

**THE
NATIONAL INTELLECTUAL PROPERTY RIGHTS
COMMITTEE (NIPRC)**

"TERMS OF REFERENCE"

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National Intellectual Property Rights Committee
Terms of Reference

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(NIPRC)

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Objective

To get the National Executive Council (NEC) to revisit its previous decision No. 104/99 in 1999 to revitalise the NIPRC and commission it to carry out those duties and responsibilities as specified in this Terms of Reference.

Background

The NIPRC was formerly known as the *Intellectual Property Inter-Departmental Committee* which was established to discuss and deliberate on our international obligations to the World Trade Organisation (WTO), in particular the Agreement on the Trade Related Aspects of Intellectual Property Rights (TRIPS) and the Convention on the Establishment of the World Intellectual Property Organisation (WIPO). The National Executive Council in its Decision no. 104/99 endorsed the work of the Intellectual Property Inter-Departmental Committee and renamed the committee to the *National Intellectual Property Rights Committee* (NIPRC) in 1999.

The NIRPC was purposely established and tasked to produce draft legislation on intellectual property rights for consideration by NEC and the First Legislative Council. The draft legislation on Patents and Industrial Designs, Copyrights and Neighbouring Rights Act was finally enacted in 2000 and the task of the NIPRC was then complete. There was no further determination or discussion by NEC whether the NIRPC should continue functioning after the IP legislation were enacted.

In view of the developing and pressing issues on intellectual property rights, it is deemed necessary that the NIPRC be revived to carry out its functions perpetually. Consequently, it is essential to involve the participation of relevant government agencies for the formulation of a consultation committee to achieve a more collaborated effort in addressing IF issues in PNG. There are issues on traditional knowledge and expressions of culture, IP issues related to biodiversity, TRIPS requirements and other matters of national importance that the NIPRC committee needs to address.

In order to revive and establish the NIPRC as a proper consultative and advisory committee on Intellectual Property Rights, a Terms of Reference is needed to guide the committee, Hence, a Terms of Reference has been drafted to appropriately to establish and define the functions of the NIPRC.

1. Purpose

The NIPRC will serve as a consultative, advisory and reviewing authority on all policy and legislative matters relating to intellectual property matters and the enforcement of IPR, realisation of PNG's international obligations under IF treaties Papua New Guinea is a member to, and other incidental issues.

2. Functions

2.1 Policy Formulation and Development.

The NIPRC is responsible for the formulation of policies to realise the following -

- (a) Stimulate and/or encourage creativity, innovation and competition among IPR owners in particular recognising the potential sustainable economic benefits for PNG for fuller utilisation of the country's biological resources and traditional knowledge.
- (b) Cooperation and the involvement of the private sector in the protection and promotion of IPR.
- (c) Undertake a coherent assessment of the needs and interests of PNG in order to balance the perceived benefits of IPRs enforcement against perceived costs.
- (d) The formulation of strategic and appropriate policy on enforcement as it is essential for protection of IPR right holders and users.

2.2 Formulation of laws, by-laws and regulations

The NIPRC is responsible for the formulation of laws to -

- (a) Stimulate and/or encourage creativity, innovation and competition among IPR owners.
- (b) Encourage protection for IP right holders
- (c) Enable cooperation and the involvement of the private sector in the protection and promotion of TR.
- (d) Commercialising of IPRs and assistance to IPR owners;

2.3 Review of laws and policies

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- (a) The NIPRC *is* responsible to regularly review and revise the existing IP laws and policies to keep abreast of changing circumstances and needs of the country and any other factors, whether externally or internally oriented.
- (b) The NIPRC will assist the Minister responsible for IP Laws when submissions are to be made to the NEC regarding revision of IF Laws. This assistance will amongst others be in the form of rallying support from other ministers and bureaucrats in those ministries.
- (c) In reviewing and revising the existing IF laws and policies the NIPRC may take into consideration the views of the external stakeholders
- (d) Direction and advice on accession to relevant treaties and conventions and directions on how to implement the obligations and responsibilities under those treaties and conventions.

3. Powers

3.1 The NIPRC has powers to do all things necessary and incidental to achieving or performing its functions and realising its objectives but not to an extent to affect the statutory powers, functions, duties and responsibilities of the Registrar of the Intellectual Property Office of Papua New Guinea.

4. Members of the NIPRC

4.1 The NIPRC shall comprise the following members -

- (a) The Registrar - Intellectual Property Office.
- (b) The Assistant Commissioner for Customs - Internal Revenue Commission.
- (c) The Director for Multilateral Treaties, Department of Foreign Affairs & Trade.
- (d) The Director - WTO Issues, Department of Commerce & Industry.
- (e) The Chairman, Business Council of PNG,
- (f) The Executive Director, National Cultural Commission;
- (g) The Dean of School of Law, UPNG
- (h) The Dean of School of Science, UPNG;