

SOLOMON ISLANDS

Response to Question 1 : Prior to 1987, Solomon Islands has been relying on the UK Intellectual Property laws. In 1987, Solomon Islands enacted the 1987 Copyright Act. Besides that the Research Act 1982 and the War Relics Acts 1980 were also enacted.

Since coming into force no registration has yet been done under the Copyrights Act for traditional knowledge. According to the Registration General's Office, they are not yet ready to register anything under the Act. Efforts are however on the way to prepare for registration.

Response to Question 2 : Just like most of the other Pacific Island States, Solomon Islands is still waiting for the finalization of the model law discussed and prepared to be adopted by all interested Pacific Island States.

Response to Question 3 : About the beginning of 2001, all Trade Ministers of the Pacific Islands met in Western Samoa. The draft law was supposed to be finalized and adopted there. Since our office did not attend due to financial difficulties, we do not know what happened. We can confirm however that there is no such law on the pipeline for purposes of enactment/ adoption into our national laws.

Response to Question 4 : The Draft Model Law for Pacific Islands States discussed in New Caledonia in February 2001 has the following as objectives. Nothing important was altered then ;

- a) To encourage acceptable uses of Pacific Islanders' Knowledge and Expressions of Culture.
- b) To incorporate customary laws and practices for the protection of Traditional Knowledge and Expressions of Culture.
- c) To protect integrity of Pacific Islanders
- d) To prevent use of Traditional Knowledge and Expressions of Culture that are offensive to Pacific Islanders.
- d) To secure a financial return to Pacific Islanders for the use of traditional Knowledge and Expressions of Culture.

Response to Question 5 : Yes. In brief it is felt that the Western laws dealing with Intellectual Property cannot adequately deal with traditional knowledge and Expressions of Culture. It is felt that the Western laws are geared more towards the protection of individual rights than collective rights as which is the case with a lot of the Pacific Islands Traditional Knowledge and Cultural Expressions.

Response to Question 8 : Parts III to V of the Draft Law discussed in February 2001 contains the mechanisms to be put in place for purposes of administering and controlling registration and soon of traditional rights and Expressions of Culture. Criteria will be set down by the Board.

Response to Question 9 : I think it will depend on each state to decide on which subject matters should be excluded. In the Solomon Islands, the cultures are diverse with different perspective on traditional rights. Hence proper analysis needs to be done before a general position is put into law. Article 30 of the draft legislation of February 2001 however prohibits the use of sacred sites.

Response to Question 10 : To be decided by each state and the Administrative body.

Response to Question 11 : As the rights to traditional knowledge and expressions of culture are collectively owned it is not possible to grant them to an individual exclusively.

The proposed law therefore intend to retain ownership of rights with traditional owners but grant to interested persons right to use.

Response to Question 12 : No. The details of the draft model law on this issues are yet to be finalized.

Response to Question 16 : All customary owners of Traditional knowledge and Expressions of Culture.

Response to Question 17 : Yes. The traditional Rights are owned collectively since they can be acquired by groups in [owing group] or outside or individuals within or outside.

Response to Question 18 : Yes. I suppose it's the role of the Administration body to decide.

Response to Question 23 : As mentioned earlier the law will be enacted by the States but there will be an Administration body in place.

Response to Question 24 : Yes. There is a provision which says that the law is in addition to existing IP laws.

Response to Question 25 : Yes. Specifics will be considered when the Solomon Islands consider the draft law under local circumstances.

Response to Question 26 : Until the adoption of the Model Law constantly referred Solomon Islands presently has no special measure to assist it. As mentioned earlier the present regime is Western oriented hence it is also questionable whether it will work. Solomon Islands Copy Right is also an adjusted version of those abroad

Response to Question 27 : While it would be best that we wait until the incorporation of the proposed law as for as Solomon Islands is concerned the Standardization of standards will be a problem due to the fact that our cultural practices and customs differ from place to place.