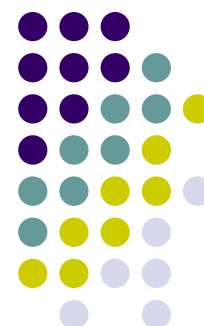


**WIPO REGIONAL WORKSHOP ON
EFFECTIVE MANAGEMENT OF
INTELLECTUAL PROPERTY
ACADEMIES: CHALLENGES AND
RESPONSES**
Jakarta, February 2 to 4, 2010

*COUNTRY REPORT
PAPUA NEW GUINEA*

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**CURRENT STATUS AND FUTURE PERSPECTIVES ON
NATIONAL IP EDUCATION AND TRAINING PROGRAMS**



Overview

- IP sources of law in PNG
- PNG policies relating to Research and Development in IP
- Current status on IP education and training in PNG
- Future perspectives: Challenges & Responses

IP Sources of Law in PNG



PNG is a party to the following international conventions relating to IP protection & preservation i.e.

- WTO (June 1996 PNG acceded to WTO)
- TRIPS Agreement (Also signed the TRIPS Agreement in 1996).
- WIPO (June 1997 became a signatory to WIPO).
- Convention on Biological Diversity (CBD) – (Ratified in March 1993).

Most intellectual property rights are created by statute while others are based on English common law. Statute law regimes include: Copyright & Neighbouring Rights Act 2000;

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Trademarks Act 1978; Patents and Industrial Designs Act 2000.

English Common Law has been adopted by PNG Constitution as the country's 'underlying law'. This law is featured in the protection of IP in: trade secrets or confidential information; the tort of passing off (protects the goodwill or commercial reputation); and action for injurious falsehood (protects traders against false and malicious statements).

PNG Policies relating to Research & Development in IP



- A draft national policy on IP is currently being developed by IPO (PNG) in conjunction with WIPO.
- University of Papua New Guinea (UPNG) has attempted to put together its draft policy on IP. The policy contains IP rights and the benefit sharing from the use of genetic resources. A compensation schedule setting out UPNG/PNG Institute of Biodiversity (PINBio) benefit sharing is also captured in the policy.
- There is also a draft national policy on Traditional Knowledge and Expression of Culture which is currently being drawn up by the National Cultural Commission (NCC). NCC is an institution set up by an Act of Parliament. Its main task is particularly in the area of protecting, preserving and promoting the various and diverse cultures of PNG.

Current status on IP Education & Training Programs in PNG



- PNG has a total of seven (7) declared institutions as having university status which were established by Acts of Parliament. Four (4) are State-run while three (3) are privately-run universities. The Commission for Higher Education which is established under the Higher Education Act 1983 is the sole body which amongst other specific functions draw up general policies on academic programmes so that it meets national requirement.
- Intellectual Property Law (IPL) is a course offered by the School of Law (SOL) at the University of Papua New Guinea in its Bachelor of Law program. It is the only Law School in PNG. In addition, there are four (4) other schools. These are: School of Natural & Physical Sciences; School of Medicine & Health Sciences, School of Humanities & Social Sciences; and School of Business Administration.
- IPL course attracts about 15 to 20 candidates per semester. It is usually offered to 3rd and 4th year law students as an optional course.

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- Since teaching Intellectual Property Law course in 2006, there has been an estimate of about 40 to 50 students who have successfully completed the course.
- It is not possible to say how many of these graduates specialises in the area of IP because application of the knowledge of law in PNG is still broad based. Most of these graduates may now be working in respective gov't. institutions, private companies and law firms.

Future Perspectives: Challenges & Responses



- Since PNG is still a developing country, training of professionals, not only in the area of law but also in other fields of study is not affordable. PNG gov't. through the Office of Higher Education provides scholarships only up to its undergraduates whilst support for post-graduate studies are sought outside.
- To establish an IP academy or unit in PNG which would train IP professionals would indeed be a milestone in this particular area of law.
- IP is not only attracting locals but also foreigners who have registered their business interests in PNG.

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- According to IPO (PNG) 2009 Patents and Industrial Designs Report, it had shown that patent applications lodged within 2002 – 2009 period were mainly from companies originating from Australia and USA.
- And in the area of Industrial Design protection, most applicants were from Australia, Japan and Switzerland while the rest were from other countries such as Singapore, Netherlands and USA.

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- In the Trade Marks area, 747 applications were received during 2008 and 462 in 2009. Hence on average, 30 to 37 applications is processed per month.
- From the report, it shows a gradual increase in the number of applications filed with IPO (PNG) within these stated periods.
- However, there are also challenges in which PNG is currently experiencing. One of these is the processing of patent applications for substantive examination. Although there is a Co-operation Agreement with IP Australia, it also has its limitations.

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- Significant development is also being recognised in these area of IP systems, hence, the current enabling Acts are undergoing further amendments i.e. Copyright and Neighbouring Rights Act; Patents and Registered Designs Act and the Trade Marks Act.
- These amendments will not only address the conventional IP systems but also encompass other issues on traditional knowledge systems under the CBD.
- In conclusion, my view would be that establishing an IP academy or unit is the way forward for PNG, particularly when there are a lot of opportunities in this area of law. Training of experts in this field of study, which is currently lacking will contribute immensely to the economic development of Papua New Guinea.

Thank you all for listening.

