

# Industrial Property Development in Papua New Guinea.

February 2 – 4, 2011

Professor John Y. Luluaki  
Executive Dean – School of Law  
University Of Papua New Guinea

# Overview

- IP sources of law in PNG
- PNG policies relating to Research and Development in IP
- Industrial Property Rights
- Conclusion

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; Trademarks Act 1978; Patents and Industrial Designs Act 2000.

## con't

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 in PNG

- 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.

# Industrial Property Rights

- Industrial Property are amongst the various kinds of intellectual property which include, patents, utility models, designs and trademarks. Together, these are referred to as industrial property rights. Setting up of industrial property rights system is about protecting and ensuring that one's inventions and ideas materializes. It is also about protecting the rights of individuals which will lead to the generation of profit. Furthermore, it will contribute to industrial development in the society.
- In Papua New Guinea, significant development is 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.

- 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.



- 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.

# Conclusion

- In order to foster growth in the area of industrial property, government policies need to be set up and strengthen in terms of research and development.
- Furthermore, protection of existing technologies and inventions and the possession of trade rights by individuals must be addressed immediately.

**Thank you all for listening.**

