

Changes afoot in intellectual property law in the Solomon Islands

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Key Points

- Solomon Islands are reviewing its draft Intellectual Property (IP) legislation, which will modernise the country's current laws.
- The objective of the changing IP strategy for Solomon Islands is to use intellectual property as tools to enhance the economic, social and technological development of Solomon Islands.

Introduction

The Solomon Islands is moving towards the implementation of a comprehensive and modern regime for the regulation of IP. We will consider the current requirements and how these are going to change.

What is the state of the law in the Solomon Islands?

The current law has its origins in the 1990s, and does not adequately accommodate or embrace the Internet era. In addition, much of the legislative schemes still rely on the now repealed English legislation, but extended by the United Kingdom at the Solomon Islands request. Change is necessary. The following regulates Intellectual Property in the Solomon Islands:

- *Copyright Act 1987 (Cap 138)*;
- *Patents Act 1949 (Cap 87)* and the *Registration of United Kingdom Patents Act (Cap 179)*;
- *Registration of United Kingdom Trade Marks Act (Cap 180)*;
- *United Kingdom Designs (Protection) Act (Cap 181)*; and
- *Telecommunication Act 2009* (which includes provisions for a Domain name registry service).

Patent and trademarks

Currently trade mark and patent registration must be based on a corresponding United Kingdom registration which is re-registered with the Registrar General of the Solomon Islands. All records in these areas are kept manually, which means that searches can be time consuming and expensive.

What is the likely impact of change?

The Solomon Islands government engaged Dr Ian Heath (former Director General of IP Australia) in 2012 to review IP law in the Solomon Islands. Dr Heath produced a draft national strategy in 2014.

A revised IP strategy has now been developed after public consultation, and a Government wide initiative (the Solomon Islands Ministries of Justice and Legal Affairs, Culture and Tourism and Foreign Affairs and External Trade all collaborated). This ensures that the system provides comprehensive protection in a user-friendly and efficient manner. It is envisaged that the new IP legislation will expand the available registration rights to plant varieties, circuit layouts, traditional knowledge and culture, and other geographic indications.

It may be some time before a bill is presented before parliament. In the meantime, it is worth understanding the changing landscape in the Solomon Islands and the new rights or forms of enforcement which may become available.

A particular focus of the review is ensuring the adequate protection of cultural heritage and indigenous cultural or societal heritage.

Where to from here?

The Solomon Islands government is also likely to join WIPO to add to its legislative reform of IP law. As part of this, they are likely to ratify accompanying conventions, and international treaties, such as:

- (a) Berne Convention for Protection of Literary and Artistic works; and
- (b) Paris Convention for the Protection of Industrial Property.

This would bring the Solomon Islands registration, rights and enforcement in line with global standards.

If you would like to know more about how you can currently protect your IP rights in the Solomon Islands or around the Pacific, please don't hesitate to contact the Pacific Legal Network.

Contact

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