

INTELLECTUAL PROPERTY RIGHTS

Opportunities and Challenges in the Pacific Region in Using
the IP System for Economic Growth and Business
Competitiveness

WIPO Sub-regional Workshop on Effective Use of IP System for
Economic Growth & Business Competitiveness
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Participants (Samoa) - Margaret Fruean & Osana Liki

IP REGIME IN SAMOA

- ✘ Trademarks Act 1972

Protects trademarks for 14 years subject to renewal

- ✘ Industrial Designs Act 1972

Protects designs for 5 years renewal for period of 10 years

- ✘ Patents Act 1972

Protects new inventions and methods of manufacture for a period of 16 years

IP REGIME IN SAMOA

- ✘ Copyright Act 1998
- ✓ Protects works in the literary and artistic domain for life of the author and 75 years after death
- ✓ Extends protection to expressions of folklore (expressions of culture)
- ✓ IP legislation administered by the Registries of Companies and Intellectual Property division of the Ministry of Commerce, Industry and Labour

- ✘ Acceded the Berne Convention in 2005

IP OPPORTUNITIES

- ✘ Legislation needs modernization to keep abreast with the global developments and to provide protection of local intellectual creations

- ✘ Scientific Research Organisation of Samoa (SROS) is carrying out research on the production of value added products using local produce e.g. flour from breadfruit

IP OPPORTUNITIES

- ✘ Sea resources and the products have medicinal value properly processed and some traditional healers have used this
- ✘ Pacific traditional arts and crafts draw on the natural environment for inspiration
- ✘ Traditional healing adopts a holistic approach with not just medication but also massage as a vital tool for treatment

IP OPPORTUNITIES

- ✘ Continuous training and awareness programmes for stakeholders so that the systems of protection, exploitation and utilizing of IP is taken advantage of by IP proprietors and users.
- ✘ Accession to Paris Convention of the WIPO

IP CHALLENGES

- ✘ Process for patent protection requires full disclosure of the method of invention
- ✘ Preparation of patent claims
- ✘ Internet access had facilitated unauthorized copying of arts, crafts, designs etc.

IP CHALLENGES

- ✘ Arts and crafts can be copied and replicated off shore and it is difficult for right holders to access overseas courts and to prove their prior rights
- ✘ Processes can be copied and used offshore and again defense is difficult

IP CHALLENGES

- ✘ Testing and validation generally not available conveniently and also expensive and beyond the means of the small PI companies to exploit
- ✘ Technology transfer can be expensive and frequently taxed

IP CHALLENGES

- ✘ Data base on available flora and fauna is not comprehensive and studies completed are not made available to potential users
- ✘ Local plants are usually identified by local names and cross-references need to be made to external sources to find their scientific names and any composition information.

IP CHALLENGES

- ✘ No market for speculative investments in this area means a long protracted development or no development.
- ✘ High investment costs in terms of finance also impedes development
- ✘ Inadequate funding available to continuously carry out Training and awareness programs

WAY FORWARD

- ✘ Project to review and modernise IP legislation started including review of draft GI legislation (Funded by AUSAid)
- ✘ National IP Strategy to commence in 2011, TA provided by the WIPO
- ✘ Consultations undertaken for the protection of TK and EOC
- ✘ Phase 1 of Trademarks computerisation completed need to complete other phases for the establishment of an e registry of TM
- ✘ Establish collective administration for Copyright
- ✘ Continuous Trainings and Awareness Programs for Business Entities and Schools
- ✘ Annual Celebration of World IP Day (26th April)