

GOVERNMENT



REPUBLIC OF KIRIBATI

(MINISTRY OF COMMERCE INDUSTRY AND CO-OPERATIVES)

COUNTRY REPORT

FOR THE

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Intellectual Property System for Economic Growth and Business
Competitiveness**

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1. INTRODUCTION

This country paper will explain the intellectual Property position in Kiribati and its implication to the people on their skills protection base. The paper will deliberate on the opportunities, challenges with economic growth, that produce competitiveness within Kiribati local industries, that, required intellectual property protection, which is locally based man made without using any engineering or modern application from developed countries.

Furthermore the second part of this paper will be dealing with trademarks and patent that is contributing to the economic growth in terms of fees collection from people who owns the trademarks and registered in United Kingdom and can also registered in Kiribati Intellectual Property office in the Ministry of Commerce Industry and Co-operatives as it is part of our intellectual property laws in Kiribati.

The last part to be discussed in this paper is the Kind of laws that exist in Kiribati. These laws are as follows, (1.) Cap99-United Kingdom Designs Protection (2.) Cap87- Registration of United Kingdom Patents (3.) Cap 88- Registration of United Kingdom Trade Marks that involves intellectual Property Protection.

2. MAIN PARTS FOR DISCUSSION IN THE WORKSHOP

This paper will focus on how Kiribati at present can benefits from Intellectual Property and what are the future plans to concentrate in protecting local industries and indigenous man made product that is produce locally.

2.1 OPPORTUNITIES

The kind of activities that Kiribati will have to look into are, handicraft making where each islands have their own skills in cultural skills that are common in the nation with the once that are not common but individual own by indigenous inventors. The types of innovations that Kiribati will have to make in future plans on Intellectual property are: (1) resident innovations that are registered under our laws (2) Non-resident innovations, like trademarks, Assignment and Patent, outside Kiribati that are registered in the United Kingdom.

2.1.1 RESIDENT REGISTRATION ON GOVERNMENT INDUSTRY

- The Industry objective is to promote and facilitate the development of potential export oriented and import substitute commodities industries. While the Industry Division is

trying it best to promote such developments, the majority of Individual local producers/manufacturers in Kiribati have to produce tremendous quantity of local produce for their own use and daily consumption.

- Exporting such local products to overseas market is quite complex, since the majority of our local producers have low capacity and capability to deal with trade requirements and other necessities, which is one of the trade barrier for our local producers and manufactures in the country .
- In Kiribati, there are two main Manufacturing Companies already set up and still operates and mandated by the Government of Kiribati. These two major companies are the Kiribati Copra Mill Company Limited (KCMCL) and the Tarawa Biscuit Company Limited (TBCL). The two manufacturing companies play a vital role in contributing to the Economy of Kiribati in terms of increase of national income and job opportunities. Even though, the finished products of the above two companies were also exporting to overseas market, but it is very minimal in terms of export data.
- Intellectual Property is not yet come into play with the industrial products that exported to overseas market. The barrier on this side is that, our laws requirement on newly product has to be registered in the United Kingdom, and then copies of documents will have to be forward to our IP office or Ministry of Commerce Industry and Co-operatives for Kiribati registration.
- To get all the indigenous man- made and informed them of their rights to be protected under the designing law.

2.1.2 LAWS ON DESIGNS, REGISTRATIONS ON PATENT AND TRADE MARKS

A. REGISTRATION OF DESIGNS

- Under the current law of designs, the first entry of registration is in UK as spell out under Cap 99 section 2 of Kiribati Act. “Subject to this Ordinance, the registered proprietor of design registered in the United Kingdom under the Registered Designs Acts 1949 to 1961 of the United Kingdom or any Act amending or substituted for

those Acts, has as far as may be, the same privileges and rights in Kiribati as he is entitled to in the United Kingdom.”¹

- The last registration on designing is 20 being filed -2010 according to our office record.

B. REGISTRATION ON PATENT

Application to register patent granted in United Kingdom

- “2. Any person being the grantee of a patent in the United Kingdom or any person deriving his right from such grantee by assignment, transmission or other operation of law, may apply within 3 years from the date of issue of the patent to have such patent registered in Kiribati; and where any partial assignment or transmission has been made all proper parties shall be joined in the application for registration.”²
- Under the UK registration all registration on Patent will have to be registered in the United Kingdom then Kiribati can have copies of the original documents and send it over for registration the country. The number of registration for the last three 2007-2010 is 601 being filed in the IP unit within the Ministry of Commerce Industry and Co-operatives.

C. RENEWAL OF TRADE MARKS REGISTRATION

“Application to register trade mark registered in United Kingdom 1938 c.22

3. Any person being the registered proprietor of a trade mark in the United Kingdom by virtue of an entry in the register of trade marks kept under the Trade Marks Act 1938, or any Act amending or substituted for that Act, or any person deriving title from such registered proprietor by assignment or other mode of transfer, may apply at any time during the existence of the registration in the United Kingdom to have such trade mark registered in Kiribati in respect of some or all of the goods comprised in the United Kingdom registration.”³

- The current filing for the renewal on trade marks for 2007 to 2010 is 3,034 renewals of Trade Marks and new registration.

¹ Cap 99, *United Kingdom Designs Protection*, 1998, (Kiribati).

² Cap 87, *Registration of United Kingdom Patents*, 1998, (Kiribati).

³ Cap 88, *Registration of United Kingdom Trade Marks*, 1998, (Kiribati).

2.2 CHALLENGES

The challenges to be considered by Kiribati are as follows;

- Making a new revised law for national level on Intellectual Property.
- Technical Assistance for legal drafting for the IP.
- Making Geographical Indicators legislation that unique to our climate and agricultural products together with our marine resources which is our main resources in terms of exporting tin fish in future.
- Marine products like sea food making needs to be put in place and legislation on Geographical indicators need to be initiated for Kiribati benefits.
- To promote our services with WIPO members for their industries who are interested to register their IP in Kiribati.
- There is a need to set-up an incorporated network on Pacific Region system for IP.

Upon the six challenges that Kiribati would dwell on it in 2011, to get all supports for TA on policy making and legal drafting on IP and GI, that are important for IP Kiribati to move forward on her IP laws to be in place by 2011-2012.

Funding assistance is the next challenge that Kiribati has to get from agency that can provide this kind of funding assistance in facility Kiribati needs to develop their laws and set-up a good net work with different organisation operating IP, that IP in Kiribati can learn from their experience and assist our country to move forward.

In future Kiribati Government will think of increasing its intake for trade marks, patents, registration, by having the right legislation to be in place. Where United Kingdom can be one of our country that we will work with, and if there are other possibilities that Kiribati Government can engage with other States in our next revision text of our legislation, then other venture on registration and revenue based can increase in that way. But Kiribati Government will have to learn from Pacific Islands Countries, where the Forum Secretariat can assist our IP in Kiribati to provide a legal drafter on IP expert.

2.3 ECOMOMIC GROWTH

IP in Kiribati is one of the long service that Kiribati provides since from the colonial time until we gained our independence in 1979 until to date. It is one of the main revenue of the Government which is usually manned by one Intellectual Officer and works within the Ministry of Commerce Industry and Co-operatives.

The revenues that we received on IP applications from 2000-2010, is \$150,000⁴ and each year revenue target is \$30,000 to 40,000. For this year 2010, \$52,000.00 has been received on IP applications. The revenue contribution to the economy, is in small scale, as the IP office in Kiribati mainly deals with, Trade Marks, Renewal of Trade Marks, Designs and allowed under our existing laws.

Schedule of fees under the Patent Intellectual Office in the Ministry of Commerce Industry and Co-operatives are as follows;-

Kinds of Registration	Fees
For filling application for registration together with documents specified in section 4 of Cap 88 and making entry in the register ad issue of certificate of registration	\$100.00
For inspection of any document filed or any entry in the register or both	\$25.00
For registering assignment, etc under section 10	\$100.00
For registering renewal of United Kingdom registrations under section 15	\$50.00
For making alterations in Register under section 16	\$50.00
For certifying copy or extract from Register	\$25.00
For filing any document not otherwise provided for	\$25.00

⁴ Source: Ministry of Finance and Economic Planing

For office copy of any document	\$50.00
For certifying such office copy	\$25.00

Upon the stated fees IP is able to contribute small to the economy, as not much of our own indigenous man- made is exported, this is why the IP context in terms of revenue based is running in small scale. But future development will assist Kiribati Government after this workshop in sharing our country reports and the position of our country on IP.

2.4 BUSINESS COMPETITIVENESS

At this stage of development on IP in Kiribati, is considered to be immature as there is no right legislation for our indigenous man- made production. On another hand, the industrial production in making their own designs of production with unique features that make it outstanding from all the imported goods from manufacturers or suppliers on foods or texture etc, cannot compete in the Regional market and international as it is not yet matured from our own country legislation. Therefore, it is appropriate for Kiribati to recognize their own production and protect it and have registration in other countries like United Kingdom.

Learning on Geographical Indicators, it is important that Kiribati is part of the network in developing this important side of knowing our own cultural base production, which needs protection from piracy copies, if Kiribati will be going on export market. But at this time, there is a lot to be develop on the side of IP for business competitiveness in our Country.

Though we have “NON JUICE”- production and no proper legislation to protect this new designed product and there is a need to facilitate this product for trade competitiveness in Kiribati. Finally all production in Kiribati can be copied by anyone, as IP in Kiribati still need to be developed to cater the new products release with new designs.

3. KIRIBATI RECOMMENDATIONS

All challenges in 2.2 are to be adopted to be the motion of Kiribati to be considered in this WIPO workshop.

- Making a new revised law for national level on Intellectual Property.
- Technical Assistance for legal drafting for the IP.
- Making Geographical Indicators legislation that unique to our climate and agricultural products together with our marine resources which is our main resources in terms of exporting tin fish in future.
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