The Positive and Defensive Protection of Traditional Knowledge and Traditional Cultural Expressions using Intellectual property

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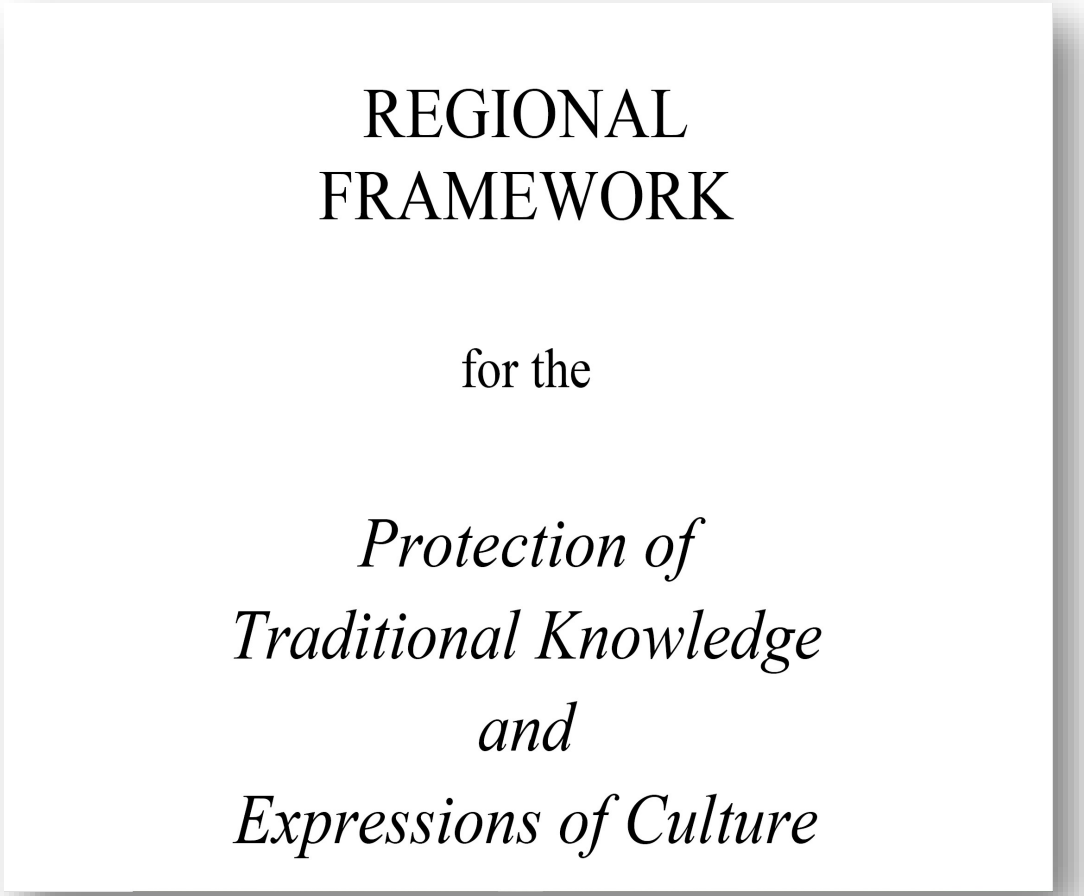
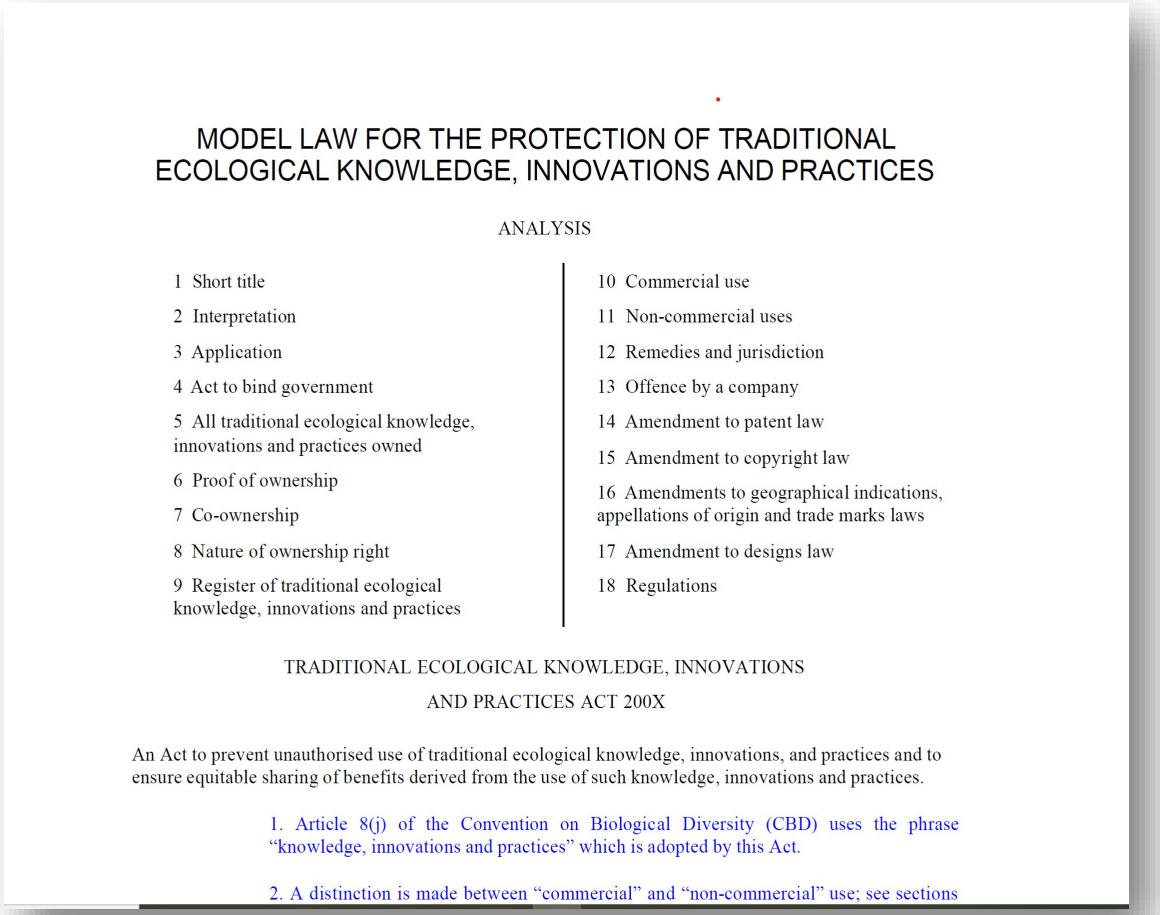
Pacific Regional Model Laws



REGIONAL
FRAMEWORK

for the

Protection of
Traditional Knowledge
and
Expressions of Culture



MODEL LAW FOR THE PROTECTION OF TRADITIONAL ECOLOGICAL KNOWLEDGE, INNOVATIONS AND PRACTICES

ANALYSIS

1 Short title
2 Interpretation
3 Application
4 Act to bind government
5 All traditional ecological knowledge, innovations and practices owned
6 Proof of ownership
7 Co-ownership
8 Nature of ownership right
9 Register of traditional ecological knowledge, innovations and practices
10 Commercial use
11 Non-commercial uses
12 Remedies and jurisdiction
13 Offence by a company
14 Amendment to patent law
15 Amendment to copyright law
16 Amendments to geographical indications, appellations of origin and trade marks laws
17 Amendment to designs law
18 Regulations

TRADITIONAL ECOLOGICAL KNOWLEDGE, INNOVATIONS AND PRACTICES ACT 200X

An Act to prevent unauthorised use of traditional ecological knowledge, innovations, and practices and to ensure equitable sharing of benefits derived from the use of such knowledge, innovations and practices.

1. Article 8(j) of the Convention on Biological Diversity (CBD) uses the phrase "knowledge, innovations and practices" which is adopted by this Act.

2. A distinction is made between "commercial" and "non-commercial" use; see sections

Samoa Legislation

- Constitution of the Independent State of Samoa 1960
- Intellectual Property Act 2011
- Copyright (Amendment) Act 2011
- National Heritage Board Bill
- Protection of Traditional Knowledge Bill

Samoa Policies

- National Heritage Board Report 13/13 2013
- Protection of Samoa's Traditional Knowledge Report 14/15 2015
- National Culture Framework 2018 – 2028
- National Heritage Policy 2018 – 2023
- National Culture in Education Policy 2018 – 2023
- National Cultural Industries Policy 2018 – 2023
- Guideline on Access and Use of Traditional Knowledge Associated with Genetic Resources 2021
- Bio-Discovery Analysis Report 2021
- The Access and Benefit Sharing Database 2021

FIGHT FOR $