



INTELLECTUAL PROPERTY OFFICE OF PAPUA NEW GUINEA



OFFICE OF CENSORSHIP MUSIC FORUM

18TH & 19TH FEBRUARY, 2025

LAE INTERNATIONAL HOTEL

LAE, MOROBE

PRESENTATION DIVIDED INTO TWO (2) PARTS:

- PART A – OVERVIEW & FUNCTIONS OF THE OFFICE
- PART B – OVERVIEW OF COPYRIGHT INDUSTRIES & DEVELOPMENT OF COPYRIGHT LEGAL FRAMEWORK

FUNCTIONS OF THE OFFICE

- Administer all Intellectual Property Laws in PNG
- Grant IP rights and maintain the registries
- Where necessary provide policy advice to the government
- Recommend for reviews and amendments to IP laws

WHAT IS INTELLECTUAL PROPERTY?

- Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce

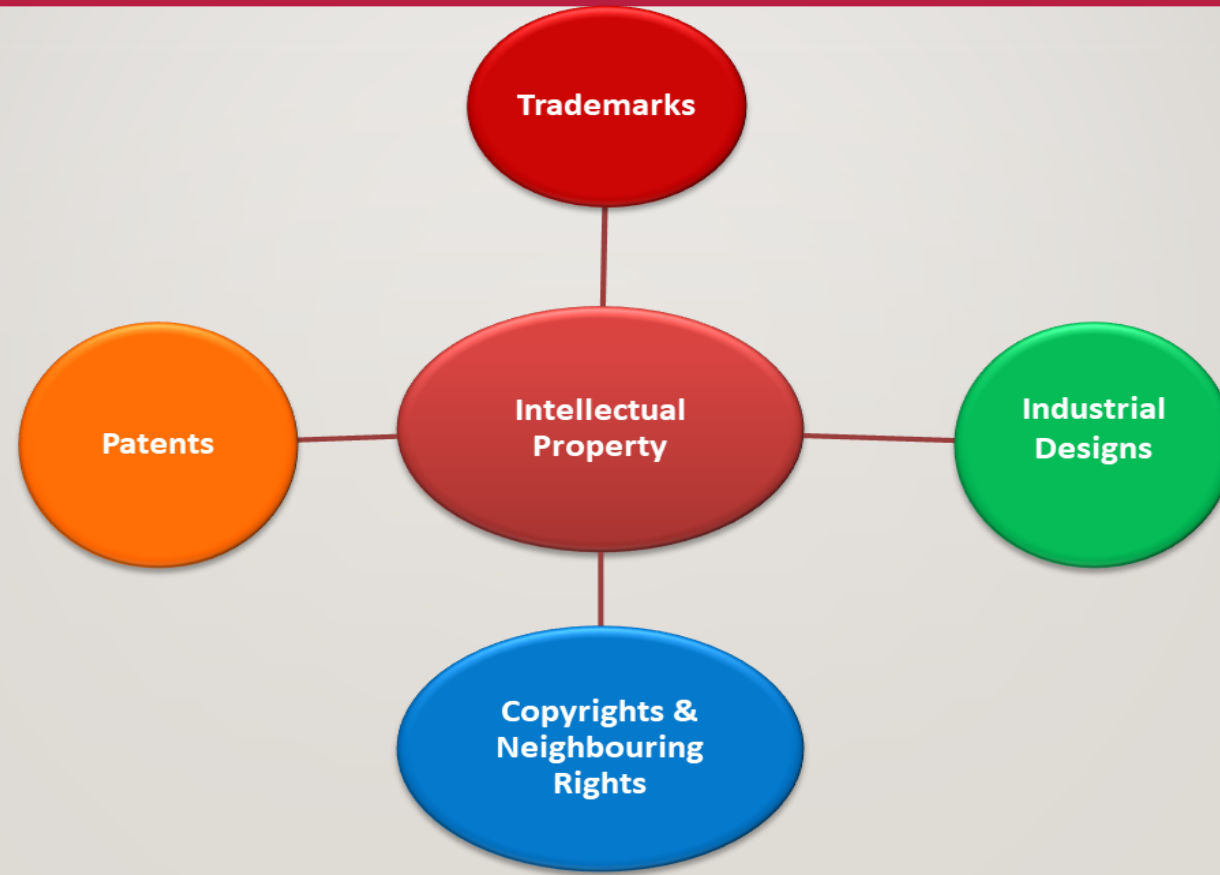


WHAT ARE INTELLECTUAL PROPERTY RIGHTS (IPRS)

- Rights given to persons over the creations of their minds
- Usually in the form of a 'exclusive right' (granted under national law)
- Given to the creator over the use of their creation for a certain period of time



TYPES OF INTELLECTUAL PROPERTY



PATENT

- PATENT is an exclusive right granted for an invention, a product or process that provides a new way of doing something or that offers a new technical solution to a problem
- Protection last for 20 years and is renewed every 5 years.
- Prerequisite Requirements:
 - ❖ It must be novel or new
 - ❖ It must have an inventive step
 - ❖ It must be industrially applicable



INDUSTRIAL DESIGNS

- INDUSTRIAL DESIGN constitutes the ornamental or aesthetic aspect of an article.
- A design may consist of three-dimensional features, such as the shape or surface of an article, or of two-dimensional features, such as patterns, lines or color.
- Protection lasts for 15 years and is be renewed every 5 yeas
- Novelty and the Function are the basic requirements



TRADEMARKS

- Trademark is a distinctive sign that identifies certain goods or services produced or provided by an individual or company
- Trademarks can be one or a combination of words, letters and numerals.
- Duration: 10 years and it renewed.



COPYRIGHTS

- Copyright is a legal term used to describe the rights that creators have over their literary and artistic works.
- Works covered by copyright range from books, music, paintings, sculpture and films, to computer programs, databases, advertisements, maps and technical drawings.
- Automatic right granted when the work is been created. **NO REGISTRATION REQUIRED**
- Duration of a copyright: the economic and moral rights in respect of a copyright work shall be protected during the life of the author and for a period of 50 years of the date of his death.
- Except for an applied art which is 25 years

RIGHTS UNDER COPYRIGHT

- **Economic Rights** – the exclusive right of the copyright holder to earn money for their work.
- This right can be transferred by way of Assigning or Licensing
 - Reproduction
 - Distribution
 - Rental and Lending
 - Public Performance
 - Communication to the Public
 - Adaptation

RIGHTS UNDER COPYRIGHT

- **Moral Rights** - Right of Protecting Creator's Reputation.
- This Right cannot be Transferred.
 - Paternity
 - Attribution
 - Integrity

HOW TO PROTECT YOUR WORK

- The Law states that Work is Protected upon Creation. **AUTOMATIC PROTECTION**
- Documentation of Work
- Copyright Notation
- Disclaimer Notice

A Fawcett Book

Published by The Random House Publishing Group

Copyright © 1971 by John Updike

All rights reserved.

NEIGHBOURING RIGHTS

- Neighbouring Rights are tools or mechanisms that provides supporting role (e.g. producing music) to make that expressed such as:
- Performers i.e. Singing, Dancing, etc.
- Broadcasting Rights i.e. TV, Radio and Broadcasting Organisation
- Producers of Phonograms (Recording Rights) i.e. Cassettes, CDs, etc

OVERVIEW OF COPYRIGHT INDUSTRIES & DEVELOPMENT OF COPYRIGHT LEGAL FRAMEWORK

- With the emergence of a growing number of digital platforms, record companies are increasingly focusing on online marketing, and copyright industries have grown
- Number of book authors and fine artists have increased
- Growth in Software Application
- Growth of entertainment industry –increase in use of copyright works
- Increase in Educational and Research Institution, high demand for copyright material

BACKGROUND ON THE DEVELOPMENT OF THE PNG COPYRIGHT LAW

- PNG attempted to introduce Copyright law in 1978;
- However, the Act was not enacted due to opposition by various agencies including Education Department;
- Member of WTO, WIPO & etc. PNG was obligated to introduce relevant IPR laws including Copyright & Neighboring Rights Act.
- Copyright and Neighboring Rights Act introduced in 2000 and enforced in 2002. The Act is generally TRIPs compliant.

MAIN PROVISIONS OF THE CURRENT ACT

- The Act consists of six (6) main parts which are: -
- Part I PRELIMINARY
- Part II COPYRIGHT
- Part III NEIGHBOURING RIGHTS
- Part IV ENFORCEMENT OF RIGHTS
- Part V PROTECTION OF EXPRESSIONS OF FOLKLORE; and
- Part VI MISCELLANEOUS

PROTECTION OF RIGHTS

- Rights under the Act are automatically protected upon creation of a work
- Copyright is a private right, like any other property onus is on the right owners to manage & enforce
- Normally, the role agency of responsible for administering copyright law is to provide a conducive legal structure owners to manage their rights

PROBLEMS FACED BY OWNERS UNDER CURRENT LEGAL STRUCTURE

- Law does not allow for establishment of Collective Management of Rights
- Law does not allow for conflict resolution system
- Law does not allow for a registration of copyright works

OTHER PROBLEMS FACED BY RIGHT OWNERS

- Lack of knowledge and experience in management of copyrights
- Lack of resources - financial, facilities etc.
- Lack of support from the Government

COPYRIGHT OWNERS' CONCERNS

- Current legal framework not effective for the protection of copyrights
- Rampant and widespread abuse of copyright works
- General perception that Govt, through IPOPNG is not doing enough to assist copyright owners

MEASURES TAKEN BY IPOPNG

- Section 33 of the Act allows for introduction of copyright regulation:
- Drafted a CMO Regulation
- Substantially amend the current Act to allow for establishment and management of CMOs – work in progress
- Accession to the International Treaties administered by the World Intellectual Property Office (WIPO) – work in progress

INTERNATIONAL TREATIES ADMINISTERED BY THE WORLD INTELLECTUAL PROPERTY OFFICE

- Bern Convention for the Protection of Literary and Artistic Work 1886
- WIPO Copyright Treaties (WCT) 1996
- WIPO Performances & Phonograms Treaty (WPPT) 1996
- Beijing Treaty on Audiovisual Performances (BTAP) 2012
- Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or Otherwise Print Disabled 2013

REASONS FOR THOSE MEASURES

- General public greatly affected by abuse of copyrights works
- Genuine investors discouraged due to unscrupulous business activities
- Right owners being deprived from obtaining fair remuneration for their creativity
- Protect and Promote Works of local creators abroad and the works of international artist in our country

MAIN OBJECTIVES FOR CHANGES TO THE LAW

- To establish legal framework for proper management of copyright and related works CMOs
- To protect interest of right owners and general public
- To ensure users follow the set procedures in accessing works
- To encourage and promote more creativity in the industry

EXPECTED OUTCOMES OF CHANGES IN THE LEGAL STRUCTURE

- Increased level of compliance of laws due to government support and recognition
- Effective management of works, especially in licensing, royalty payment and collection
- Increased awareness on copyrights
- Minimize illegally activities like piracy and copying
- Increased creativity leading to industry growth, wealth creation and improvements in people lives.

CONCLUSION

- By leveling the playing field we create opportunities for investment (further creativity and innovation) from nationals and foreigners alike bringing about social, economic and cultural development to not just those few individuals and entities only but to the country as a whole.