



Ministry of Commerce, Industry and Labour
Matagaluega o Pisinisi, Alamanuia ma Leipa



Utilization of IP System & Future Development Of International Cooperation For Economic, Social and Cultural Development

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OUTLINE:

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- IP Registry Statistics.
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REGISTRIES OF COMPANIES & INTELLECTUAL PROPERTY ('RCIP') DIVISION

- **RCIP** - responsible for registration and management of the **Registries of Companies** and **Intellectual Properties**.
- **7 Mandatory Intellectual Property Registers (8 to Copyright - a voluntary one) – Trade Marks, Designs, Patents plus new Registers for Innovation Patents, Geographical Indications, Plant Breeder's Rights and Integrated Design of Circuit Layouts.**
- Samoa's IP Office is operating under the Ministry of Commerce, Industry and Labour.
- **Small IP Registry Team of 7** consisting **1 ACEO, 1 Principal Officer, 2 Senior Officers** and **3 Junior Officers-** which is a key challenge.



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SAMOA'S LEGAL FRAMEWORK for IP PROTECTION

- **Copyright Act 1998, amended** in 2012 by the **Copyright Amendment Act 2011**.
- Project to modernise Samoa's IP Laws (commenced in February 2011) – compliance required for Samoa's accession to WTO membership.
- Resulted in the: **Intellectual Property Act** ('IPA') **2011** – effective from 1st October 2012 – replaced the former 1972 Acts.
- **National Intellectual Property Strategy for Samoa** ('NIPS') – finalised March 2012.
- **Intellectual Property Regulations 2015** – effective 27th October 2015.
- **International Conventions/Agreements administered by the World Intellectual Property Organisation (WIPO) and the World Trade Organisation (WTO)**



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INTERNATIONAL CONVENTIONS & AGREEMENTS:

- ❖ **Berne Convention for the Protection of Literary and Artistic Works** – member since 21st July 2006.
- ❖ **Paris Convention for the Protection of Industrial Property** – member since 21st September 2013.
- ❖ **WTO Agreement on Trade Related Aspects of Intellectual Property Rights** ('TRIPS') – since May 10, 2012.
- ❖ **Beijing Treaty** – instrument of accession on May 9, 2017.
- ❖ **Madrid Protocol**– We emailed a copy of our legislation to Ms Debbie Roenning for comments and feedback regarding any changes for the Madrid Protocol accession.



INTELLECTUAL PROPERTY STATISTICS:

FYE 30 June	2015	2016	2017
TM Applications received	184	172	140
TM Registrations	119	93	72

- **Registered Designs:** As of 19th February 2018 - **only 35** Designs recorded in the Industrial Designs Register. Of this **total of 35, only 7 are live/current** i.e. the rest are expired/abandoned.
- **Registered Patents:** As of 19th February 2018 - **only 156** Patents recorded in the Patents Register. **Of the 156, only 48 are live/current, 8 pending** i.e. undergoing the registration process and the rest are either expired and not renewed or did not complete the registration process.
- All are overseas-owned, no Patent application by any local proprietor has completed and satisfied the requirements for Patent registration.



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INTELLECTUAL PROPERTY STATISTICS CONTINUED....

- **7,246** Trade Marks recorded in IPAS.
- **756** Copyrighted Works recorded in our Voluntary Registry.
- **35** Designs recorded in our Industrial Design Registry.
- **156** Patents recorded in our Patent Registry.
- **No applications for Geographical Indications, Plants Breeder's Rights and Integrated Design of Circuit Layouts Registries since these are still very new.**



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CHALLENGES

Samoa's IP Systems and Enforcement are still a “work-in-progress” i.e. still developing and continually improving with a much needed injection of more skilled, experienced and well-trained human resources.

1. Staff with little to no knowledge of IP to carry out the workload in the IP Office.
2. Frequent loss of local IP expertise because of high staff turnover.
3. Limited staff capacity and limited expertise in areas pertaining to IP Enforcement (Inspections, Investigations and/or Proactive monitoring of local and global conditions that impact on IP, monitoring of IP Infringements) and IPR Examinations.
4. Lack of well-documented Practice Guidelines and Examination Manuals for relevant IP (Patents, Designs, Trade Marks etc.) - remnants of which currently exist within the IP Registry, but not fully developed.



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CHALLENGES CONTINUED:

5. Small number of local proprietors/IPR owners registering their IP Rights. Need further solutions to assist in increasing local involvement in registering their IP to MCIL. (Majority of IP Rights registered to Samoa are owned by overseas based proprietors).
6. Limited knowledge of new IP Registries: Geographical Indications, Plant Breeder's Rights and Integrated Design of Circuit Layouts.
7. Facilitate the development and implementation of a Collective Management Organization (CMO) for Samoa's Music Industry.
8. Limited staff knowledge of the Madrid Protocol and how it can contribute to Samoa's economic growth and development.



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WAY FORWARD...

- Need more assistance from WIPO for funds and further development in providing Staff training to create more knowledge and expertise in carrying out the workload for IP registration, examination and protection in Samoa.
- More assistance from WIPO in providing more awareness programs and workshops for local people to be more aware of the importance of registering and protecting their IPRs.



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CONCLUSION

Being 'small' in terms of economy, IP Systems, Registrations, Enforcement and so forth compared to other nations, is symptomatic of any developing, small island state like Samoa, with limited resources, whose IP Systems are very much in developing mode and learning from the experiences of more advanced, developed nations like Japan, can assist us in further advancing and improving our current IP systems so that IP can effectively contribute to our country's economic growth😊.

THANK YOU!