).

- **Telecommunications Act 2000**
- **Volume VI: Title XXVII: Consumer Protection**
- **Electronic Transactions Act 2011**
- **Interception of Communications Act 2010**

ITU (2018) compiled estimates on key ICT indicators for Belize as shown in the snapshot. The country scores below the Americas' and World's averages for most indicators, indicating the need for more infrastructural improvements. 3G coverage appears to be one of the only indicators scoring above the Americas' and World's averages.

Some of the country's national policies and initiatives which are ICT-related are shown below.

### ✓ **The National Trade Policy of Belize (2019-2030)**

Embedded within this national trade policy is an e-commerce policy objective, which aims to integrate e-commerce into the business culture of Belize, by advocating for greater internet penetration. This e-commerce policy carve-out also encourages the development and use of electronic and mobile payment systems across the Belizean banking and business sector.

### ✓ **National e-Government Policy (2015-2018)**

This policy provides a strategic framework for integrating ICT into the provision of public services. It has 7 strategic themes which include:

- Public Sector Infrastructure Development
- Creative Regulatory Reform
- Targeted Human Capacity Development
- Improved Government Efficiency
- Effective Cross-Functional Collaboration
- Enhanced National Security
- Quality Social Services

### ✓ National Cybersecurity Framework and Action Plan

In 2017, the government drafted its first National Cybersecurity Framework and Action Plan, which was formulated at the 2017 National Cyber Security Symposium.

### ✓ The Belize National ICT Strategy

In 2011 the Belize National ICT Strategy was developed with the aim of providing universal access to ICTs and to render ICT usage widespread. Among the six major objectives of this strategy included:

1. Accelerating e-government
2. ICT in e-commerce,
3. Open ICT
4. ICT in education
5. Job creation through local ICT development
6. e-inclusion.

(Government of Belize, 2019; Government of Belize, 2014; Belize Public Utilities Commission et. al. 2017; Flowers et. al. 2011)

As a party to the WTO's Trade Facilitation Agreement, Belize currently has a 34% rate of implementation of commitments (TFA Database, 2020). Some of Belize's commitments under this agreement that are relevant to digital trade and their subsequent implementation dates are shown below. Additionally, the Electronic Single Window, remains in initial stages but is soon likely to be mainstreamed following an all week training initiative between the World Customs Organization and the Belize Customs Department in July 2019. Belize currently utilizes the ASYCUDA World System.

PROVISION & HEADING	CATEGORY	INDICATIVE DATE FOR IMPLEMENTATION	DEFINITIVE DATE FOR IMPLEMENTATION
Article 1.2 (Information Available Through the Internet)	C	22 February 2020	31 December 2023
Article 7.2 (Electronic Payment)	C	5 June 2020	31 December 2026
Article 10. 4 (Single Window)	C	22 February 2020	31 December 2026

(TFA Database, 2020)



Regarding intellectual property provisions, Belize is a member of WIPO, a signatory to the WTO TRIPS Agreement, and has a functioning Belize Intellectual Property Office (BELIPO). Additionally, Belize has approximately 25 IP-related laws.

#### Constitution / Basic Law

Belize Constitution Act (Cap. 4) (2000)

#### Main IP Laws: enacted by the Legislature

Patents (Amendment) Act, No. 40 of 2005 (2005)

Ancient Monuments and Antiquities Act - Cap. 330 (2000)

Broadcasting and Television Act - Cap. 227 (2000)

Business Names Act - Cap. 247 (2000)  
Cinematographs Act - Cap. 241 (2000)  
Copyright Act (Cap. 252, Revised Edition 2000) (2000)  
Industrial Designs Act - Cap. 254 (2000)  
Protection of Layout-Designs (Topographies) of Integrated Circuits Act - Cap. 256 (2000)  
Protection of New Plant Varieties Act (Cap. 255, Revised Edition 2000) (2000)  
Trade Marks Act (Cap. 257, Revised Edition 2000) (2000)

**IP-related Laws: enacted by the Legislature**

Electronic Transactions Act - Cap. 290:01 (2003)  
Arbitration Act - Cap. 125 (2000)  
Customs and Excise Duties Act - Cap. 48 (2000)  
Freedom of Information Act - Cap. 13 (2000)  
Imperial Laws (Extension ) Act - Cap. 2 (2000)  
Reciprocal Enforcement of Judgments Act - Cap. 171 (2000)

**IP-related Laws: Issued by the Executive**

Electronic Transactions Act (Commencement) Order, 2005 (2005)  
Registrar of Intellectual Property (Appointment) Order, 2005 (2005)  
Copyright (Specified Countries) Order, 2001 (2001)  
Industrial Designs Act (Commencement) Order, 2001 (2001)  
Patents Act (Commencement) Order, 2001 (2001)  
Protection of New Plant Varieties Act (Commencement) Order, 2001 (2001)  
Trade Marks Act (Commencement) Order, 2001 (2001)  
Copyright Act (Commencement) Order, 2000 (2000)

## Dominica



As a CARICOM and OECS Member, Dominica remains a beneficiary of these regional initiatives. However, following recent hurricane devastation the national thrust has been towards rebuilding the economy, which has included some digital trade related initiatives. Regarding ICT-related legislation, Dominica has enacted the following:

Key indicators for Dominica (2017)		The Americas	World
Fixed-telephone sub. per 100 inhab.	<i>12.2</i>	23.9	13.0
Mobile-cellular sub. per 100 inhab.	<i>108.2</i>	111.8	103.6
Active mobile-broadband sub. per 100 inhab.	<i>39.2</i>	89.5	61.9
3G coverage (% of population)	<i>95.0</i>	93.9	87.9
LTE/WiMAX coverage (% of population)	<i>67.0</i>	84.3	76.3
Individuals using the Internet (%)	<i>69.6</i>	67.5	48.6
Households with a computer (%)	<i>56.8</i>	64.8	47.1
Households with Internet access (%)	<i>63.9</i>	68.3	54.7
International bandwidth per Internet user (kbit/s)	<i>79.7</i>	77.1	76.6
Fixed-broadband sub. per 100 inhab.	<i>21.6</i>	19.9	13.6
<b>Fixed-broadband sub. by speed tiers, % distribution</b>			
<i>-256 kbit/s to 2 Mbit/s</i>	<i>-</i>	6.6	4.2
<i>-2 to 10 Mbit/s</i>	<i>92.1</i>	23.1	13.2
<i>-equal to or above 10 Mbit/s</i>	<i>7.9</i>	70.3	82.6

Note: Data in italics are ITU estimates. Source: ITU (as of June 2018).

- **Electronic Filing Act 2013**
- **Electronic Transactions Act 2013**
- **Electronic Funds Transfer Act 2013**
- **Electronic Evidence Act 2010**
- **Telecommunications Act 2000**

ITU (2018) compiled estimates on key ICT indicators for Dominica as shown in the snapshot. The country scores above the Americas' and World's averages in at least 4 indicators, signaling the need for infrastructural improvements in some cases.

Some of the ICT/e-commerce related national policies and initiatives are highlighted below.

### ✓ Draft ICT Policy for Education

This draft policy was developed in 2001 and has a range of objectives including: "to promote equitable access to educational resources through the strategic application of ICT, to make all school leavers computer literate thereby providing them with the requisite ICT skills as a platform for imminent employment and/or entry to specialised training for the information economy; and to create a teaching force in which all practitioners possess the critical requisite skills and competencies required to use ICT as a tool in enhancing the teaching/learning process and a cadre of ICT teacher Specialists, among other objectives.

### ✓ Information Technology Strategic Plan

This plan was developed in 2005 and with the following priority areas:

- Creation of a WAN
- Improved management of information technology
- Integration of information and communication
- Development of online services such as payment of driver's license
- Development of an information technology unit
- Support for the rapid enhancement of the Government of Dominica website's interactive capabilities
- Introduction of a Government Wide Portal for news, information and link to all government websites

### ✓ National ICT Policy Framework

In 2016 the then Minister of Information, Science, Telecommunications and Technology, Kelder Darroux, announced that the Ministry was in the process of revising the National ICT Policy framework with the intention of incorporating greater technology use within ministries, so that they too can benefit from various efficiency gains.

### ✓ Request for Proposals to rebuild the ICT services

In 2018, there was also a Request for Proposals to rebuild the ICT services in Dominica following hurricane destruction. These setbacks from natural disasters have severely limited the digital readiness of this island.

(Andrew and Durand, 2011; Government of the Commonwealth of Dominica, 2005; Dominica News Online, 2018; Government of the Commonwealth of Dominica, 2018)

As a party to the WTO's Trade Facilitation Agreement, Dominica currently has a 55% rate of implementation of commitments (TFA Database, 2020). Some of Dominica's commitments under this agreement that are relevant to digital trade and their subsequent implementation dates are shown below. Additionally, Dominica's Customs and Excise Department, has upgraded to ASYCUDA World, a transition which has been considered a success story.

PROVISION & HEADING	CATEGORY	INDICATIVE DATE FOR IMPLEMENTATION	DEFINITIVE DATE FOR IMPLEMENTATION
Article 1.2 (Information Available Through the Internet)	A	-	22 February 2017
Article 7.2 (Electronic Payment)	A	-	22 February 2017
Article 10. 4 (Single Window)	C	31 December 2022	31 December 2022

(TFA Database, 2020)

In terms of frameworks for the protection of intellectual property (IP) rights, Dominica is a member of WIPO, a signatory to the WTO TRIPS Agreement and has approximately 17 main Intellectual Property laws. Additionally, Dominica has a functioning Companies and Intellectual Property Office (CIPO).

#### Constitution / Basic Law

The Constitution of the Commonwealth of Dominica (1984)

The Commonwealth of Dominica Constitution Order (1978)

#### Main IP Laws: enacted by the Legislature

Marks, Collective Marks and Trade Names Act, 1999 (Act 12 of 1999) (2009)

Geographical Indications (Amendment) Act, 2008 (Act 13 of 2008) (2008)

Industrial Designs (Amendment) Act, 2008 (Act 15 of 2008) (2008)

Industrial Designs Act, 1998 (Act 2 of 1998) (2008)

Patents Act, 1999 (Act 8 of 1999) (2008)

Protection of Geographical Indications Act, 1999 (Act 13 of 1999) (2008)

Protection of Layout-Designs (Topographies) of Integrated Circuits Act, 1999 (Act 11 of 1999) (2008)

Protection of New Plant Varieties Act, 1999 (Act 14 of 1999) (2008)

Registration of Business Names (Amendment) Act, 2008 (Act 4 of 2008) (2008)

Copyright Act 2003 (Act 5 of 2003) (2003)

Registration of Business Names (Amendment) Act, 2001 (Act 20 of 2001) (2001)

Registration of Business Names Act (Chapter 78:46) (1990)

**IP-related Laws: enacted by the Legislature**

Caribbean Free Trade Association Act (Chapter 80:01) (1990)

Arbitration Act (Chapter 4:50) (1988)

Fruit Trade Regulations Act (Chapter 82:03) (1951)

(WIPO, 2020b)

Dominica exemplifies the vulnerability of Caribbean SIDS and their susceptibility to natural disasters that destroy digital infrastructure and thereby greatly retards advancement in the digital economy.

## Grenada



Grenada has benefitted from regional initiatives under both CARICOM and the OECS. On the national front, Grenada's legal framework comprises some ICT-related legislation, which addresses cybersecurity and electronic transactions. Among such existing legislation includes:

Key indicators for Grenada (2017)		The Americas	World
Fixed-telephone sub. per 100 inhab.	30.1	23.9	13.0
Mobile-cellular sub. per 100 inhab.	105.0	111.8	103.6
Active mobile-broadband sub. per 100 inhab.	89.2	89.5	61.9
3G coverage (% of population)	81.9	93.9	87.9
LTE/WiMAX coverage (% of population)	81.9	84.3	76.3
Individuals using the Internet (%)	59.1	67.5	48.6
Households with a computer (%)	55.0	64.8	47.1
Households with Internet access (%)	47.2	68.3	54.7
International bandwidth per Internet user (kbit/s)	9.1	77.1	76.6
Fixed-broadband sub. per 100 inhab.	20.6	19.9	13.6
<b>Fixed-broadband sub. by speed tiers, % distribution</b>			
-256 kbit/s to 2 Mbit/s	46.1	6.6	4.2
-2 to 10 Mbit/s	48.2	23.1	13.2
-equal to or above 10 Mbit/s	5.7	70.3	82.6

Note: Data in italics are ITU estimates. Source: ITU (as of June 2018).

- **Electronic Transactions Act 2008**
- **Telecommunications Act 2000**
- **Electronic Crimes Act 2013**

ITU (2018) compiled estimates on key ICT indicators for Grenada as shown in the snapshot. The country scores below the Americas' and World's averages for indicators like International bandwidth per internet user, households with internet access, 3G coverage and others.

National policies and initiatives which are ICT-related or relevant for e-commerce are shown below.

### ✓ **The National ICT Strategic Plan 2006-2010**

The vision of this plan was to transform Grenada into a Knowledge Society by 2010. The strategy sought to enable affordable access to global information to all its citizens including disadvantaged persons; to pursue a sustainable process of action and review which is based on the synergistic development of education and training to develop human resources in the necessary ICT and business skills; use ICT to expand the horizons and capacity of existing businesses and recruit new business to Grenada; deepen the use of ICT in governance to increase its efficiency and transparency; and to implement a focused promotional strategy, directed at the business and government sectors and civil society. The plan sought to achieve these objectives by:

- Building the relevant ICT-related national capacity (physical infrastructure and human resources)
- Promoting universal uptake of the internet
- Developing e-commerce

### ✓ **Digital Government for Resilience Project**

In 2019, Grenada received a US\$ 15 million loan from the World Bank to fund the Digital Government for Resilience Project, which aims to reform government's efforts to provide accessible and resilient online services to citizens and businesses and to develop the necessary legal and regulatory frameworks to support such.



### ✓ Government Web Portal Launch

In December 2019 the Government of Grenada launched an updated government web portal to allow for the access of all public services electronically. The new portal contains a window for all government ministries and departments.

(OAS, 2019; World Bank, 2019; Steiner, 2019)

As a party to the WTO's Trade Facilitation Agreement,, Grenada currently has a 73.5% rate of implementation of commitments (TFA Database, 2020). Some of Grenada's commitments under this agreement that are relevant to digital trade and their implementation dates are shown below. In 2016, Grenada launched the Single Window Module (License Module) of the ASYCUDA World System.

PROVISION & HEADING	CATEGORY	INDICATIVE DATE FOR IMPLEMENTATION	DEFINITIVE DATE FOR IMPLEMENTATION
Article 1.2 (Information Available Through the Internet)	B	31 December 2020	31 December 2021
Article 7.2 (Electronic Payment)	C	31 December 2021	31 December 2025
Article 10. 4 (Single Window)	C	31 December 2021	31 December 2028

(TFA Database, 2020)

In terms of frameworks for the protection of intellectual property (IP) rights, Currently, Grenada is a member of WIPO, a signatory to the WTO TRIPS Agreement and has approximately 11 IP-related laws, Dominica also has a functioning Corporate Affairs and Intellectual Property Office (CAIPO).

#### Constitution / Basic Law

Grenada Constitution of 1973 (1973)

#### Main IP Laws: enacted by the Legislature

Copyright Act (Cap. 67, Act No. 21 of 2011) (2011)  
 Copyright (Delivery of Books) Act (Cap. 68) (1953)  
 Registration of United Kingdom Trade Marks Act (Cap. 284) (1939)  
 United Kingdom Designs Protection Act (Cap. 331) (1928)  
 Registration of United Kingdom Patents Act (Cap. 283) (1924)  
 Patents Act (Cap. 227) (1898)  
 Merchandise Marks Act (Cap. 192) (1889)

#### IP-related Laws: enacted by the Legislature

Electronic Transaction Act (2008)  
 Telecommunications Act 2000 (2000)  
 Criminal Code (1987)

(WIPO, 2020b)

## Guyana



Guyana's regulatory landscape includes ICT-related laws such as:

Key indicators for Guyana (2017)		The Americas	World
Fixed-telephone sub. per 100 inhab.	17.5	23.9	13.0
Mobile-cellular sub. per 100 inhab.	82.7	111.8	103.6
Active mobile-broadband sub. per 100 inhab.	26.3	89.5	61.9
3G coverage (% of population)	93.2	93.9	87.9
LTE/WiMAX coverage (% of population)	50.0	84.3	76.3
Individuals using the Internet (%)	37.3	67.5	48.6
Households with a computer (%)	33.5	64.8	47.1
Households with Internet access (%)	28.2	68.3	54.7
International bandwidth per Internet user (kbit/s)	155.7	77.1	76.6
Fixed-broadband sub. per 100 inhab.	8.3	19.9	13.6
<b>Fixed-broadband sub. by speed tiers, % distribution</b>			
<i>-256 kbit/s to 2 Mbit/s</i>	64.0	6.6	4.2
<i>-2 to 10 Mbit/s</i>	20.6	23.1	13.2
<i>-equal to or above 10 Mbit/s</i>	15.5	70.3	82.6

- **Consumers Affairs Act 2011**
- **Access to Information Act 2011**
- **Telecommunications Act 2016**
- **Electronic Communications and Transactions (Draft) Bill 2018**

ITU (2018) compiled estimates on key ICT indicators for Guyana as shown in the snapshot. The country scores below the Americas' and World's averages for quite a few indicators such as households with a computer or with internet access, thus signaling the need for some infrastructural improvements.

Note: Data in italics are ITU estimates. Source: ITU (as of June 2018).

National policies and initiatives which are ICT-related or relevant for e-commerce are shown below.

### ✓ **Towards Electronics Transaction Legislation**

During 2016, the Guyana Entrepreneurship Network (GEN) voiced the need for an Electronics Transaction Act to be included in the recent Telecommunications Act, in order to establish the requisite legal framework for the growth of e-commerce beyond the country's borders.

### ✓ **The National Broadband Project**

This 3-year project is scheduled to begin in the latter half of 2018 and aims to upgrade Guyana's broadband network in order to ensure an equitable delivery of service to citizens in the areas of health, education, security, government, administration, business, citizenship and immigration. This project is to be funded by a loan from the China Export-Import Bank and the award of the contract to Huawei Technologies has been signed with the project set to commence once the Bank approves the loan.

### ✓ **National ICT Strategy**

During 2017 the then Minister of Public Telecommunications, Catherine Hughes, announced a 10-year National ICT Strategy in her Budget Presentation for 2018. The success of this strategy depends on two fundamental pillars including "the growth of an independent ICT sector; and its application as a cross-cutting component in all other sectors, including governance, science, innovation and the creative industries."

### ✓ **Human Capital Development Initiative**

During 2017 the then Minister of Public Telecommunications, Catherine Hughes, announced that the Ministry will be collaborating with the Education and Business Ministries along with the private sector to design comprehensive training programmes capable of developing a knowledge-driven, e-ready populace.

### ✓ **Review of IP Legislation**

During 2018 the Ministry of Public Communications in conjunction with the Ministries of Business and Education were scheduled to begin a review of current legislation in relation to intellectual property protection.

### ✓ **MOU for the Adoption of the UNESCO Framework for ICT Integration**

The Ministry of Education has embarked on ICT-related initiatives, including the development of an MOU to adopt the UNESCO Framework for ICT integration and an ambitious basic ICT literacy training programme for teachers

### ✓ **Digital Governance Roadmap for Guyana**

During 2018, the e-Governance Academy (EGA) also developed a Digital Governance Roadmap and Costed Action Plan for the Government of Guyana. In order to develop this roadmap EGA reviewed existing policy documents, strategies, roadmaps, and developed an e-governance questionnaire, to map the existing digital governance situation in Guyana.

### ✓ **Centre for Excellence in IT**

In 2019, Guyana collaborated with the Indian Government to inaugurate a USD 1.5 million Centre for Excellence in IT, which was developed to provide training in IT skills, in such a way that improves Guyana's participation in the digital economy.

(Guyana Times, 2016; Ministry of Public Telecommunications, 2017; Ministry of Public Telecommunications, 2018; e-Governance Academy, 2018; Meusa, 2019)

Regarding trade facilitation, Guyana has ratified the WTO's Trade Facilitation Agreement, and has currently achieved a 83.2% rate of implementation of commitments (TFA Database, 2020). Some of Guyana's commitments under this agreement that are relevant to digital trade and their subsequent implementation dates are shown below. Note that Guyana has also embarked on the implementation of the ASYCUDA World System, which appears to now be operational.

PROVISION & HEADING	CATEGORY	INDICATIVE DATE FOR IMPLEMENTATION	DEFINITIVE DATE FOR IMPLEMENTATION
Article 1.2 (Information Available Through the Internet)	A	-	22 February 2017
Article 7.2 (Electronic Payment)	A	-	22 February 2017
Article 10. 4 (Single Window)	C	22 February 2020	22 February 2022

(TFA Database, 2020)



In terms of frameworks for the protection of intellectual property (IP) rights, Guyana is a member of WIPO, a signatory to the WTO TRIPS Agreement and has approximately 11 IP-related laws. Guyana currently relies on a Deeds and Commercial Registry Authority, as the competent authority in this area.

#### **Constitution / Basic Law**

Constitution of the Co-operative Republic of Guyana 1980 (1996)

#### **Main IP Laws: enacted by the Legislature**

Geographical Indications Act 2005 (2005)

Patents and Designs Act (Cap. 90:03) (1973)

Trademarks Act (Cap. 90:01) (as amended by Act No. 4 of 1972) (1973)

Merchandise Marks Act, 1888 (Cap. 90:04) (as amended by Act No. 4 of 1972) (1972)

Copyright Act 1956 (Cap. 74) (1956)

#### **IP-related Laws: enacted by the Executive**

The Copyright (British Guiana) Order 1966 (Order No. 79 of 1966) (1966)

#### **IP-related Laws: enacted by the Legislature**

Competition and Fair Trading Act 2006 (2006)

Business Names (Registration) Act (Cap. 90:05) (2000)

Deeds Registry Authority Act (Cap. 5:11) (1999)

Law Revision Act 1972 (Cap. 2:02, Act No. 4 of 1972) (1972)

## Haiti



Haiti is the only CARICOM member, which falls within the WTO's LDC category. According to UNCTAD Haiti currently has legislation related to electronic transactions and a draft legislation related to consumer protection, but no legislation for either cybercrime or privacy and data protection.

Key indicators for Haiti (2017)		The Americas	World
Fixed-telephone sub. per 100 inhab.	0.1	23.9	13.0
Mobile-cellular sub. per 100 inhab.	59.1	111.8	103.6
Active mobile-broadband sub. per 100 inhab.	27.1	89.5	61.9
3G coverage (% of population)	40.0	93.9	87.9
LTE/WiMAX coverage (% of population)	30.0	84.3	76.3
Individuals using the Internet (%)	12.3	67.5	48.6
Households with a computer (%)	10.8	64.8	47.1
Households with Internet access (%)	5.0	68.3	54.7
International bandwidth per Internet user (kbit/s)	5.9	77.1	76.6
Fixed-broadband sub. per 100 inhab.	0.3	19.9	13.6
<b>Fixed-broadband sub. by speed tiers, % distribution</b>			
<i>-256 kbit/s to 2 Mbit/s</i>	<i>66.6</i>	<i>6.6</i>	<i>4.2</i>
<i>-2 to 10 Mbit/s</i>	<i>8.7</i>	<i>23.1</i>	<i>13.2</i>
<i>-equal to or above 10 Mbit/s</i>	<i>24.7</i>	<i>70.3</i>	<i>82.6</i>

Note: Data in italics are ITU estimates. Source: ITU (as of June 2018).

ITU (2018) compiled estimates on key ICT indicators for Haiti as shown in the snapshot. The country scores below the Americas' and World's averages in all the indicators. These substandard rankings indicate the dire need for major infrastructural improvements to allow greater access to these technologies. At basic levels, Haiti struggles with structural challenges such as Internet access being cost-prohibitive. Added to these challenges is the ongoing political and economic instability along with a number of natural disasters which hinder progress.

National policies and initiatives which are ICT-related or relevant for e-commerce are shown below.

### ✓ Government Forum on Information Technology

During 2014 Haiti held its first Government Forum on Information Technology where the recently institutionalized e-Governance unit of the Prime Minister's Office presented its findings. According to reports, "Haiti's e-Governance unit works with public institutions to strengthen their capacity and provide better services to citizens. Online business registration, online public institutions mapping, and the installation of a video conferencing system in the ministries and delegations are some achievements since the Unit's inception." The e-Governance Unit aims to tackle the vast project of modernizing public administration.

### ✓ National Cyber Security Strategy

Haiti launched the development of a National Cyber Security Strategy which is still in progress.

### ✓ Reform of Haiti's Public Finance Department

This reform aimed to incorporate more ICT systems within Haiti's Public Finance Department.

### ✓ Towards a National Digital Strategy

During 2015 and more recently in 2017, the National Agency for the Development of New Information and Communication Technologies (ANADENOTIC) highlighted the need for Haiti to have a National Digital Strategy, where ICT would be incorporated into five main areas including: government transformation, digital economy, quality education, health and public security. ANADENOTIC also pointed out that to facilitate such a strategy, areas like connectivity, inclusion of digital skills, interoperability, legal framework, and data openness, need also to be addressed.

### ✓ Towards a Digital National Currency

As it relates to digital payments, reports suggest that La Banque de la République d'Haiti (BRH) has been considering a pilot with Barbados-based fintech Bitt, to create a digital version of Haiti's national currency.

(Le Nouvelliste, 2014; Conseil National des Télécommunications, 2020; Ministère de l'Économie et des Finances, 2018, 801, 2019)

Regarding trade facilitation, Haiti has not yet ratified the WTO's Trade Facilitation Agreement, and subsequently has produced no implementation notification records to the WTO. Currently, Haiti uses ASYCUDA World for its customs procedures and in 2013, an advanced information for freight was introduced. However, although computerization of customs procedures has aided in streamlining procedures, Haiti's processing times are still among the longest in the sub region.



In terms of frameworks for the protection of intellectual property (IP) rights, Haiti is a member of WIPO, a signatory to the WTO TRIPS Agreement and has approximately 9 IP-related laws. The competent administration in this regard is the Haitian Copyright Office (BHDA) which is responsible for the management, control, collection and distribution of copyright royalties.

#### **Constitution / Basic Law**

Constitution of the Republic of Haiti, 1987 (1987)

#### **Main IP Laws: enacted by the Legislature**

Law of July 14, 1956, amending the Trademarks Law of July 17, 1954 (1956)

Law of July 17, 1954, on Trademarks (1954)

Law of July 3, 1924, amending the Law on Patents of Inventions and Industrial Designs of December 14, 1922 (1924)

Law of December 14, 1922, on Patents of Inventions and Industrial Designs (1922)

#### **Main IP Laws: enacted by the Executive**

Decree of October 12, 2005, establishing the Haitian Copyright Office (BHDA) (2005)

Decree of October 12, 2005, on Copyright (2005)

Decree of August 28, 1960, amending the Trademarks Law of July 17, 1954 (1960)

#### **IP-related Laws: enacted by the Legislature**

Penal Code of Haïti (1985)

## Jamaica



Jamaica's legal framework includes ICT-related legislation, which addresses areas of cybersecurity, data protection, electronic transactions, and other related areas. Among such laws include:

Key indicators for Jamaica (2017)		The Americas	World
Fixed-telephone sub. per 100 inhab.	10.3	23.9	13.0
Mobile-cellular sub. per 100 inhab.	107.0	111.8	103.6
Active mobile-broadband sub. per 100 inhab.	48.9	89.5	61.9
3G coverage (% of population)	95.0	93.9	87.9
LTE/WiMAX coverage (% of population)	45.0	84.3	76.3
Individuals using the Internet (%)	48.8	67.5	48.6
Households with a computer (%)	40.8	64.8	47.1
Households with Internet access (%)	39.6	68.3	54.7
International bandwidth per Internet user (kbit/s)	60.3	77.1	76.6
Fixed-broadband sub. per 100 inhab.	8.3	19.9	13.6
<b>Fixed-broadband sub. by speed tiers, % distribution</b>			
<i>-256 kbit/s to 2 Mbit/s</i>	3.0	6.6	4.2
<i>-2 to 10 Mbit/s</i>	32.3	23.1	13.2
<i>-equal to or above 10 Mbit/s</i>	64.7	70.3	82.6

Note: Data in italics are ITU estimates. Source: ITU (as of June 2018).

- **Telecommunications Act 2000**
- **Telecommunications Act 2013**
- **Electronic Transactions Act 2007**
- **Consumer Protection Act 2005 (Amended in 2013)**
- **Cybercrimes Act 2010 (Replaced by The Cybercrimes Act 2015)**
- **Data Protection Act 2017**

ITU (2018) compiled estimates on key ICT indicators for Jamaica as shown in the snapshot. The country scores below the Americas' and World's averages in a lot of indicators, signaling the need for infrastructural improvements in certain areas.

National policies and initiatives which are ICT-related or relevant for e-commerce are shown below.

### ✓ **The Information and Communications Technology Sector Plan 2009-2030**

The vision of this sector plan is to develop "a globally competitive ICT sector that is widely accessible and makes the greatest possible contribution to the social and economic development of Jamaica". The goals of this plan include:

- A strong and competitive ICT sector
- Jamaica's national development is advanced by widespread adoption and application of ICT

### ✓ **The Information and Communications Technology Policy**

This policy was released in 2011 and addresses a range of focus areas including legal, regulatory, institutional and administrative frameworks, competition, universal service, Spectrum as a national resource, e-government, consumer protection, security, ICT infrastructure, technology, research and innovation, and ICT and the environment.

### ✓ **National Cybersecurity Strategy**

During 2015 Jamaica launched the National Cybersecurity Strategy, which focused on 4 main areas including:

- Technical measures
- Human resource and capacity building
- Legal and regulatory frameworks
- Public awareness and education.

### ✓ **Towards a Fully Digitised Government System**

In 2017, Prime Minister Hon. Andrew Holness, announced his commitment to establishing the first fully digitised Government system in the region. As part of its ICT transformation, focus has been attributed towards areas such as: GovNet (a government wide communications network), appointment of a CIO, development of a framework for ICT Governance, implementation of a data and information sharing policy and the development of a GOJ Records and Information Management (RIM) Programme.

### ✓ **Mobile Financial Services**

Jamaica currently has Mpay, MyCash and Quisk; and in 2016 Jamaica's PATH (Programme of Advancement through Health and Education) Payments were digitise.

### ✓ **Internet Income Jamaica**

Tangible efforts to encourage local participation in e-commerce have been undertaken by Internet Income Jamaica, which has hosted sessions that teach people how to sell their products and services online.

### ✓ **Open Data Portal**

In 2016 the Ministry of Science, Energy and Technology of the Government of Jamaica launched the Jamaica Open Data Portal, a project which has been supported by the United Kingdom's Department for International Development and the World Bank.

(ICT Task Force, 2009; Government of Jamaica, 2011; Government of Jamaica, 2015; Smith, 2017; Beecher et al., 2018; Internet Income, 2020; Jamaica Observer, 2016)

Regarding trade facilitation, Jamaica has ratified the WTO's Trade Facilitation Agreement, and has currently achieved a 28.6% rate of implementation of commitments (TFA Database, 2020). Some of Jamaica's commitments under this agreement that are relevant to digital trade and their subsequent implementation dates are shown below. The ASYCUDA World System is currently operational in Jamaica.



PROVISION & HEADING	CATEGORY	INDICATIVE DATE FOR IMPLEMENTATION	DEFINITIVE DATE FOR IMPLEMENTATION
Article 1.2 (Information Available Through the Internet)	C	22 February 2020	1 January 2022
Article 7.2 (Electronic Payment)	C	22 February 2020	31 March 2023
Article 10. 4 (Single Window)	C	28 February 2020	31 March 2023

(TFA Database, 2020)



In terms of frameworks for the protection of intellectual property (IP) rights, Jamaica is a member of WIPO, a signatory to the WTO TRIPS Agreement and has approximately 25 IP-related laws. Jamaica also has its own Jamaica Intellectual Property Office (JIPO).

#### Constitution / Basic Law

The Constitution of Jamaica (1999)

#### Main IP Laws: enacted by the Legislature

The Copyright (Amendment) Act, 2015 (2015)

The Protection of Geographical Indications Act, 2004 (Act No. 5 of 2004) (2004)

The Jamaican Intellectual Property Office Act (2002)

The Copyright (Amendment) Act, 1999 (1999)

The Layout-Designs (Topographies) Act, 1999 (Act No. 30 of 1999) (1999)

The Trade Marks Act, 1999 (1999)

The Copyright Act (Act No. 5 of 1993) (1993)

The Merchandise Marks Act (1985)

The Designs Act (1976)

The Patents Act (1975)

The Broadcasting and Radio Re-Diffusion Act, 1949 (1949)

#### IP-related Laws: enacted by the Legislature

International Trust Act 2007 (2007)

Investment Authority Act 2006 (2006)

Customs (Control and Management) Act, 1993 (1993)

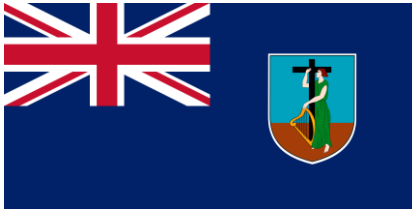
Unfair Contract Terms Act (Cap. 451) (1987)

Arbitration Act, 1975 (Cap. 33) (1975)

Medical Act 1938 (Cap. 269) (1938)

(WIPO, 2020b)

## Montserrat



Montserrat is one of the two CARICOM member states not party to the WTO, largely due to its status as a dependent territory of the United Kingdom. Due to the limited availability of data for Montserrat in this regard, it is quite difficult to access its current positioning in the digital economy. Nevertheless, the following information was compiled based on public records.

In Montserrat, existing legislations relevant to ICT-related activities and e-commerce include:

- **Confidential Information Act 2002**
- **Telecommunications Act Revised 2008**
- **Electronic Transactions Act 2009**

National policies and initiatives which are ICT-related or relevant for e-commerce are shown below.

### ✓ **National ICT Policy, Strategy and Implementation Plan 2012-2016**

There are three major components to the National ICT Plan including: (i) The National ICT Policy, (ii) The National ICT Strategy and (iii) The Implementation Plan. There are five national ICT focus areas as highlighted below:

1. **Environment** – "To ensure the existence of an enabling legal and regulatory environment that promotes ICT-facilitated activities and development in a secure, ethical, environmentally sensitive and economically sustainable way."
2. **Learning** – "To enhance the capacity and propensity of, as well as opportunities for, the population to effectively and innovatively create and use ICT tools for education, business, social, cultural and leisure purposes."
3. **Access** – "To enable universal, open, affordable, wired and wireless access to high capacity, high availability, national and international broadband infrastructure, technology and services."
4. **Virtual** – "To promote the use of ICT tools for establishing and supporting physical and virtual communities and interest groups to preserve and enhance Montserratian cultural identity and values amongst the resident population as well as the Diaspora."
5. **Adoption** – "To promote the early adoption and effective use of ICT by government and businesses for greater internal and external communication, as well as for greater efficiency, visibility, availability and performance."

### ✓ Towards Updated ICT Legislation

"The Ministry of Communication, Works, Energy & Labour (MCWEL) contracted a Legal Consultant from the company Lex Romulus based in Barbados, to update and develop Montserrat's Information and Communication Technology (ICT) legislative framework" over a 6-month period, starting in August 2018.

### ✓ MOU with Bitt Inc.

In February 2018 the Government of Montserrat signed a Memorandum of Understanding with Barbados-based fintech company Bitt, to develop a digital payments ecosystem in Montserrat. "The goal is to achieve universal financial inclusion and to progress towards reducing cash usage and becoming a digital payments society. Both objectives are parts of the overall development strategy of Montserrat and the Eastern Caribbean Central Bank (ECCB)."

(Montserrat ICT Plan, 2018; Gov.ms, 2020a; Gov.ms, 2020b)

Regarding efforts to computerize customs procedures, Montserrat has introduced the ASYCUDA World System. Considering that Montserrat is a dependent territory of the United Kingdom, there is an extension of UK Intellectual Property rights to this island. Montserrat also has its own laws such as Copyright Act 2002, Trade Marks Act 1999 (No. 11 of 1999), United Kingdom Designs (Protection) Act No 181 of 1887 and Revised Edition of the Laws Ordinance, 1959, among others.

## St. Kitts and Nevis



St. Kitts and Nevis has benefitted from regional initiatives under both CARICOM and the OECS. Presently, St. Kitts and Nevis' regulatory landscape comprises, inter alia:

Key indicators for Saint Kitts and Nevis (2017)		The Americas	World
Fixed-telephone sub. per 100 inhab.	31.2	23.9	13.0
Mobile-cellular sub. per 100 inhab.	138.9	111.8	103.6
Active mobile-broadband sub. per 100 inhab.	84.9	89.5	61.9
3G coverage (% of population)	100.0	93.9	87.9
LTE/WiMAX coverage (% of population)	0.0	84.3	76.3
Individuals using the Internet (%)	80.7	67.5	48.6
Households with a computer (%)	76.6	64.8	47.1
Households with Internet access (%)	74.8	68.3	54.7
International bandwidth per Internet user (kbit/s)	164.1	77.1	76.6
Fixed-broadband sub. per 100 inhab.	28.9	19.9	13.6
<b>Fixed-broadband sub. by speed tiers, % distribution</b>			
-256 kbit/s to 2 Mbit/s	-	6.6	4.2
-2 to 10 Mbit/s	45.5	23.1	13.2
-equal to or above 10 Mbit/s	54.5	70.3	82.6

Note: Data in italics are ITU estimates. Source: ITU (as of June 2018).

- **Telecommunications Act 2000 (Amended in 2001)**
- **Consumers Affairs Act 2003**
- **Electronic Crimes Act 2009**
- **Electronic Transaction Act 2011**
- **Data Protection Bill 2018**

ITU (2018) compiled estimates on key ICT indicators for St. Kitts and Nevis as shown in the snapshot. The country scores above the Americas' and World's averages for most indicators.

Some of the country's ICT/e-commerce related national policies and initiatives are shown below.

### ✓ **National Information and Communications Technology (ICT) Strategic Plan**

This plan was released in 2006 and sought to transform St. Kitts and Nevis into a knowledge-based economy by:

- Building ICT infrastructure
- Enabling the policy and legal environment
- Modernizing government's delivery of services
- Developing ICT human resources
- Leveraging ICT for economic and social development through public-private partnerships

The strategic plan also outlined provisions for the development of an 'Information and Communications Technology Unit' (ICTU) within the Government of St Kitts and Nevis.

### ✓ **National ICT Centre Reopened**

The National ICT Centre first opened in 2007 and was an initiative between St. Kitts and Nevis and the Republic of China (Taiwan). It was part of the above mentioned 2006 National ICT Strategic Plan. Since then in 2018 the centre was reopened to further the country's ICT development.

### ✓ ICT Technical Cooperation Project

This technical cooperation project was funded by the Taiwan International Cooperation and Development Fund, starting from 2006 – 2012. This project was responsible for the development of the above-mentioned National ICT Centre. Among the other objectives of this project were:

- Operate the National ICT Centre and associated applications
- Improve the planning and development of e-government systems
- Enhance the ICT-related knowledge and skills of government officials and citizens in St. Kitts and Nevis
- Assist the government of St. Kitts and Nevis to train ICT seed teachers.

Reports about the project performance indicate that "(i) training courses were provided to 3,186 persons; (ii) The Human Resources Management System, Hospital Information Management Systems and Vehicle Registration System are operational; a further six government portals and e-mail systems are on-line; and (iii) the top-level domain management of the National ICT Centre was overseen.

(ECLAC, 2020b; St Kitts and Nevis Observer, 2018; Taiwan (ICDF, 2020a)

Regarding trade facilitation, St. Kitts and Nevis has ratified the WTO's Trade Facilitation Agreement and has currently achieved a 69.7% rate of implementation of commitments (TFA Database, 2020). Some of Kitts and Nevis' commitments under this agreement that are relevant to digital trade and their implementation dates are below. The ASYCUDA World System is currently operational in this country.

PROVISION & HEADING	CATEGORY	INDICATIVE DATE FOR IMPLEMENTATION	DEFINITIVE DATE FOR IMPLEMENTATION
Article 1.2 (Information Available Through the Internet)	A		22 February 2017
Article 7.2 (Electronic Payment)	C	31 December 2019	31 December 2021
Article 10. 4 (Single Window)	C	31 December 2021	31 December 2023

(TFA Database, 2020)



In terms of frameworks for the protection of intellectual property (IP) rights, St. Kitts and Nevis is a member of WIPO, a signatory to the WTO TRIPS Agreement and has approximately 6 IP-related laws. St. Kitts and Nevis has also established its own Intellectual Property Office.

#### Constitution / Basic Law

Constitution of Saint Christopher and Nevis (1983)

#### Main IP Laws: enacted by the Legislature

Protection of Layout-Designs (Topographies) of Integrated Circuits Act (Cap 18.40) (2007)

Copyright Act (Cap. 18.08) (2002)

**Main IP Laws: enacted by the Legislature (contd.)**

Marks, Collective Marks and Trade Names Act (Cap. 18.22) (2002)

Patents Act (Cap. 18.25) (2002)

**IP-related Laws: enacted by the Legislature**

Interception of Communications Act of 2011 (Act No. 3 of 2011) (2011)

## St. Lucia



St. Lucia has benefitted from regional initiatives under both CARICOM and the OECS. Presently, St. Lucia's regulatory landscape comprises of, *inter alia*:

Key indicators for Saint Lucia (2017)		The Americas	World
Fixed-telephone sub. per 100 inhab.	19.6	23.9	13.0
Mobile-cellular sub. per 100 inhab.	98.8	111.8	103.6
Active mobile-broadband sub. per 100 inhab.	40.8	89.5	61.9
3G coverage (% of population)	70.0	93.9	87.9
LTE/WiMAX coverage (% of population)	0.0	84.3	76.3
Individuals using the Internet (%)	50.8	67.5	48.6
Households with a computer (%)	45.7	64.8	47.1
Households with Internet access (%)	45.7	68.3	54.7
International bandwidth per Internet user (kbit/s)	6.9	77.1	76.6
Fixed-broadband sub. per 100 inhab.	17.8	19.9	13.6
<b>Fixed-broadband sub. by speed tiers, % distribution</b>			
-256 kbit/s to 2 Mbit/s	31.4	6.6	4.2
-2 to 10 Mbit/s	47.6	23.1	13.2
-equal to or above 10 Mbit/s	21.0	70.3	82.6

Note: Data in italics are ITU estimates. Source: ITU (as of June 2018).

- **Criminal Code Act 2005**
- **Electronic Transactions Act 2007**
- **Electronics Crimes Bill 2009**
- **Privacy and Data Protection Bill 2009**

ITU (2018) compiled estimates on key ICT indicators for St. Lucia as shown in the snapshot. The country scores below the Americas' and World's averages in a lot of indicators such as households with a computer and internet access, international bandwidth per internet user, and others; signaling the need for infrastructural improvements.

Some of St. Lucia's national policies and initiatives which are ICT/e-commerce related are below.

### ✓ **The National ICT Policy and Strategy 2010-2015**

This strategy was launched in 2010 and sought to promote economic growth, promote public sector use of ICT, facilitate education through ICT and facilitate universal access. Some of the objectives included:

- To provide universal access to electronic information and communications
- To foster the use of ICT in education to develop human capacity
- To enable greater equity in the allocation and use of health care resources by exploiting ICT-enabled mechanisms to promote quality health care delivery and management
- To promote economic development through the use of ICT and ICT professionals
- To strengthen national security through the smart and strategic use of ICT
- To improve the overall coordination of the marketing and other tourism management functions, through the use of ICT
- To enable the effective and efficient supply chain management (from production to sales and marketing) through the use of ICT and thereby promote the economic viability of agricultural related activities

Since then, reports have suggested that this policy has resulted in the modernization of government's operations and increased ICT access particularly in St. Lucia's rural communities.

### ✓ ICT in Education Policy and Strategy 2017–2020

In 2017, the Commonwealth of Learning (COL) Canada, developed an ICT in Education Policy and Strategy 2017– for St Lucia. The strategic policy priority areas included:

- Gender Equity
- Student Success
- Accessible and Affordable Quality Education for All
- Community Development

To address the above areas the strategy places emphasis on infrastructure and connectivity; teaching, learning and assessment; management and administration; human resources and capacity building; open educational resources and open and distance learning; ICT governance; digital citizenship; e-waste; and strategic alliances.

### ✓ Open Data Government Portal

This was a joint project launched in 2018 by the Department of Public Service of the Government of S. Lucia, in collaboration with support from the World Bank and UKAid.

(Ministry of the Public Service and Human Resource Development, 2019; Commonwealth of Learning, 2017; Government of St. Lucia, 2018)

Regarding trade facilitation, St. Lucia has ratified the WTO's Trade Facilitation Agreement, and has currently achieved a 49.2% rate of implementation of commitments (TFA Database, 2020). Some of St. Lucia's commitments under this agreement that are relevant to digital trade and their subsequent implementation dates are shown below. The ASYCUDA World System is currently operational in St. Lucia.

PROVISION & HEADING	CATEGORY	INDICATIVE DATE FOR IMPLEMENTATION	DEFINITIVE DATE FOR IMPLEMENTATION
Article 1.2 (Information Available Through the Internet)	B	15 April 2020	14 April 2025
Article 7.2 (Electronic Payment)	B	30 April 2021	28 April 2023
Article 10. 4 (Single Window)	C	29 December 2023	31 December 2023

(TFA Database, 2020)

In terms of frameworks for the protection of intellectual property (IP) rights, St. Lucia is a member of WIPO, a signatory to the WTO TRIPS Agreement and has approximately 16 IP-related laws. St. Lucia's competent administration in this regard is the Registry of Companies and Intellectual Property.

#### **Constitution / Basic Law**

The Saint Lucia Constitution Order 1978 (2011)

Constitution of Saint Lucia (Cap. 1.01) (2006)

#### **Main IP Laws: enacted by the Legislature**

Industrial Designs Act 2000 (2001)

Patents Act 2001 (2001)

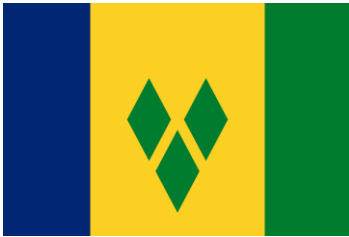


Protection Against Unfair Competition Act 2001 (2001)  
Trade Marks Act 2001 (2001)  
Copyright (Amendment) Act, 2000 (Act No. 7 of 2000) (2000)  
Geographical Indications Act 2000 (2000)  
Layout-Designs (Topographies) of Integrated Circuits Act 2000, No. 3 of 2000 (2000)  
Copyright Act, 1995 (Act No. 10 of 1995) (1995)

**IP-related Laws: enacted by the Legislature**

Telecommunications (Amendment) Act of 2006 (2006)  
Criminal Code (Chapter 3.01) (2005)  
Customs (Control and Management) Act (Chapter 15.05) (2005)  
Customs (Control and Management) Act (Chapter 15.5) (2005)  
Telecommunications (Amendment) Act 2003 (2003)  
Telecommunications Act of 2000 (2000)

## St. Vincent and the Grenadines



St. Vincent and the Grenadines has benefitted from regional initiatives under both CARICOM and the OECS. Presently, St. Vincent and the Grenadines' regulatory landscape comprises of, *inter alia*:

Key indicators for Saint Vincent and the Grenadines (2017)		The Americas	World
Fixed-telephone sub. per 100 inhab.	<i>18.3</i>	23.9	13.0
Mobile-cellular sub. per 100 inhab.	<i>105.7</i>	111.8	103.6
Active mobile-broadband sub. per 100 inhab.	<i>49.6</i>	89.5	61.9
3G coverage (% of population)	<i>100.0</i>	93.9	87.9
LTE/WiMAX coverage (% of population)	<i>0.0</i>	84.3	76.3
Individuals using the Internet (%)	<i>65.6</i>	67.5	48.6
Households with a computer (%)	<i>66.3</i>	64.8	47.1
Households with Internet access (%)	<i>52.5</i>	68.3	54.7
International bandwidth per Internet user (kbit/s)	<i>183.2</i>	77.1	76.6
Fixed-broadband sub. per 100 inhab.	<i>22.3</i>	19.9	13.6
<b>Fixed-broadband sub. by speed tiers, % distribution</b>			
<i>-256 kbit/s to 2 Mbit/s</i>	<i>23.6</i>	6.6	4.2
<i>-2 to 10 Mbit/s</i>	<i>46.6</i>	23.1	13.2
<i>-equal to or above 10 Mbit/s</i>	<i>29.8</i>	70.3	82.6

Note: Data in italics are ITU estimates. Source: ITU (as of June 2018).

- **Cybercrime Act of 2016**
- **Electronic Transactions Act 2015**
- **Revised Draft Consumer Protection Bill**

ITU (2018) compiled estimates on key ICT indicators for St. Vincent and the Grenadines as shown in the snapshot. The country scores above the Americas' and World's averages for several indicators including 3G coverage, households with computers, international bandwidth per internet user, fixed broadband subscription and others.

Some of the ICT/e-commerce related national policies and initiatives are examined below.

### ✓ The National ICT Strategy and Action Plan 2010-2015

In 2010, the National ICT Strategy and Action Plan 2010-2015 was launched. The focus areas of this plan include:

- **Technical Infrastructure** - To ensure that the national ICT infrastructure expands and adapts such that it delivers widespread, secure, and cost-effective access to state-of-the-art ICT that meets the evolving needs of the country and its people.
- **Government** - To ensure that ICT is optimally utilised within government to improve cost-effectiveness and the quality of services provided to citizens and businesses, and to support the administration of justice and national security.
- **Agriculture** - To enable the effective and efficient supply chain management (from production to sales and marketing) through the use of ICT and thereby promote the economic viability of agricultural related activities.
- **Community Development** - To promote affordable and universal access to ICT services and resources in rural and underserved communities so as to develop and strengthen them, to impact on poverty and gender inequalities, and to improve disaster preparedness.
- **Health** - To enable greater equity in the allocation and use of health care resources by exploiting ICT mechanisms to promote quality health care delivery and management in a cost effective manner.

- **Tourism** - To improve the overall coordination of the marketing and other destination management functions and to promote linkages with other key sectors, through the use of ICT and thereby enable the growth of the sector in terms of visitor arrivals, visitor expenditure and the overall level and distribution of revenue generated in the sector.
- **Legal and Regulatory** - To establish a comprehensive harmonized legal and regulatory framework which facilitates the development of ICT within the country and which supports its participation in the global information society and economy.
- **Education and Human Resources Development** - To establish mechanisms that utilize ICT in the education sector which will facilitate a better quality of life through life-long learning.
- **Industry and ICT Sector** - To ensure that ICT is optimally utilised by industry, particularly medium and microenterprises, so as to improve internal operational efficiencies and to support the export of goods and services, and to ensure that the ICT sector itself expands and contributes significantly to the national economy.

#### ✓ **Towards Strengthening Cybersecurity**

St Vincent and the Grenadines hosted a national cyber security symposium in December 2018. This symposium represents an important step towards framing a coordinated national approach to cyber security and is part of a broader dialogue on cyber security issues.

#### ✓ **ICT Technical Cooperation Project**

This technical cooperation project was funded by the Taiwan International Cooperation and Development Fund, starting from 2011 – 2015. This project objectives included:

1. Develop the National ICT Center as a center for e-government strategy in St. Vincent and the Grenadines.
2. Provide assistance to boost the administrative efficiency of the government and raise national competitiveness.
3. Transfer Taiwan's comparative advantages in industry and foster cooperative business opportunities.

(Ministry for Telecommunications, Science, Technology and Innovation, 2010; Beel, 2017; Taiwan IDDF, 2020)

Regarding trade facilitation, St. Vincent and the Grenadines has ratified the WTO's Trade Facilitation Agreement and has currently achieved a 63. % rate of implementation of commitments (TFA Database, 2020). Some of St. Vincent and the Grenadines' commitments under this agreement that are relevant to digital trade and their subsequent implementation dates are shown below. The ASYCUDA World System is currently operational in St. Vincent and the Grenadines.

PROVISION & HEADING	CATEGORY	INDICATIVE DATE FOR IMPLEMENTATION	DEFINITIVE DATE FOR IMPLEMENTATION
Article 1.2 (Information Available Through the Internet)	C	31 December 2021	31 December 2025
Article 7.2 (Electronic Payment)	C	31 December 2020	31 December 2035
Article 10. 4 (Single Window)	C	31 December 2023	31 December 2030

(TFA Database, 2020)

In terms of frameworks for the protection of intellectual property (IP) rights, St. Vincent and the Grenadines' is a member of WIPO, a signatory to the WTO TRIPS Agreement and has approximately 10 IP-related laws. St. Vincent and the Grenadines competent administration in this regard is the Commerce and Intellectual Property Office (CIPO).

**Constitution / Basic Law**

Constitution of Saint Vincent and the Grenadines (2005)

**Main IP Laws: enacted by the Legislature**

Copyright Act 2003 (Act No. 21 of 2003) (2009)

Geographical Indications Act (Act No. 24 of 2004) (2009)

Industrial Designs Act (Act No. 20 of 2005) (2009)

Layout-Designs of Integrated Circuits Act (Act No. 18 of 2005) (2009)

Patents Act (Act No. 39 of 2004) (2009)

Trade Marks Act (Act No. 46 of 2003, as amended by Act No. 50 of 2004) (2009)

**IP-related Laws: enacted by the Legislature**

Commerce and Intellectual Property Office Act (Act No. 43 of 2003) (2009)

Criminal Procedure Code (Act No. 44 of 1988, as amended up to Act No. 13 of 2007) (2009)

Civil Procedure Rules 2000 (2000)

## Suriname



Suriname's related regulatory landscape comprises:

- **Telecommunications Facilities Act, No.151 of 2004**
- **Draft Legislation on Electronic Transactions 2017**

Key indicators for Suriname (2017)		The Americas	World
Fixed-telephone sub. per 100 inhab.	15.8	23.9	13.0
Mobile-cellular sub. per 100 inhab.	141.3	111.8	103.6
Active mobile-broadband sub. per 100 inhab.	46.9	89.5	61.9
3G coverage (% of population)	100.0	93.9	87.9
LTE/WiMAX coverage (% of population)	35.0	84.3	76.3
Individuals using the Internet (%)	48.9	67.5	48.6
Households with a computer (%)	50.0	64.8	47.1
Households with Internet access (%)	39.8	68.3	54.7
International bandwidth per Internet user (kbit/s)	52.9	77.1	76.6
Fixed-broadband sub. per 100 inhab.	12.6	19.9	13.6
<b>Fixed-broadband sub. by speed tiers, % distribution</b>			
-256 kbit/s to 2 Mbit/s	1.5	6.6	4.2
-2 to 10 Mbit/s	98.3	23.1	13.2
-equal to or above 10 Mbit/s	0.2	70.3	82.6

Note: Data in italics are ITU estimates. Source: ITU (as of June 2018).

ITU (2018) compiled estimates on key ICT indicators for Suriname as shown in the snapshot. The country scores above the Americas' and World's averages for indicators such as mobile cellular subscription, 3G coverage and individuals using the internet. Considering that for indicators like households with a computer and internet access are below either the averages for the Americas or the world, or in some cases both, there is perhaps a need for improved access to ICT equipment and services.

National policies and initiatives which are ICT-related or relevant for e-commerce appear to be limited.

### ✓ **The Development of a National Cybersecurity Policy**

During December 2014 "the Organization of American States (OAS) conducted a two-day mission in Suriname for preparatory meetings geared towards information gathering to assist in the development of a National Cyber Security Plan. This mission consisted of an initial assessment of the current cyber security situation in the country, through the convening of stakeholders from a number of sectors, such as government, civil society, academia, and critical infrastructure operators."

### ✓ **National Policy Development Plan 2017-2021**

Within this development plan is a carve-out for the development of Suriname's ICT sector, with a focus on having access to affordable broadband services, education opportunities through distance learning, and the improvement of the ICT legal and regulatory framework.

Regarding trade facilitation, Suriname has not yet presented the instrument of ratification to the WTO's Trade Facilitation Agreement but has currently achieved a 10.1% rate of implementation of commitments (TFA Database, 2020). Some of Suriname's commitments under this agreement that are relevant to digital trade and their subsequent implementation dates are shown below. The ASYCUDA World System is currently operational in Suriname.

PROVISION & HEADING	CATEGORY	INDICATIVE DATE FOR IMPLEMENTATION	DEFINITIVE DATE FOR IMPLEMENTATION
Article 1.2 (Information Available Through the Internet)	C	31 December 2027	31 December 2028
Article 7.2 (Electronic Payment)	C	31 December 2029	31 December 2030
Article 10. 4 (Single Window)	C	31 December 2027	31 December 2028

(TFA Database, 2020)

In terms of frameworks for the protection of intellectual property (IP) rights, Suriname is a member of WIPO, a signatory to the WTO TRIPS Agreement and has approximately 6 IP-related laws. Suriname's competent administration in this regard is the Intellectual Property Office of Suriname.

#### Constitution / Basic Law

1987 Constitution with the Reforms of 1992 (1992)

#### Main IP Laws: enacted by the Legislature

Law of March 13, 1931, containing provisions on Trade Names (G.B. 1931 No. 65), as it stands after the amendments thereto in G.B. 1935 No. 80, G.B. 1936 No. 115, G.B. 1937 No. 121 (2005)

Law of March 22, 1913, laying down New Rules on Copyright (as amended up to Decree S.B No. 23 of 1981) (2005)

Law of October 8, 2001, for the purpose of furthering Amendments to the 'Rules Suriname Industrial Property in 1912' (G.B. 1912 No. 87, applicable text G.B. 1948 No. 73, as amended at S.D. 1984, No. 55). (2001)

#### IP-related Laws: enacted by the Legislature

Law of October 14, 1910, establishing a Penal Code for Suriname (G.B. 1911 No. 1) (2005)

Civil Code (2004)

(WIPO, 2020b)

## Trinidad and Tobago



Trinidad and Tobago has various ICT-related laws. Among these include:

Key indicators for Trinidad and Tobago (2017)		The Americas	World
Fixed-telephone sub. per 100 inhab.	18.8	23.9	13.0
Mobile-cellular sub. per 100 inhab.	148.3	111.8	103.6
Active mobile-broadband sub. per 100 inhab.	46.1	89.5	61.9
3G coverage (% of population)	75.0	93.9	87.9
LTE/WiMAX coverage (% of population)	75.0	84.3	76.3
Individuals using the Internet (%)	77.3	67.5	48.6
Households with a computer (%)	75.1	64.8	47.1
Households with Internet access (%)	77.5	68.3	54.7
International bandwidth per Internet user (kbit/s)	172.5	77.1	76.6
Fixed-broadband sub. per 100 inhab.	23.9	19.9	13.6
<b>Fixed-broadband sub. by speed tiers, % distribution</b>			
<i>-256 kbit/s to 2 Mbit/s</i>	3.5	6.6	4.2
<i>-2 to 10 Mbit/s</i>	28.0	23.1	13.2
<i>-equal to or above 10 Mbit/s</i>	68.6	70.3	82.6

Note: Data in italics are ITU estimates. Source: ITU (as of June 2018).

- **Consumer Protection and Safety Act 1985 (Amended in 1998)**
- **Electronic Transfer of Funds Crime 2000**
- **Computer Misuse 2000**
- **Telecommunication 2001 (Amended in 2004)**
- **Electronic Transactions Act 2011**
- **Data Protection Act 2011**
- **Electronic Payments into and out of Court Act 2018**

ITU (2018) compiled estimates on key ICT indicators for Trinidad and Tobago as shown in the snapshot. The country scores above the Americas' and World's averages for most indicators.

Some of the country's ICT/ e-commerce related national policies and initiatives are highlighted below.

### ✓ The National Cybersecurity Strategy 2012

This strategy focuses on governance, collaboration, incident management, culture awareness, and legislation. Its main objectives include:

- To create a secure digital environment that will enable all users to enjoy the full benefits of the Internet
- To provide a governance framework for all cyber security matters by identifying the requisite organizational and administrative structures necessary, inclusive of human resources, training and capacity building and budgetary requirements
- To protect the physical, virtual and intellectual assets of citizens, organizations and the State through the development of an effective mechanism that addresses and responds to cyber threats regardless of their origin
- To facilitate the safety of all citizens by promoting awareness of cyber risks and developing effective and appropriate protective measures to mitigate risks and attacks
- To help prevent cyber-attacks against critical infrastructure and secure information networks by building competency among primary stakeholders and the general public
- To minimize damage and recovery times from cyber-attacks through effective incident management measures
- To create a legal and regulatory framework to maintain order, protect the privacy of users and criminalize attacks in cyberspace

### ✓ **The Trinidad and Tobago National ICT Plan 2012-2022**

The strategic thrusts outlined in this plan include: (i) improving Connectivity, (ii) increasing human capacity, (iii) digital government, (iv) fostering economic development, and (v) advancing the environment for societal benefit. The plan's vision is to develop empowered people, competitive businesses, and a transformed government through ICTs by 2020.

### ✓ **SmarTT National ICT Plan 2014-2018**

This plan has a significant emphasis on national broadband development. Included within the plan is a larger National ICT roadmap which has two additional five-year periods namely: 2018-2022 and 2022-2026. The plan is based on five priority areas which are to guide its implementation, these include:

1. Innovation and Human Capital Development
2. Access and Digital Inclusion
3. e-Business
4. ICT Sector Development
5. e-Government

### ✓ **National e-Commerce Strategy 2017-2021**

The strategy provides an overarching national framework focused on creating an enabling environment that facilitates and promotes e-commerce for local businesses to serve domestic and international consumer needs. It outlines four main action plans, including:

- Enacting and Implementing Legislation
- Implementing the Electronic Transfer of Funds Framework
- Promoting Private Sector Participation in E-commerce
- Engendering Confidence Among Consumers in E-commerce

Furthermore, the Ministry of Industry and Trade have launched a series of training sessions, designed to help entrepreneurs establish online businesses.

### ✓ **Digital Payment Solutions Initiatives**

Trinidad and Tobago benefits from WiPay , a locally developed mobile payment system akin to PayPal, and the Central Bank is currently in the process of further developing policy in the areas of e-money and virtual currency.

(Government of the Republic of Trinidad & Tobago, 2012a and b; Ministry of Public Administration, 2020; Government of Trinidad & Tobago, 2017; Bascher et al., 2018)

Regarding trade facilitation, Trinidad and Tobago has ratified the WTO's Trade Facilitation Agreement and has currently achieved a 21.43% rate of implementation of commitments (TFA Database, 2020). Some of Trinidad and Tobago's commitments under this agreement that are relevant to digital trade and their subsequent implementation dates are shown below. The ASYCUDA World System was launched in Trinidad and Tobago since 2009 and has since been operational.



PROVISION & HEADING	CATEGORY	INDICATIVE DATE FOR IMPLEMENTATION	DEFINITIVE DATE FOR IMPLEMENTATION
Article 1.2 (Information Available Through the Internet)	C	31 December 2023	21 December 2027
Article 7.2 (Electronic Payment)	C	31 December 2020	31 December 2017
Article 10. 4 (Single Window)	C	31 December 2020	31 December 2023

(TFA Database, 2020)

Similar to its regional partners, many of the TFA commitments capable of modernizing the island's customs and trade facilitation procedures have been notified under Category C, based on Trinidad and Tobago's Notification Commitments. However, Trinidad and Tobago began to implement its first Single Window Portal TTBizLink, the first of its kind in the region. Since then, Trinidad and Tobago has been working with various third-party companies such as IOS Partners and Crimson Logic in order to mobilize efforts capable of implementing the Electronic Single Window.



In terms of frameworks for the protection of intellectual property (IP) rights, Trinidad and Tobago is a member of WIPO, a signatory to the WTO TRIPS Agreement and has approximately 26 IP-related laws. Trinidad and Tobago's competent administration in this regard is the Intellectual Property Office.

#### Constitution / Basic Law

The Constitution of the Republic of Trinidad and Tobago (1976)

#### Main IP Laws: enacted by the Legislature

Supreme Court of Judicature Act (Chapter 4:01) (2010)

Copyright (Amendment) Act No. 5 of 2008 (2008)

Copyright Act, Cap. 82:80 (2008)

Industrial Designs Act, Cap. 82:77 (2007)

Layout-Designs (Topographies) of Integrated Circuits Act, Cap. 82:79 (2007)

Patents and Designs Act, Cap. 82:83 (2007)

Patents, Designs, Copyright and Trade Marks (Emergency) Act, Cap. 82:84 (2007)

Protection of New Plant Varieties Act, Cap. 82:75 (2007)

Geographical Indications Act, 1996 (2000)

Intellectual Property (Miscellaneous Amendments) Act of May 5, 2000 (2000)

Patents Act, 1996 (2000)

Trade Marks (Amendment) Act 1997 (Act N° 31 of 1997) (1997)

Trade Marks Act (1997)

Trade Marks (Amendment) Act 1996 (Act No. 25 of 1996) (1996)

Trade Marks (Amendment) Act 1994 (Act No. 17 of 1994) (1994)

Publications (Legal Deposit) Act, Cap. 82:74 (1985)

**IP-related Laws: enacted by the Legislature**

Customs Act (Chapter 78:01) (2013)

Indictable Offences (Preliminary Inquiry) Act (Chapter 12:01) (2011)

Summary Courts Act (Chapter 4:20) (2011)

Criminal Procedure Act (Chapter 12:02) (2005)

Chutney Foundation of Trinidad and Tobago (Incorporation) Act No. 6 of 2000 (2000)

Protection Against Unfair Competition Act, 1996 (2000)

Summary Offences Act (Chapter 11:02) (2000)

Trade Descriptions Act (Act No. 7 of 1984) (1984)

Criminal Procedure Corporations Act (Chapter 12:03) (1976)

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