

The IP System and the Competitiveness of Enterprises and Industries in the South Pacific Region: Challenges and Opportunities

Topic 2 (ii)

Douveri Henao

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Outline

1. Background
2. Current IP and Related Systems in the Region;
3. IP and Pacific Economies;
4. Challenge and Opportunities of IP in the Region;
5. Conclusion

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1. Background

- 16 members of the Pacific Islands Forum;
- 14 Forum Island Countries are Developing and Least Developing countries:
 - Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tuvalu, Tonga, Vanuatu
- 2 Developed Countries: Australia and New Zealand
- 4 WIPO Members: Fiji, Papua New Guinea and Tonga;
- 4 WTO TRIPS Members: Fiji, Papua New Guinea, Solomon Islands and Tonga;
- All FICs are parties to Pacific Islands Country Trade Agreement and Pacific Agreement on Closer Economic Relations (No IP Chapter);
- Several FICs are party to the Melanesian Spearhead Group Trade Agreement (No IP Chapter);

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- All FICs are negotiating a comprehensive Economic Partnership Agreement with the EU (EU Proposing an IP Chapter);
- All FICs are negotiating an Economic Agreement (PACER Plus) with Australia and New Zealand (No proposal of IP Chapter yet);
- FICs are currently formulating a Regional Trademarks Facility;
- MSG members are formulating a Traditional Knowledge Treaty;
- Several FICs are formulating Traditional Knowledge (TK) policy and legal frameworks as facilitated under the TK Action Plan.

2. Current IP and Related Systems in the Region

- Majority of IP Systems are collectively within the Department of Commerce and Industry while in some instances, copyright arrangements are held at Attorney General Chambers;
- Legislation covers both copyright and industrial property IP. However most are archaic and require law reform so as to contain norms of recent treaties;
- Several FICs have dedicated IP authorities as well as legislation containing recent norms in treaties;
- IP related frameworks such as TK, ABS and Cultural Rights are been formulated and enacted.

3. IP and Pacific Economies

- Most FIC economies focus on natural resource development e.g. fisheries, forestry and mining to name a few;
- Manufacturing and services industries are relatively small;
- Creative and innovative industries are micro to small;
- creative and cultural industries are largely in the informal sector;
- Government polices remain general and in few cases, promote the importance of IP in business.

4. Challenges and Opportunities of IP in the Region

- Challenges:
 - Knowledge based industries are not a priority for FICs to develop e.g. creative, cultural and innovative sectors;
 - IP legal systems remain archaic and require reform;
 - Regional and international economic agreements and arrangements exerting pressure for FICs to commit to IP rules when policy and legal reform have not been developed.

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- Opportunities:
 - Vibrant informal sector where cultural and creative industries are consumed by many FICs;
 - Frameworks promoting and protecting TK provides predictable and stable environment to develop biotechnology and other innovative industries to be developed in the Pacific.

5. Conclusion

- Promotion of creative, cultural and innovative industries must be part of national development plans and resources to develop them;
- Reform IP laws;
- Actively partake in regional and international developments in IP, TK and related areas.