



NATIONAL INTELLECTUAL PROPERTY STRATEGY

2017-2023

Forward

The socio-economic benefits of IPR related products can be realised through various mechanisms. IPR related products can be a source of royalty and related payments to creators, publishers and distributors. An effective IPR regime can also contribute to substantive national revenue as the IPR related products are subject to taxation and other related fees such as registration fees. In addition, employment is also created through production and distribution of IP related products.

The contribution of IPR products to socio-economic development, however, requires an effective legislative and policy framework. The existing IPR related business laws are outdated and constraints the development of the Private sector, especially if Kiribati seeks to position itself as an investment destination. It is in this context that this strategy has been developed to ensure that IPR related laws are holistically reviewed and an effective intellectual property regime established.

The National Intellectual Property Strategy (NIPS) aims to portray short and medium term objectives that will assist Kiribati achieve a modern well-balanced intellectual property system which enhances sustainable and inclusive social and economic development, reflects and supports the country's traditions and culture.

Two workshops and a number of one-on-one stakeholder consultations were held in Tarawa with representatives of various Government Ministries, Kiribati business community and representatives of civil society as part of a fact-finding mission from 19-26 October 2015. Draft Report was prepared based on desk research and the findings of the fact-finding mission and consultations. A further validation workshop was held in June 2016 to discuss the draft report. The draft report was finalised to inform the formulation of this strategy.

I would like to commend the World Intellectual Property Organisation (WIPO) and Commonwealth Secretariat through the Hub and Spokes II Programme for their timely and endless support in terms of financial and technical assistance, which has made it possible for the Ministry of Commerce, Industry and Cooperatives (MCIC) to complete this policy document successfully.

It is also a pleasure to acknowledge the valuable contribution of MCIC and all the stakeholders who have shared their views and contributed significantly to this policy, and who have recognised the priorities and strategic actions vital to achieving the successful implementation of the policy. Finally, I wish to urge all the I-Kiribati and the development partners to support the government in implementing this policy.

'Te Mauri Te Raoi ao Te Tabomoa.'

Hon. Tauanei Marea

Minister of Commerce, Industry and Cooperatives

1.0: Introduction

1.1: Background /Context

Intellectual property rights are a key aspect of modern economies. All areas of economic activity around the globe (agricultural industries, cultural industries, technology industries, retail industries, manufacturing industries, etc.) use the intellectual property system to underpin their business development. Most nations see having a modern intellectual property system as a necessary part of their business environment.

The Development Plan 2016-19 identifies the existence of outdated business laws which are not compatible with the current trade and development regime. The existing intellectual property laws in Kiribati are all legacy legislation that pre-dates independence and in many cases contain significant barriers to local businesses to access or use the laws while advantaging large foreign businesses. A commitment is made in the Development Plan to review and effectively implement modernised business related laws to support the establishment of new businesses and overall growth of the private sector in Kiribati.

This National Intellectual Property Strategy seeks to guide the modernisation of the intellectual property laws and administration, as part of the overall strategy to modernise the IPR laws as envisaged in the KDP 2016-2019. Intellectual property rights are also widely seen as relevant for the protection from misuse or misappropriation of traditional knowledge and traditional cultural expressions. In Kiribati, like many other Pacific Islands countries, the sense of culture and tradition is strong.

The policy principles, goals and strategies set out in this Strategy reflect the importance of protecting culture in Kiribati. The specific actions to protect traditional knowledge and traditional cultural expressions are set out in the strategy. The strategy defines a path forward for Kiribati to follow, to ensure that it achieves the best balance between the interests of rights holders and the public interest. The strategy will also ensure that the intellectual property related laws are holistically reviewed and an effective intellectual property regime established.

1.2: Structure of the Strategy

The National Intellectual Property Strategy identifies a Vision which encapsulates the overall directions for intellectual property rights in Kiribati. Based on the 2016 Policy Statement (or Motinnano) of the Government, the Kiribati National Development Plan 2016-19 and relevant sector strategic plans, five Guiding Principles have been identified to govern the policy directions and objectives of the Strategy. The Strategy is structured around three Policy Directions – reform existing legislation, consider new legislation, and build capacity - which reflect the key areas relating to intellectual property policy and management in Kiribati that need further development. Under each Policy Direction, a series of Strategies or Actions are set out to achieve the objectives. Appropriate timeframes for completion are indicated in the implementation plan as well as responsible Ministries and possible sources of donor assistance for effective implementation.

2.0: POLICY

2.1: The Vision

To achieve a modern well-balanced intellectual property system which enhances sustainable and inclusive social and economic development in Kiribati and which reflects and supports the country's traditions and culture.

2.2: Guiding Principles

The National Intellectual Property Rights strategy will be guided by the following principles;

- Supporting economic development and promote a local sustainable business culture.
- Consistency with international norms concerning intellectual property and meet Kiribati's international obligations.
- Striking an appropriate balance between the interests of rights holders and the public interest and the interests of users in the Kiribati context.
- Providing appropriate protection for traditional knowledge and traditional cultural expressions, and should recognize the on-going role of traditional forms of intellectual property protection in Kiribati society.
- Recognizing the existing capacity constraints of Kiribati and should contribute to building and improving that capacity.

2.3: Policy Objectives

- To ensure that the existing legacy Intellectual Property legislation is replaced and new legislation reflects the national policy objectives of Kiribati.
- To investigate and decide whether new areas of intellectual property policy and legislation should be implemented to ensure that the whole intellectual property approach in Kiribati reflects and supports its economic, social and cultural context.
- To identify and address the capacity and capability issues related to implementing a national intellectual property system in Kiribati to ensure that the potential economic, social and cultural value of the national intellectual property policy is supported and realized.

3.0: Policy Statements and Policy Measure

3.1: Policy Objective 1: To ensure that the existing legacy intellectual Property legislation is replaced and new legislation reflects the national policy objectives of Kiribati

3.1.1: Copyright

Policy

The government will develop and implement new copyright legislation which is consistent with the Berne Convention and which incorporates over-arching principles which support the protection of the public interest and provide a reasonable balance between the interests of right holders and the interests of users

Policy Measures

- Consider joining the Berne Convention for the Protection of Literary and Artistic Works.
- Make provision in the revised copyright legislation to allow reproduction of materials for private study and research. Consider introducing a more flexible “fair dealing” test to govern such copying.
- Provide a broad basis for exceptions and limitations for face-to-face teaching in the revised Copyright Act.
- Consider using the more flexible “fair dealing” or “fair use” test to govern reproduction of copyright materials for face-to-face teaching in the revised copyright act
- Provide flexibility for libraries in Kiribati to manage reproduction of works for preservation and user access, including digital reproduction.
- Consider joining the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.
- Include some over-arching principles to protect the public interest, and to better balance the interests of the rights holders and the users in the revised copyright legislation
- Ensure the revised copyright legislation protect original works that are based on traditional cultural expressions.
- Include the protection of moral rights in the new copyright legislation.
- Set the test for when criminal sanctions for infringement of copyright should be applied at a level that protects the interests of right holders from commercial scale infringement.
- Explore the options for establishing a collective management organization in Kiribati in the light of the experience of establishing such organizations in the region.
- Plan the implementation of the proposed copyright legislation in consultation with the creative and education sectors and traditional communities, ensuring that there is a well-planned awareness programme developed for the new legislation.

3.1.2: Trademarks

Policy

The government will develop and implement new trademark legislation to facilitate access to and use of trademarks in Kiribati by I-Kiribati, which is consistent with the Paris Convention and Kiribati's capacity and which includes provisions to prevent culturally inappropriate use of trademarks.

Policy Measures

- Provide for both collective and certification marks in the proposed new trademark legislation, ensuring that procedures for registration are simple and well-adapted to local circumstances.
- Include the power to refuse registration on the grounds of culturally inappropriate use. Similar powers should be included in an amendment to the Registration of Business Names Act 1988.
- Continue as a transition measure in the revised legislation the practice of accepting for registration without full examination, trademarks already registered in the United Kingdom, but subject to meeting formality checks and refusal on grounds of cultural inappropriateness.
- Provide for objective examination only for trademarks to reduce workload and training requirements, and set up procedures for lodging and adjudicating any objections prior to registration on relative grounds and a simple cancellation procedure.
- Monitor any developments in the Pacific to establish a regional trademark office or work-sharing arrangements, and ensure that any participation in such a proposal is managed in the best interests of local trademark users.
- Consider joining the Paris Convention (subject to any industrial design and patent issues), and include in its proposed trademark legislation the requirements of the Paris Convention in relation to state emblems and flags, border controls, and famous marks.
- Anticipate joining the Madrid Protocol by including in the new trademark legislation provisions compatible with the international procedure for filing and registering trademarks in the Madrid system, but work on the accession only after the law has been fully implemented and the new intellectual property office has had sufficient operational experience to manage the introduction.
- Include criminal sanctions for trade mark counterfeiting committed willfully on a commercial scale in the new trade mark legislation.
- Plan the implementation of the proposed trademark legislation in consultation with the local business community through organizations such as KCCI, ensuring there is a well-planned implementation awareness programme about the new legislation.

3.1.3: Industrial Designs

Policy

The government will develop and implement new industrial designs legislation to facilitate access to and use of industrial designs rights in Kiribati by I-Kiribati, which allows the recognition of an unregistered design right and which includes the prevention of culturally inappropriate use of designs.

Policy Measures

- The proposed industrial design legislation should provide for the recognition of an unregistered design right to maximize the accessibility and affordability of the design protection system in Kiribati.
- The proposed design legislation should include giving the power to the registrar to refuse registration of culturally inappropriate designs, as well as allow third party opposition to registration and invalidation actions on the grounds of cultural inappropriateness.
- The proposed designs legislation should establish a formalities only requirement for initial registration, with provision for any objections to trigger substantive examination post registration.
- Consider joining the Paris Convention (there are no impediments from an industrial design perspective).
- Anticipate joining the Hague Agreement relating to industrial designs by including in the new legislation provisions compatible with the international procedure, but work on the accession only after the proposed new industrial design legislation and the new design office has sufficient operational experience to consider the issue.
- Develop and implement awareness programmes concerning the proposed new industrial designs legislation in consultation with the local business community.

3.1.4: Patents

Policy

Government will develop and implement new patent legislation based on patent policies decided by Kiribati, but which is consistent with the Paris Convention and which allows for the recognition of foreign registered patents and outsourced examination (provided the patent is not inconsistent with Kiribati's policy decisions on patentability).

Policy Measure

- Develop new patent legislation based on appropriate policy standards which allows for the conditional recognition of existing patent registration in a chosen jurisdiction.
- Include in the new patent legislation the standard exclusions from patentability (as in the current law in Kiribati - see Sec.1(2) (a) to (d) of the UK Patent Act).
- Include in the new patent legislation the exclusions from patentability of methods of treatment and diagnosis (as in the current law in Kiribati - see Sec.4A(1) (a) & (b) of the UK Patent Act).
- Include in the new patent legislation the exclusions from patentability patents relating to human beings (as in the current law in Kiribati - see Schedule A2 (3) (a) to (d) of the UK Patent Act).
- Exclude the patenting of animals in the new patent legislation but allow the patenting of plants.
- Exclude plant varieties from patentability under the proposed new patent legislation.
- Allow patents on pharmaceutical substances to continue under the proposed new patent legislation, but restrict patents on new uses of existing or known substances or on obvious reformulations.
- Include the protection of public health as a guiding principle for the interpretation of the new patent legislation.
- Include a requirement in the new patent legislation to reveal the use of any traditional knowledge and the source of any genetic resources in the development of the invention.
- Consider in 3 years' time the introduction of a utility model patent system in Kiribati to promote local inventiveness.
- Consider joining the Paris Convention to facilitate implementation of patent protection and examination in Kiribati.
- Anticipate joining the Patent Cooperation Treaty and other agreements relating to patent processing by including in the new patent legislation provisions compatible with the international procedure, but work on the accession only after the new patent legislation has been fully implemented and the new patent processing arrangements are in operation.

3.2: Policy Objective 2: To investigate and decide whether new areas of intellectual property policy and legislation should be implemented to ensure that the whole intellectual property approach in Kiribati reflects and supports its economic, social and cultural context

3.2.1: Plant Varieties

Policy

Government will determine whether plant variety protection would assist Kiribati meet its development goals for food security through increased availability of new improved plant varieties.

Policy Measures

- Review the plans, priorities and practicalities of plant variety development in Kiribati to assess the need for a plant variety protection system in Kiribati

3.2.2: Geographical Indications Goal

Policy

Government will determine whether geographical indications would add significant marketing advantage for specialised Kiribati products

Policy Measure

- Develop the use of certification marks to achieve strong marketing of products from Kiribati while further exploring the possible benefits of using geographical indications protection for selected special products.

3.2.3: Traditional Knowledge & Traditional Cultural Expressions Goal

Policy

Government will implement appropriate arrangements for the protection of traditional knowledge, traditional cultural expressions and access to genetic resources which reduce misuse and misappropriation and are consistent with traditional cultural practices

Policy Measures

- Take steps to include in relevant environmental protection legislation provisions reflecting the provisions of the Nagoya Protocol on traditional knowledge and access and benefit sharing.
- Consider signing the Nagoya Protocol.
- Develop and publicize a protocol for the use of traditional knowledge and traditional cultural expressions in non-traditional settings, including proposed commercial use.

3.3: Policy Objective 3: To identify and address the capacity and capability issues related to implementing a national intellectual property system in Kiribati to ensure that the potential economic, social and cultural value of the national intellectual property policy is supported and realized.

3.3.1: Capacity in MCIC –Trademark Processing Goal

Policy

Government will establish, to the extent possible, appropriate capacity in MCIC to implement the new trademark system for Kiribati

Policy Measures

- Establish an intellectual property office within MCIC with initially four staff dedicated to trademark application processing.
- Implement the IPAS electronic processing and recording of trademarks with WIPO's assistance.
- Develop and implement an awareness programme about the new trademark system for business and civil society, in particular targeting businesses in the tourism sector and makers of handicrafts.

- Implement a planned transition period with sufficient time to set up new systems, train staff and raise business awareness of the new trademark system before bring the new legislation into effect.

3.3.2: Capacity in MCIC – Design Processing Goal

Policy

Government will consider establishing appropriate capacity in MCIC to implement the new design legislation

Policy Measure

- Capacity for industrial designs processing should be set up in MCIC with two additional staff members to cover the anticipated initial workload and capacity building needs.
- Consider Implementing the WIPO IPAS system for processing and recording the registration of designs with assistance from WIPO.
- Develop best practice guidelines for use in raising awareness and understanding in targeted areas of the business community involved in design activities such as apparel design and printing.
- Develop and implement targeted awareness programmes about registered and unregistered design rights to assist local businesses understand how the right might be of value to their business.

3.3.3: Capacity in MCIC – Patent Processing Goal

Policy

Government will establish to the extent possible, appropriate capacity in MCIC to implement the new patent legislation

Policy Measures

- Recruit a scientifically literate officer to carry out “formalities” and legal examination of patent applications to ensure Kiribati’s policy parameters are being enforced.
- Enter into an arrangement with a large regional intellectual property office to undertake any full examination work on behalf of Kiribati, while maintaining Kiribati’s policy control of registration.
- Implement the WIPO IPAS software customized as necessary to process and record patent applications.

- Include some information about patenting and the use of scientific and technology information in patent databases when providing general information and awareness programmes.

3.3.4: Capacity in MCIC – Copyright Goal

Policy

Government will establish appropriate capacity in MCIC to implement the new copyright legislation

Policy Measures

- Appoint a copyright policy officer with responsibilities for copyright policy development, copyright issues liaison with other ministries, enforcement agencies, business and the creative sector.
- Develop and implement copyright awareness programmes tailored to the context of Kiribati with the assistance of offices with such expertise in the region.

3.3.5: Awareness & Understanding Capacity Building

Policy

Government will improve the capacity and coordination across government in relation to intellectual property issues and programmes

Policy Measures

- Establish an IPR subcommittee to oversight the implementation and co-ordination of the National Intellectual Property Strategy for Kiribati.
- Establish a specific government co-ordination arrangement to develop and implement the policy and protocols to protect traditional knowledge and traditional cultural expressions, including the necessary legislative changes to support the policy and protocols.
- Ensure that this responsibility includes developing and implementing appropriate awareness programmes for businesses and the general I-Kiribati population.

3.3.6: Enforcement Capacity Building Goal

Policy

Develop and implement appropriate capacity building programmes for law enforcement agencies and the legal profession and the judiciary which ensure smooth introduction and implementation of the new laws

Policy Measures

- MCIC collaborate with customs to establish appropriate border controls for infringing goods under the proposed new legislation and assist customs with related staff training needs.
- Determine how criminal sanctions will be applied in the proposed new intellectual property legislation and provide the police with related staff training needs.
- Develop and deliver seminars and workshops for the legal profession and the judiciary on the proposed new intellectual property legislations and which include for the profession information about filing and prosecuting applications.
- Establish a coordination committee involving customs, police, the legal profession and the judiciary to ensure cooperation and coordination of enforcement policy and activities.

3.3.7: Capacity Building in Business & Civil Society Goal

Policy

Government will develop and implement awareness programmes for Kiribati which meet the needs of the business community and civil society

Policy Measures

- Implement an awareness improvement programme as recommended in relation to specific rights and specific policy areas in a holistic way targeted at various business sectors and different interest groups in civil society.
- Develop practical ways to assist businesses to use intellectual property tools as an integral part of any awareness programme.
- Implement a programme promoting entrepreneurship and business culture, including working with schools and other education institutions to develop the approach.

3.3.8: Building Respect for IP

Policy

Government will implement programmes to enhance public understanding of IP to reduce demand for infringing products

Policy Measures

- Adopt a strategic programme of awareness raising and public education activities to build respect for IP, reviewing the program on an annual basis.
- Organize awareness raising activities for World IP Day each year and share information about them with WIPO.
- Publish an annual report on respect for IP, with suitable publicity.

4.0: Implementation of the Policy

4.1: Implementation time frame

The IPR policy will be implemented over a period of seven years from April 2017 to December 2023 as per the attached Implementation plan. The Policy will have a midterm review in 2020 to monitor the progress and possible adjustments in the strategies to ensure set objectives and goals are achieved during the implementation period.

4.2: Resource Mobilisation

The government will allocate resources to implement the policy through the national budget process and MCIC will liaise with MFED to mobilise additional resources from the development partners and international organisations. Specifically, MCIC will liaise with WIPO which is the prime source of assistance on intellectual property matters. WIPO is able to provide technical assistance on legislative drafting, training of staff in the various technical areas, computer based systems for office and workload management, and many other forms of assistance and advice. MCIC will also liaise with IP Australia, New Zealand IP Office, the Japanese Patent Office and the Korean Intellectual Property Office, Pacific Islands Forum Secretariat, SPC. Other possible donors will include EU, UNDP, UNESCO, and Asia Development Bank.

4.3: Monitoring and Evaluation

MCIC will serve as the principal institution responsible for the implementation, monitoring and evaluation of IPR strategy on behalf of the government. The respective responsible ministry or agency will take the lead role in implementing areas of intervention as indicated in the implementation Matrix. The government, through MCIC will collaborate with responsible ministries, Agencies, through the National Trade Advisory Committee which is the existing Public –private –civil society dialogue mechanism to periodically monitor the progress and the implementation of the strategy.

Implementation Plan

Policy Statement	Action	Time Frame							Lead Agency	Potential Development Partner	
		Y1	Y2	Y3	Y4	Y5	Y6	Y7			
Policy Objective 1: To ensure that the existing legacy Intellectual Property legislation is replaced and new legislation reflects the national policy objectives of Kiribati											
Copyright											
The government will develop and implement new copyright legislation which is consistent with the Berne Convention and which incorporates over-arching principles which support the protection of the public interest and provide a reasonable balance between the interests of right holders and the interests of users.	Consider joining the Berne Convention for the Protection of Literary and Artistic Works.								MCIC MFAI	WIPO	
	Make provision in the revised copyright legislation to allow reproduction of materials for private study and research. Consider introducing a more flexible “fair dealing” test to govern such copying.								MCIC OAG MOE		
	Provide a broad basis for exceptions and limitations for face-to-face teaching in the revised Copy right Act.								MCIC OAG MOE		
	Consider using the more flexible “fair dealing” or “fair use” test to govern reproduction of copyright materials for face-to-face teaching.								MCIC OAG MOE		
	Provide flexibility for libraries in Kiribati to manage reproduction of works for preservation and user access, including digital reproduction.								MCIC OAG MOE		
	Consider joining the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.								MCIC	WIPO	
	Include some over-arching principles to protect the public interest, and to better balance the interests of the rights holders and the users in the revised copyright legislation								MCIC OAG		
	Ensure the revised copyright legislation protect original works that are based on traditional cultural expressions.								MCIC OAG		
	Include the protection of moral rights in the new copyright legislation.								MCIC OAG		

	Set the test for when criminal sanctions for infringement of copyright should be applied at a level that protects the interests of right holders from commercial scale infringement.								MCIC OAG KPPS	
	Explore the options for establishing a collective management organization in Kiribati in the light of the experience of establishing such organizations in the region.								MCIC	WIPO
	Plan the implementation of the Revised copyright legislation in consultation with the creative and education sectors and traditional communities, ensuring that there is a well-planned awareness programme developed for the new legislation.								MCIC MOE USP KMF	
Trademarks										
The government will develop and implement new trademark legislation to facilitate access to and use of trademarks in Kiribati by I-Kiribati, which is consistent with the Paris Convention and Kiribati's capacity and which includes provisions to prevent culturally inappropriate use of trademarks	Provide for both collective and certification marks in the proposed new trademark legislation.								MCIC OAG	WIPO
	Include the power to refuse registration on the grounds of culturally inappropriate use.								MCIC OAG	WIPO
	Continue as a transition measure in the proposed legislation the practice of accepting for registration without full examination, trademarks already registered in the United Kingdom.								MCIC OAG	WIPO
	Provide for objective examination only for trademarks to reduce workload and training requirements, and set up procedures for lodging and adjudicating any objections prior to registration on relative grounds and a simple cancellation procedure.								MCIC OAG	WIPO
	Monitor any developments in the Pacific to establish a regional trademark office or work-sharing arrangements, and ensure that any participation in such a proposal is managed in the best interests of local trademark users.								MCIC MFAI	WIPO
	Consider joining the Paris Convention (subject to any industrial design and patent issues), and include in its proposed trademark legislation the requirements of the Paris Convention in relation to state emblems and flags, border controls, and famous marks.								MCIC MFAI	WIPO
	Anticipate joining the Madrid Protocol by including in the new trademark legislation provisions compatible with the international procedure for filing and registering trademarks in the Madrid system.								MCIC MFAI	WIPO

	Include criminal sanctions for trademark counterfeiting committed wilfully on a commercial scale in the new trademark legislation.								MCIC OAG	WIPO
	Plan the implementation of the proposed trademark legislation in consultation with the local business community through organizations such as KCCI.								MCIC KCCI	
Industrial Designs										
The government will develop and implement new industrial designs legislation to facilitate access to and use of industrial designs rights in Kiribati by I-Kiribati, which allows the recognition of an unregistered design right and which includes the prevention of culturally inappropriate use of designs.	The proposed industrial design legislation should provide for the recognition of an unregistered design right to maximize the accessibility and affordability of the design protection system in Kiribati.								MCIC OAG	

	The proposed design legislation should include giving the power to the registrar to refuse registration of culturally inappropriate designs, as well as allow third party opposition to registration and invalidation actions on the grounds of cultural inappropriateness.								MCIC OAG MIA	
	The proposed designs legislation should establish a formalities only requirement for initial registrations, with provision for any objections to trigger substantive examination post registration.								MCIC OAG	
	Consider joining the Paris Convention.								MCIC MFAI	
	Anticipate joining the Hague Agreement relating to industrial designs by including in the new legislation provisions compatible with the international procedure, but work on the accession only after the proposed new industrial design legislation and the new design office has sufficient operational experience to consider the issue.								MCIC MFAI	
	Develop and implement awareness programmes concerning the proposed new industrial designs legislation in consultation with the local business community.								MCIC KCCI etc.	
Patents										
Government will develop and implement new patent legislation based on patent policies decided by Kiribati, but which is consistent with the Paris Convention and which allows for the recognition of foreign registered patents and outsourced examination (provided the patent is not inconsistent with Kiribati's policy decisions and patentability).	Develop new patent legislation based on appropriate policy standards which allows for the conditional recognition of existing patent registration in a chosen jurisdiction.								MCIC OAG	WIPO
	Include in the new patent legislation the standard exclusions from patentability (as in the current law in Kiribati – see Sec.1 (2) (a) to (d) of the UK Patent Act).								MCIC OAG	WIPO
	Include in the new patent legislation the exclusions from patentability (as in the current law in Kiribati – see Sec.4A (1) (a) & (b) of the UK Patent Act).								MCIC OAG	WIPO
	Exclude the patenting of animals in the new patent legislation but allow the patenting of plants.								MCIC OAG	WIPO
	Exclude plant varieties from patentability under the proposed new patent legislation.								MCIC OAG	WIPO
	Allow patents on pharmaceutical substances to continue under the proposed new patent legislation, but restrict patents on new uses of existing or known substances or on obvious reformulations								MCIC OAG	WIPO

	Include the protection of public health as a guiding principle for the interpretation of the new patent legislation.								MCIC OAG	WIPO
	Include a requirement in the new patent legislation to reveal the use of any traditional knowledge and the source of any genetic resources in the development of the invention.								MCIC OAG	WIPO
	Consider in 3 years' time the introduction of a utility model patent system in Kiribati to promote local inventiveness.								MCIC	WIPO
	Consider joining the Paris Convention to facilitate implementation of patent protection and examination in Kiribati.								MCIC MFAI	WIPO
	Anticipate joining the Patent Cooperation Treaty and other arrangements relating to patent processing by including in the new patent legislation provisions compatible with the international procedure, but work on the accession only after the new patent legislation has been fully implemented and the new patent processing arrangements are in operation.								MCIC OAG	WIPO

Policy Objective 2: To investigate and decide whether new areas of intellectual property policy and legislation should be implemented to ensure that the whole intellectual property approach in Kiribati reflects and supports its economic, social and cultural context.										
Plant Varieties										
Government will determine whether plant variety protection would assist Kiribati meet its development goals for food security through increased availability of new improved plant varieties	Review the plans, priorities and practicalities of plant variety development in Kiribati to assess the need for a plant variety protection system in Kiribati.								MCIC MELAD	UPOV
Geographical Indication										
Government will determine whether geographical indications would add significant marketing advantage for specialised Kiribati products	Develop the use of certification marks to achieve strong marketing of products from Kiribati while further exploring the possible benefits of using geographical indications protection for selected special products.								MCIC MELAD MLPID	WIPO
Traditional Knowledge and Traditional Cultural Expressions										
Government will implement appropriate arrangements for the protection of traditional knowledge, traditional cultural expressions and access to genetic resources which reduce misuse and misappropriation and are consistent with traditional cultural practices	Take steps to include in relevant environmental protection legislation provisions reflecting the provisions of the Nagoya Protocol on traditional knowledge and access and benefit sharing.								MCIC MIA MELAD MFAI	
	Consider signing the Nagoya Protocol								MCIC MIA MFAI	
	Develop and publicize a protocol for the use of traditional knowledge and traditional cultural expressions in non-traditional settings, including proposed commercial use.								MCIC MIA	
Policy Objective 3: To investigate and decide whether new areas of intellectual property policy and legislation should be implemented to ensure that the whole intellectual property approach in Kiribati reflects and supports its economic, social and cultural context.										
Capacity Building in MCIC – Trademark Processing Goal										
	Establish an intellectual property office within MCIC with initially four staff dedicated to trademark application processing.								MCIC	IP Australia IP NZ WIPO

Government will establish, to the extent possible, appropriate capacity in MCIC to implement the new trademark system for Kiribati	Implement the IPAS electronic processing and recording of trademarks with WIPO's assistance.								MCIC	WIPO
	Develop and implement an awareness programme about the new trademark system for business and civil society, in particular targeting businesses in the tourism sector and makers of handicrafts.								MCIC	IP Australia IP NZ
	Implement a planned transition period with sufficient time to set up new systems, train staff and raise business awareness of the new trademark system before bringing the new legislation into effect.								MCIC	
Capacity in MCIC – Design Processing Goal										
Government will consider establishing appropriate capacity in MCIC to implement the new design legislation	Capacity for industrial designs processing should be set up in MCIC with two additional staff members to cover the anticipated initial workload and capacity building needs.								MCIC	IP Australia IP NZ
	Consider implementing the WIPO IPAS system for processing and recording the registration of designs with assistance from WIPO.								MCIC	WIPO
	Develop best practice guidelines for use in raising awareness and understanding in targeted areas of the business community involved in design activities such as apparel design and printing.								MCIC	
	Develop and implement targeted awareness programmes about registered and unregistered design rights to assist local businesses understand how the right might be of value to their business								MCIC	IP Australia IP NZ
Capacity in MCIC – Patent Processing Goal										
Government will establish appropriate capacity in MCIC to implement the new patent legislation	Recruit a scientifically literate officer to carry out "formalities" and legal examination of patent applications to ensure Kiribati's policy parameters are being enforced.								MCIC	IP Australia IP NZ
	Enter into an arrangement with a large regional intellectual property office to undertake any full examination work on behalf of Kiribati, while maintaining Kiribati's policy control of registration								MCIC	IP Australia IP NZ
	Implement the WIPO IPAS software customized as necessary to process and record patent applications.								MCIC	WIPO

	Include some information about patenting and the use of scientific and technology information in patent databases when providing general information and awareness programmes.								MCIC	
Capacity in MCIC – Copyright Goal										
Government will establish appropriate capacity in MCIC to implement the new copyright legislation	Appoint a copyright policy officer with responsibilities for copyright policy development, copyright issues liaison with other ministries, enforcement agencies, business and the creative sector.								MCIC	
	Develop and implement copyright awareness programmes tailored to the context of Kiribati with the assistance of offices with such expertise in the region.								MCIC	IP Australia IP NZ
Awareness and Understanding Capacity Building										
Government will improve the capacity and coordination across government in relation to intellectual property issues and programmes	Establish an IPR subcommittee to oversight the implementation and coordination of the National Intellectual Property Strategy for Kiribati.								MCIC	
	Establish a specific government co-ordination arrangement to develop and implement the policy and protocols to protect traditional knowledge and traditional cultural expressions, including the necessary legislative changes to support the policy and protocols.								Culture/ MIA MCIC MELAD	
	Ensure that this responsibility includes developing and implementing appropriate awareness programmes for businesses and the general I-Kiribati population								MCIC	
Enforcement Capacity Building Goal										
Develop and implement appropriate capacity building programmes for law enforcement agencies and the legal profession and the judiciary which ensure smooth introduction and implementation of the new laws	MCIC collaborate with customs to establish appropriate border controls for infringing goods under the proposed new legislation and assist customs with related staff training needs.								MCIC Customs	

	Determine how criminal sanctions will be applied in the proposed new intellectual property legislation and provide the police with related staff training needs.								MCIC KPPS	
	Develop and deliver seminars and workshops for the legal profession and the judiciary on the proposed new intellectual property legislation and which include for the profession information about filing and prosecuting applications.								MCIC	
	Establish a coordination committee involving customs, police, the legal profession and the judiciary to ensure cooperation and coordination of enforcement policy and activities.								MCIC	
Capacity Building in Business and Civil Society Goal										
Government will develop and implement awareness programmes for Kiribati which meet the needs of the business community and civil society	Implement an awareness improvement programme as recommended in relation to specific rights and specific policy areas in a holistic way targeted at various business sectors and different interest groups in civil society.								MCIC	
	Develop practical ways to assist businesses to use intellectual property tools as an integral part of any awareness programme.								MCIC KCCI KANGO	
	Implement a programme promoting entrepreneurship and business culture, including working with schools and other education institutions to develop the approach.								KMCIC MOE	
Building Respect for IP										
Government will implement programmes to enhance public understanding of IP to reduce demand for infringing products	Adopt a strategic programme of awareness raising and public education activities to build respect for IP, reviewing the program on an annual basis.								MCIC	
	Organize awareness raising activities for World IP Day each year and share information about them with WIPO.								MCCI KCCI KMF	
	Publish an annual report on respect for IP, with suitable publicity.								MCIC MIA KCCI	

