



THE INDEPENDENCE STATE OF SAMOA MINISTRY OF COMMERCE, INDUSTRY AND LABOUR



BACKGROUND INFORMATION

Samoa is located east of the international dateline and south of the equator. There are nine islands in the group – the two larger islands are Upolu and Savaii and the adjacent islets of seven small islands.



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Upolu is the most populated island with the capital of Apia located on the north coast, and Faleolo International Airport to the west. Samoa has a population 183,081 (2010) and a land area of 2, 934 square kilometers. Its currency is the Samoa tala (dollar) and its GDP per capita is \$3, 791.

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The source of income comes from these major exports – agriculture produce, tourism, remittance, fresh fish, beer and others...

THE INTELLECTUAL PROPERTY SYSTEM AND THE COMPETITIVENESS OF NATIONAL ENTERPRISES AND INDUSTRIES



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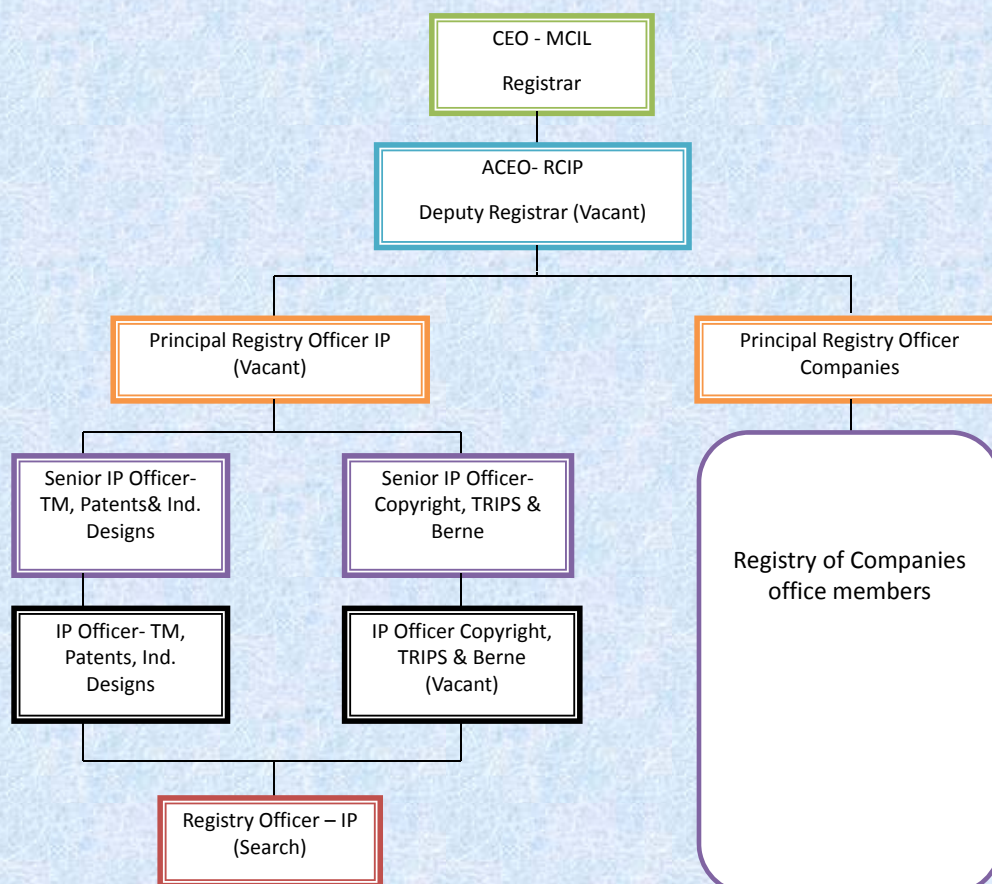
1. REGISTRY OF COMPANIES & INTELLECTUAL PROPERTY PROFILE

The registries of Companies and Intellectual Property Division (RCIP) is located with the Ministry of Commerce, Industry and Labour (MCIL). The RCIP has a total of thirteen approved staff but at present there are only ten

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posts occupied and three are vacant.

ORGANISATIONAL STRUCTURE - RCIP



2. CURRENT SYSTEM

Samoa's existing IP Laws:

- **Trade Marks Act 1972**
- **Patents Act 1972**
- **Industrial Designs Act 1972**
- **Copyright Act 1998**



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The Intellectual Property (IP) legislations currently in force are the Trade Marks Act 1972, the Patents Act 1972, Industrial Design Act 1972 and the Copyright Act 1998. As of beginning of Dec 2011, the RCIP administers 5,928 trademarks, 121 Patents and 21

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industrial designs.

Copyright –we do not have a voluntary registration system but the RCIP establish a record keeping system, this system has been in effect since February 2010:- currently we have on record- CDs (30 albums)

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- DVDs – 10
- Books – 40
- Short Stories – 20
- Poems – 10
- Traditional prints (garments)

Following the current legislation, only single class goods marks apps

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are accepted. Samoa is not a contracting party of the Madrid Agreement and the Vienna Agreement.

3. THE NEW IP LEGISLATIONS

- Samoa's new IP Laws was enacted in November 2011.
- 1. The Intellectual Property Act:
 - Patents
 - Innovation Patents
 - Designs
 - Trade Marks

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- Plant Breeder's Rights
- Geographical Indications
- Circuits Layouts

2. The Copyright Amendment Act

The changes to Samoa's IP laws was brought in the context of Samoa's accession to the WTO and/ with the

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aim of implementing the minimum standards required by the WTO Agreement on Trade-Related Aspects of Intellectual Property.

Summary of key changes to IP laws:

- Trade marks –
 1. Scope of protection

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2. Exceptions to registrations
 3. Collective and certification marks
 4. Application requirements
 5. Duration of trade mark
- Patents –
 1. Disclosure of use of traditional knowledge and genetic resources.

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2. Access and benefits sharing.
 3. Exclusions from patentability
 4. Utility model
 5. Compulsory licenses
- Designs –
 1. Extend length of protection from 5 years to 10 years.
 2. Easier registration.

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- Copyright –
 1. Traditional cultural expressions
 2. Exceptions to copyright
 3. Copyright Collecting Society
 4. Enforcement
- Geographical Indications –
- Plant Breeder's Right –

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- Circuit Layouts –
- Administration and enforcement –

4. Information Technology (IT) **Infrastructure**

The registry of IP is equipped with five desktop computers. The computers are connected to the ministry workgroup network and some

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selected computers have access to the internet through 2MB dedicated connection available for the ministry.

The four computers out of five being used in the Office were provided by WIPO together with a server computer, a colour laser printer and a scanner.

5. IP OFFICE AUTOMATION

- The Registry of IP uses Microsoft excel spreadsheets to maintain its registers.
- Trademarks data are kept in two different spreadsheet structures.
 - one structure is office internally designed
 - another spreadsheet structure was designed by an IT that was contracted by WIPO mission under its assistance for

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The installation of a computerized system for trademarks (project) – 2009.

- The Registry started trademarks data capturing in IMD WIPO spreadsheet structure immediately after the mission.
- The data capturing was completed by an officer of the registry who is now maintaining the databases.
- The databases are actively being used in

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office day-to-day operations.

- The registry also scans, captures and stores images of trademarks application on a desktop computer with attached scanner.

6. LIMITATION OF CURRENT SYSTEM

Most of the T/M applications received are from foreign companies/or agents – 90% (2010)

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But there has been significant increase in recent years in local applications – 10%.

- 100% registered patents are from foreign companies/or agents. (3 patents apps received from local applicants- 2011).
- 35% registered industrial designs are from local applicants/ or companies.
- Over the last 5yrs the registry had received 20 cases on copyright issues.

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- Limited storage space- physically need an archive
- Limited access to the registered trade mark system / other registers
- Limited resources – eg should a

Patent app require substantive examination this work is out-sourced to the Australian or New Zealand IP offices.

- Limited capacity of staff – 2 TM examiner

7. ADDRESSING THE ISSUES:

- Training and awareness programs.
- The new IP legislations.
- Improved capacity of IP officer through capacity building programs.
- To provide planning and support for IP programmes for Samoan business.
- Administration and the enforcement IP rights

ECONOMIC CONTEXT OF SAMOA

1. Agriculture – is the single largest economic activity for Samoan employment.
 - Accounts for 5.5% of GDP,
 - provides 25% of Samoa's annual export of commodities
 - and 31% of Samoa's employment.

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2. Fisheries –

- the most important (by value) export commodity for Samoa is fish.
- Commercial fishing industry only employs about 3% of the Samoan workforce.
- It earns 47% by value of export commodity earnings (2009/2010).

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- Is also a key source of protein for domestic consumption.
- Fishing is very cyclical as much of it depends upon highly migratory species such as tuna and over-fishing of reef fisheries is also a problem.

3. Tourism –

- is the major earner of foreign exchange (after expatriate Samoa remittances).

- Manufacturing

- necessarily limited
- Subsidiary of a large Japanese manufacturer Yazaki EDS Samoa (YES).
- YES accounts for almost 90% exports, turnover by YES - \$100m (SAT) per annum, YES employs 1000 (largely female) employee about 60% - total manufacturing employment.
- manufacturing activities in Samoa are

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- Tourism gross revenue from some 130,000 was \$303.36m(ST) – 2009/2010.
- the potential “brand Samoa” – as an idyllic, unspoiled and remote paradise, raises many dilemmas for planning and development.
- To maintain the Samoan way of life (*fa'a Samoa*) will come in conflict with consequences of increased tourism.

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- largely linked to the processing of agricultural products for export
- Manufacturing sector employs about 8% of the employed workforce, account for 10.88% of GDP in 2009/2010.

ROLE OF THE GOVERNMENT

1. Provide assistance through cash grants

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- Provide incentives
- Facilitate aids and grants from donors
- Provide awareness and training programmes for the agriculture sector, tourism sector and manufacturing/ or commerce sector.
- Monitoring developments – development which was funded by grants/ Government funds

WAY FORWARD

- Continue trainings and awareness programs.
- Implementation of the new IP legislations will improved IP system.
- Improved coordination programmes in between government ministries and the private sectors.
- Administer and enforce IP.