Opportunities and Challenges in the Cook Islands in using the IP System for Economic Growth and Business Competitiveness

1. CI Legislation Background

2. Challenges - Current IP Status

3. Opportunities - National Strategy

4. Proposed IP Infrastructure
1. CI. Legislation Background

- Based on NZ Legislation – from colonial era when NZ governed the CI
- CI adopted NZ Legislations when it gained “Self-governing” in 1965
- International – Initially NZ signed up to treaties, conventions on CI’s behalf. Now CI is starting to sign on it’s own accord
- National – CI adopted and applied NZ Acts. Now CI enacts it’s own legislation

The following conventions have been signed by New Zealand and declared applicable to the Cook Islands:

- International Convention for the Protection of Literary and Artistic Works (Copyright), 1928
- Universal Copyright Convention and Protocols 1, 2 and 3, 1952
- Convention Establishing the World Intellectual Property Organization (WIPO), 1967
- Paris Convention for the Protection of Industrial Property 1883, as Revised 1900, 1911, 1925, 1934, 1958 and 1967
The following New Zealand Acts still apply in the Cook Islands:

- Copyright Act 1962
- Designs Act 1953
- Films and Censorship Act 1985
- Merchandise Marks Act 1954
- Patents Act 1953
- Trade marks Act 1953

ie. Cook Islands IP legislation is outdated

2. Challenges - Current IP Status

- Outdated
- No expertise, skill – lawyers, agents.
- Not a priority for Govt legal agency – limited resources
- Offshore registration – Tahiti NZ
- Very limited awareness, except for those concerned with copyright
3. Opportunities - National Strategy

- Current Economic Sectors:
  - Tourism
  - Black Pearls
  - Offshore Banking
  - Marine
  - Agriculture

- National Strategy: diversify economic base – due to global financial crisis;
- MoCD 2010-11 Business Plan on Cultural Enterprise
- NSDP 2011-16 – Cultural Industries / Creative Industries

4. Proposed IP Infrastructure

- Develop and IP Framework – request WIPO to assist
- Adoption of NZ IP Legislations – CI Parliament. Reserve rights for CI specifics
- Setup an IP desk position mainly for facilitation of information and assistance
- Multi-agency approach:
  - Culture Ministry for contact desk
  - Justice Ministry for Registration
  - BTIB for SMEs training
  - NZ IP Agencies for lawyers, judges
  - Etc.