

COUNTRY REPORT OF Sri Lanka

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OUTLINE



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 - Legal System
 - Background of IP Law
- Prevailing Act
- **NIPO** (National Intellectual Property Office)
- Issues/ Problems

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SOCIAL INDICATORS

Total area - 65 610 sq. km

Land area - 62, 705 sq. km

Inland waters - 2,905 sq. km

Population - 20 million

population density - 329 persons / sq.



Literacy rate - 92.5%

Ethnic groups

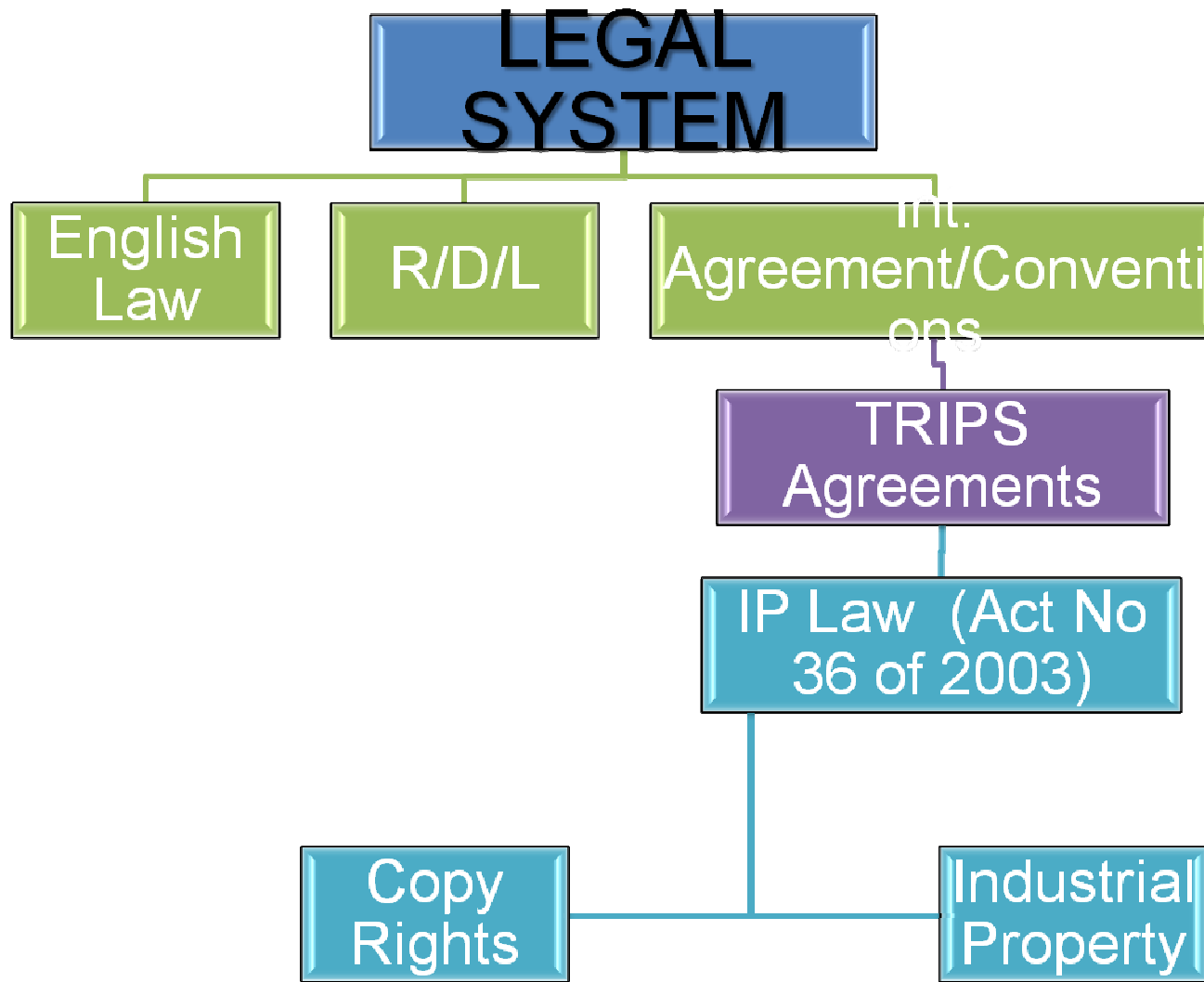
Sinhala - 73.92 %

Tamil - 18.12 %

Muslim - 7.10 %

Other - 0.86 %





Copy Right Laws

Patents

Designs

Trade Marks

were introduced by

Imperial Legislatio



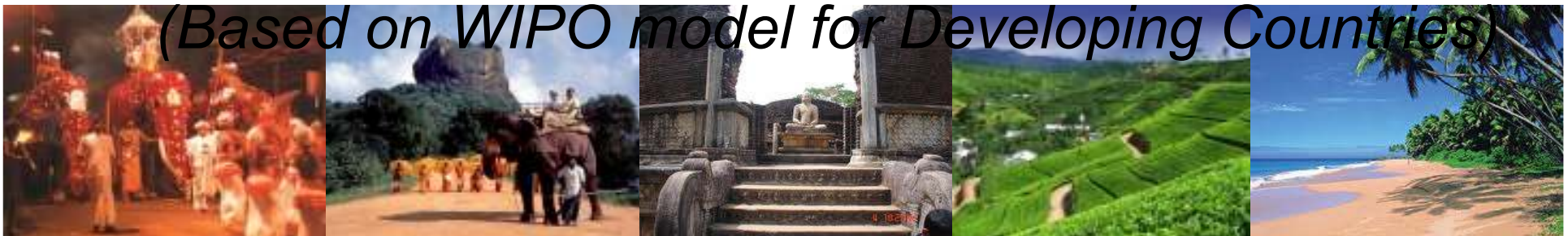
- SL Acquired Independence in 1948
- Became a Republic in 1972
- Introduced Open Economy in 1977
as a result , updated all
commercial laws to keep up with the
challenges



BACKGROUND OF IP LAW

- IP in SL Commenced in 1860
- First Patent granted on 22 Nov.1860
- Code of Intellectual Property Law No 52 of 1979

(Based on WIPO model for Developing Countries)



Code of Intellectual Property Law No 52 of 1979

- Administration
- Copy Right
- Industrial Designs
- Patents
- Marks
- Offences & Penalties
- Trade Names &
- Unfair Competitions



Code of Intellectual Property Law No 52 of 1979

Amendments

No 30 of 1980
No 02 of 1983
No 17 of 1990
No 13 of 1997

Minor Amendments

No Major Changes

No 40 of 2000



Software Protection
Under the Copy Right



Prevailing Act IP Act No 36 of 2003

- Came into Operation On 12/11/2003
- In line with TRIPS Agreement
- One of the main agreements comes under WTO
- One of the First Countries in South Asian region adopt this model



Objectives of the Act

- To promote national creativity
- To promote such creative efforts
- To honor our international Obligations particularly under TRIPS Agreement



Enforcement

- The infringement of IP rights is a punishable offence in SL
- Court Grants
 - Injunction
 - Damages
- Commercial High Court hears IP matters



Protected Rights

- Copy Right & related Rights
- Inventions (patents)
- Trademarks
- Service Marks
- Certification marks & Collective marks
- Industrial designs
- Unfair competitions
- Geographical indications
- Undisclosed information



Copy Right & Related Rights

- Copyright includes all creative and artistic works such as books, movies, music, paintings, photographs ,computer programmes etc....
- The rights takes two forms
 - » economic rights
 - » moral rights

Copy Right & Related Rights

- Copyright in Sri Lanka is generally protected during the life of the author and 70 years after his death.

- The works of Sri Lankan authors are protected in all the member countries of the Berne Convention for the protection of literary and

artistic works under the national law of the particular country



Industrial Design

- Legal protection for an industrial design expires on completion of FIVE years since its application for registration
- Can be renewed TWO consecutive periods in accordance with Sri Lankan Law.



Inventions (patents)

- The State grants the inventor, by means of a patent, the right to exclude others from making, using and selling the qualified invention for a period of 20 years from the date of application for patent.
- The owner of the patent can use, sell or license the patented technology and derive financial benefits.



Inventions (Patents)

- A patent is valid only in the country where it is granted.
- Sri Lanka is a member of the Paris Convention for the protection of industrial property
- can claim priority under the Paris Convention for the protection of Industrial Property in its member countries.



Marks (Trade/Service)

- Generally means “a visible sign that is capable of distinguishing the goods or services of different enterprises”
- A mark may consists of a word, a symbol, a device, letters numerals, a name, surname or geographical nameetc
- In Sri Lanka Trademarks are registered for 10 years period., which run from their date of



Geographical Indications

- GI of Sri Lanka can be protected in all the member countries of WIPO under Madrid Convention.
- GI can be registered under certification mark.



Geographical Indications related with Sri Lanka

- Sri Lanka has taken steps to register following GI's under certification mark
 - Ceylon Tea,
 - Ceylon Cinnamon,
 - Ceylon Sapphire,
 - Nuwaraeliya Tea



Laws & Policies regarding the plant varieties & traditional knowledge of farmers in Sri Lanka

- Fauna & flora protection ordinance (Act No.49 of 1993)
- Forest ordinance
- Rubber Control Act
- Tea control Act
- Plant Protection Act (Act No35 of. 1999)
- Seed Act (No 22 of 2003)
- Has ratified UN convention on Biological Diversity in 1994



NIPO (National Intellectual Property Office)

- administered the IP system in SL

VISION

To Become a leading development oriented agency offering quality based services with enhanced productivity.



MISSION

To actively contribute to the development of the country by ensuring that the Intellectual Property system fosters an environment conducive to innovate and creative activity, investment and entrepreneurship



Main Functions

- Administration of intellectual property including the activities relating to registration and post registration of marks, patents, industrial designs, layout designs of integrated circuits and collective societies.
- Collection and dissemination of Intellectual property information.
- Promotion of awareness in the subject of intellectual property.
- Promotion of the use of intellectual property system in the development process by the intellectual property owners, enterprises & industries.



Main Functions

- Fulfillment of international obligations of Sri Lanka relating to intellectual property and promotion of international and regional cooperation on Intellectual property.
- Proposing policies on Intellectual Property.
- Facilitation of enforcement of IP rights including dispute resolution in the field of copyright and related rights.
- Registration and administration of Intellectual Property Agents



Issues /Problems

- Lack of the use of IT
 - e-patents
 - e-trademarks
 - e-designs
- Lack of awareness of the Owners
- Lack of creative efforts



Issues /Problems

- Insufficient Research Facility
 - Equipment
 - Man Power
- Lack of demand from Civil Society
- Lack of Properly established Institutional system



Challenges

- Awareness Programmes
- Regionalize the IP Offices
- To expand on line certifications
- To introduce arbitration & Mediation as a dispute settlement mechanism of IP matters
- To use advanced technologies for Research & Development of IP



THANK YOU

