COUNTRY REPORT OF
Sri Lanka
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OUTLINE

• Introduction
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• Prevailing Act
• NIPO (National Intellectual Property Office)
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SOCIAL INDICATORS

Total area - 65,610 sq. km
Land area - 62,705 sq. km
Inland waters - 2,905 sq. km

Population - 20 million
Population density - 329 persons / sq. km
Literacy rate - 92.5%

Ethnic groups

- Sinhala: 73.92%
- Tamil: 18.12%
- Muslim: 7.10%
- Other: 0.86%
Copy Right Laws
Patents
Designs
Trade Marks

were introduced by Imperial Legislation
• SL Acquired Independence in 1948

• Became a Republic in 1972

• Introduced Open Economy in 1977 as a result, updated all commercial laws to keep up with the challenges
BACKGROUND OF IP LAW

• IP in SL Commenced in 1860

• First Patent granted on 22 Nov. 1860

• Code of Intellectual Property Law No 52 of 1979

(Based on WIPO model for Developing Countries)
Code of Intellectual Property
Law No 52 of 1979

- Administration
- Copyright
- Industrial Designs
- Patents
- Marks
- Offences & Penalties
- Trade Names &
  Unfair Competitions
Code of Intellectual Property
Law No 52 of 1979

Amendments

- No 30 of 1980
- No 02 of 1983
- No 17 of 1990
- No 13 of 1997
- No 40 of 2000

Minor Amendments

No Major Changes

Software Protection Under the Copy Right
Prevailing Act
IP Act No 36 of 2003

• Came into Operation on 12/11/2003
• In line with TRIPS Agreement
• One of the main agreements comes under WTO
• One of the First Countries in South Asian region adopt this model
Objectives of the Act

- To promote national creativity
- To promote such creative efforts
- To honor our international Obligations particularly under TRIPS Agreement
Enforcement

• The infringement of IP rights is a punishable offence in SL

• Court Grants
  - Injunction
  - Damages

• Commercial High Court hears IP matters
Protected Rights

- Copy Right & related Rights
- Inventions (patents)
- Trademarks
- Service Marks
- Certification marks & Collective marks
- Industrial designs
- Unfair competitions
- Geographical indications
- Undisclosed information
Copy Right & Related Rights

- Copyright includes all creative and artistic works such as books, movies, music, paintings, photographs, computer programmes etc.

- The rights take two forms
  - Economic rights
  - Moral rights
Copy Right & Related Rights

• Copyright in Sri Lanka is generally protected during the life of the author and 70 years after his death.

• The works of Sri Lankan authors are protected in all the member countries of the Berne Convention for the protection of literary and artistic works under the national law of the particular country.
Industrial Design

• Legal protection for an industrial design expires on completion of FIVE years since its application for registration.

• Can be renewed TWO consecutive periods in accordance with Sri Lankan Law.
Inventions (patents)

• The State grants the inventor, by means of a patent, the right to exclude others from making, using and selling the qualified invention for a period of 20 years from the date of application for patent.

• The owner of the patent can use, sell or license the patented technology and derive financial benefits.
Inventions (Patents)

- A patent is valid only in the country where it is granted.
- Sri Lanka is a member of the Paris Convention for the protection of industrial property.
- Can claim priority under the Paris Convention for the protection of Industrial Property in its member countries.
Marks (Trade/Service)

• Generally means “a visible sign that is capable of distinguishing the goods or services of different enterprises”

• A mark may consists of a word, a symbol, a device, letters numerals, a name, surname or geographical name ….etc

• In Sri Lanka Trademarks are registered for 10 years period., which run from their date of
Geographical Indications

- GI of Sri Lanka can be protected in all the member countries of WIPO under Madrid Convention.

- GI can be registered under certification mark.
Geographical Indications related with Sri Lanka

- Sri Lanka has taken steps to register following GI’s under certification mark
  - Ceylon Tea,
  - Ceylon Cinnamon,
  - Ceylon Sapphire,
  - Nuwaraeliya Tea
Laws & Policies regarding the plant varieties & traditional knowledge of farmers in Sri Lanka

- Fauna & flora protection ordinance (Act No.49 of 1993)
- Forest ordinance
- Rubber Control Act
- Tea control Act
- Plant Protection Act (Act No35 of 1999)
- Seed Act (No 22 of 2003)
- Has ratified UN convention on Biological Diversity in 1994
NIPO
(National Intellectual Property Office)

• administered the IP system in SL

VISION
To Become a leading development oriented agency offering quality based services with enhanced productivity.
MISSION

To actively contribute to the development of the country by ensuring that the Intellectual Property system fosters an environment conductive to innovate and creative activity, investment and entrepreneurship.
Main Functions

• Administration of intellectual property including the activities relating to registration and post registration of marks, patents, industrial designs, layout designs of integrated circuits and collective societies.
• Collection and dissemination of Intellectual property information.
• Promotion of awareness in the subject of intellectual property.
• Promotion of the use of intellectual property system in the development process by the intellectual property owners, enterprises & industries.
Main Functions

• Fulfillment of international obligations of Sri Lanka relating to intellectual property and promotion of international and regional cooperation on Intellectual property.
• Proposing policies on Intellectual Property.
• Facilitation of enforcement of IP rights including dispute resolution in the field of copyright and related rights.
• Registration and administration of Intellectual Property Agents
Issues / Problems

• Lack of the use of IT
  o e-patents
  o e-trademarks
  o e-designs

• Lack of awareness of the Owners

• Lack of creative efforts
Issues / Problems

• Insufficient Research Facility
  o Equipment
  o Man Power

• Lack of demand from Civil Society

• Lack of Properly established Institutional system
Challenges

• Awareness Programmes
• Regionalize the IP Offices
• To expand on line certifications
• To introduce arbitration & Mediation as a dispute settlement mechanism of IP matters
• To use advanced technologies for Research & Development of IP
THANK YOU