INNOVATION, CREATIVITY, ACCESS TO KNOWLEDGE AND DEVELOPMENT IN PACIFIC ISLAND COUNTRIES
24–25 SEPTEMBER 2012

State, Society & Governance in Melanesia Program and the Regulatory Institutions Network

ANU College of
Asia & the Pacific
General information

Conference venue

Seminar Room 1.04
Coombs Building Extension (Building 8)
Fellows/Garran Road
The Australian National University
Acton ACT 2600
(see map on page 25)

Dinner venue

Asian Café
32 W Row, Canberra ACT 2601
7pm, Monday 24 September 2012
(Attendees own cost)

Conference contacts

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This conference is being hosted by State, Society and Governance in Melanesia, School of International, Political and Strategic Studies, ANU College of Asia and the Pacific, The Australian National University.

We would like to thank the following organisations for their support:
AusAid
Regulatory Institutions Network
Research School of Asia and the Pacific
Australian Research Council
Background

Many Pacific Island countries are currently considering whether to introduce intellectual property legislation, or whether to amend existing legislation. One of the drivers of this process are negotiations to join multilateral Free Trade Organisations, such as the World Trade Organisation, and to sign bilateral Trade Agreements, such as the European Union’s Economic Partnership Agreement and the proposed PACER Plus agreement with Australia and New Zealand. Another driver is concern that the traditional knowledge of the country is currently not adequately protected from the risk of exploitation by third parties. Decisions about what sort of intellectual property regime exists in a particular country can have significant impacts on that country’s development and the lives of its people, particularly in the areas of agriculture, education, health and adapting to climate change. International experience has demonstrated that although intellectual property laws can bring benefits, they can also undermine development by threatening food security, restricting access to knowledge and medicines, and impeding technological transfer and development. State-based intellectual property regimes may also have an impact on customary laws and institutions that currently regulate access to traditional knowledge in the country.

This conference will bring together a range of speakers from throughout the Pacific Island countries, as well as Australia, Europe and the United States, to discuss the implications of intellectual property laws on development in the region. Its purpose is to enable a deeper understanding of the potential advantages and disadvantages of different models of intellectual property protection in the context of Pacific Island countries, to help inform the decisions that will need to be made concerning these issues in the next few years. In undertaking such an enquiry the conference seeks to ask broad questions about the promotion of innovation, creativity and access to knowledge in the region, all of which are aims of western intellectual property laws. Speakers will reflect creatively on how such aims can be promoted, both within and outside, such legal regimes.

This conference is being held as part of a three-year research project into the impact of intellectual property laws on development in Pacific Island countries, conducted by Dr Miranda Forsyth, Dr Katarina Serrano and Professor Sue Farran, funded by the Australian Research Council. Further information about the project and its outputs is available at http://www.ippacificislands.org

A selected range of papers presented at the conference will be published as either an edited book or as a special edition of a journal.
Program

Please note that unless otherwise specified, all presentations will be 15 minutes long with five minutes for questions and half an hour for general discussion at the end of each session.

MONDAY 24 SEPTEMBER

9.00 Opening and welcome
Dr Miranda Forsyth

9.30 KEYNOTE: PUBLIC-PRIVATE PARTNERSHIPS IN GLOBAL INTELLECTUAL PROPERTY
Professor Margaret Chon (Seattle University)

10.15 Morning tea

10.30 PANEL: CONTROLLING ACCESS TO TRADITIONAL KNOWLEDGE PART 1
Facilitator – Siobhan McDonnell
Dr Teweiariki Teaero (University of the South Pacific) – Pasifika ways of controlling things Pasifika
Mr Enrico Luzzatto (European Patent Office) – Traditional Knowledge and Patents: A look at how the European Patent Office deals with the issue
Mr Douveri Henao (Institute of National Affairs, Papua New Guinea) – Protecting and Promoting Traditional Knowledge as a Tool for Economic Development in the Pacific
Mr Houlton Faasau (Samoa Law Reform Commission) - Safeguarding Traditional Knowledge and Traditional Cultural Expressions – Samoa

12.30 Lunch

1.30 PANEL: COMMUNITY MANAGEMENT OF TANGIBLE AND INTANGIBLE RESOURCES
Facilitator – Chris Ballard
Dr Lawrence Kalinoe (Justice and Attorney General Department, Papua New Guinea) – Benefit sharing arrangements for communally owned property including traditional knowledge
Dr Monika Stern (Centre for Research and Documentation on Oceania) – Traditional Ways of Music Exchanges in North Vanuatu (in absentia)
Dr Katharina Serrano (University of the South Pacific) – Intangible Cultural Heritage and Development
Ms Ingrid Ahlgren (The Australian National University) – The 3 Pillars - Land Sea and Sky, or Secrecy Power and Revision: A Marshallese Treatment of the UNESCO ICH Convention

3.30 Afternoon tea

3.45 PANEL: CULTURAL INDUSTRIES AND DEVELOPMENT
Facilitator – Sue Farran
Mr Eliesa Tuiloma (Fiji) – The potential of cultural industries for development
Dr Katerina Teawia (The Australian National University) – Structuring the Cultural Sector across the Pacific: the Work of the Human Development Program of the SPC
Mr Salvin Nand (University of Fiji) – ‘The New Economy’: Utilizing Creative, Cultural and Innovative Industries for Sustainable Socio-Economic Development in Fiji
Mr George Borugu (Ministry of Trade, Tourism and Industry, Vanuatu) – The Challenges of Promoting Intellectual Property in Vanuatu and the Tourism Sector

5.30 Conference close

7.00 Conference Dinner: Chinese restaurant in Acton (attendees own expense)
TUESDAY 25 SEPTEMBER

9.00 KEYNOTE: INDIGENOUS DEVELOPMENTAL NETWORKS AND THE ADAPTIVE MANAGEMENT OF INTELLECTUAL PROPERTY
Professor Peter Drahos (The Australian National University)

9.45 PANEL: EFFECTS OF COPYRIGHT LAW ON DEVELOPMENT
Facilitator – Miranda Forsyth
Mr Joseph Daurewa (Fiji Audio Visual Commission) – Copyright Prosecutions in Fiji
Ms Ruwani Somaratne and Ms Shareeni Kala (Fiji National University) – Challenges of Copyright Laws for Education in a Fiji University
Mr Ano Tisam (Whupi LTD, Cook Islands) - Cook Islands Maori Database Project (via skype)

10.45 Morning tea

11.00 PANEL: INTELLECTUAL PROPERTY, CLIMATE CHANGE AND NATURAL RESOURCES
Facilitator – Erika Techera
Dr Matthew Rimmer (The Australian National University) – Intellectual Property, Climate Change, and Indigenous Knowledge
Dr Kamalesh Adhikari (The Australian National University) – Victory in Crisis: No to UPOV Campaign in Nepal
Ms Yuri Suzuki (Macquarie University) – Regulation of access to Traditional Knowledge: Approaches and Challenges in the South Pacific
Professor Sue Farran (University of Northumbria) – Food security in Pacific Island countries

1.00 Lunch

2.00 PANEL: CONTROLLING ACCESS TO TRADITIONAL KNOWLEDGE PART 2
Facilitator – Professor Sue Farran
Mr Francis Waleanisia (Solomon Islands) – Combating Misappropriation of Traditional Knowledge, Expressions of Culture and Related Rights (Solomon Islands Experience)
Professor Erika Techera (University of Western Australia) – Protecting Nature and Culture: Enhancing Legal Frameworks for the Protection of Natural Resources and Cultural Heritage in the Pacific
Ms Rebecca Monson (The Australian National University) – The Problem of Property: knowing and speaking about land in Solomon Islands

3.30 Morning tea

3.45 PANEL: INTELLECTUAL PROPERTY AND FREE TRADE AGREEMENTS AND DEVELOPMENT
Facilitator – Katharina Serrano
Mr Eliesa Tuiloma (Fiji) – Intellectual Property and Free Trade Agreements and Public Health and Private Monopolies
Dr Miranda Forsyth (The Australian National University) – The Developmental Ramifications of Vanuatu’s Intellectual Property World Trade Organisation Commitments
Mr Joseph Foukona (The Australian National University) – Intellectual Property in Solomon Islands
Senator Rinson Edmond (Kosrae State Legislature, Federated States of Micronesia) – Can Micronesian’s ‘Paint’?

5.00 Conference close
MONDAY 24 SEPTEMBER

PUBLIC-PRIVATE PARTNERSHIPS IN GLOBAL INTELLECTUAL PROPERTY
Professor Margaret Chon, School of Law, Seattle University

The knowledge goods incentivised and privatised by intellectual property (IP) can be more explicitly linked to the optimal production of other global public goods such as disease control, education, environmental sustainability and other aspects of human flourishing within human development, human rights and sustainable development paradigms. IP can be tethered to these other public goods through the potentially more participatory and dynamic legal pathways promised by global governance models such as public-private partnerships (PPPs). PPPs represent very specific forms of global regulation, albeit varying with the relevant technologies (including technologies of regulation), goals and participating actors. Professor Chon will discuss how PPPs in IP instantiate the centuries-old recognition that IP is a hybrid type of regulation – one in which ‘[t]he public good … coincides … with the claims of individuals’ and will illustrate how PPPs may further or impede development in the South Pacific region.

ARA BWAI, ARA KAWAI: PASIFIKA WAYS OF CONTROLLING THINGS PASIFIKAN
Dr Teweiariki Teaero, University of the South Pacific

The recent surge in interests in the traditional knowledge of the Pacific Island has presented the islands with particular challenges as they attempt to successfully confront the demands of the globalised world and simultaneously retain and promote the key elements of their cultures, in particular their traditional knowledge systems.

This paper highlights the indigenous Pacific peoples’ ideas and processes relating to controlling access to and use of their traditional knowledge from some PICs (Kiribati, Cook Islands, Marshall Islands and Fiji). It then identifies and explores key tensions between indigenous and exogenous notions and practices of control and protection. Finally, it employs postcolonial and postmodernist navigators’ ‘eyes’ to propose grounded strategies for navigating and harmonising these tensions. The presentation is based on recent work carried out by the author and fellow-Pacific Island colleagues for the Pacific Islands Forum Secretariat sponsored by the World Intellectual Property Organisation on the protection of traditional knowledge.

TRADITIONAL KNOWLEDGE AND PATENTS: A LOOK AT HOW THE EPO DEALS WITH THE ISSUE
Mr Enrico Luzzatto, European Patent Office

In a sensitive field such as Traditional Knowledge (TK) and/or Genetic Resources (GR)-related inventions even a single patent that turns up to have been unduly granted (i.e. where relevant prior art has been missed or not properly taken into account) can create mistrust and a negative perception of the patent system in general and of the EPO as the involved granting authority in particular. All efforts must be made to avoid this, also because patent rights could represent one of the opportunities for TK holders to obtain those benefits which, as clearly stipulated in the Convention on Biodiversity and the Nagoya Protocol, they are entitled to. The presentation will briefly introduce the role and structure of the European Patent Office and some of the basic legal requirements as set out in the European Patent Convention, which are most relevant to TK-related inventions. The instruments at the examiners' disposal and the challenges that may be encountered by them when searching and examining TK-related patent applications will be discussed, along with the steps the EPO has taken and intends to take to avoid the undue grant of TK-related patents, emphasising the importance of cooperation between TK holders and patent granting authorities as the EPO. Examples taken from the actual EPO practice and case-law will support the discussion. A look at the possible future developments in the field will conclude the presentation.
PROTECTING AND PROMOTING TRADITIONAL KNOWLEDGE AS A TOOL FOR ECONOMIC DEVELOPMENT IN THE PACIFIC
Mr Douweri Henao, Institute of National Affairs, Papua New Guinea

The Pacific’s reliance on its natural resources of fisheries, forestry, mining and petroleum are creating a time bomb that may be triggered by external shocks. There is a race to deploy diversification policies to draw activities out of this ‘extractive’ assembly line. Agriculture, tourism and others have been touted as the panacea to heal them from the resource curse. Unfortunately, these sectors are still contingent on external factors to develop and therefore remain vulnerable. A paradigm shift is required whereby a significant portion of the local content of a venture must be sourced, formulated, processed and retailed in the pacific. This would mean both supply and value chain actors must be actively operating in the pacific as well. One sector that covers this notion is the knowledge based industries and in particular, traditional knowledge sector. With unlimited source of materials, a high inclusive rate of operators, stable demand, it has the potential to be a tool for economic development for the pacific. No doubt significant challenges remain in a stable and predictable policy and legal framework for operators to confidently commercialise TK products. The pacific has taken the bold step to do this and we are already beginning to see evidence that there is more to the pacific economy then fish, rocks and timber.

SAFEGUARDING TRADITIONAL KNOWLEDGE AND TRADITIONAL CULTURAL EXPRESSIONS – SAMOA
Mr Houlton Faasau, Samoa Law Reform Commission

The Samoa Law Reform Commission is mandated by Cabinet to examine the feasibility of IP framework in protecting Samoa’s TK and TCEs. The Commission was also asked to look into developments in other comparable jurisdictions in protecting their TK and TCEs. The Commission’s initial research (Issues Paper 08/10) discussed the weaknesses of the IP framework and discussed approaches adopted regionally and by comparable jurisdictions. The Commission is finalizing its Final Report on this Reference. This paper will discuss the Commission’s findings and recommendations under this Report. The paper will also make references to challenges it encountered during this journey and how the Commission adapted.

BENEFIT SHARING ARRANGEMENTS FOR COMMUNALLY OWNED PROPERTY INCLUDING TRADITIONAL KNOWLEDGE
Dr Lawrence Kalinoe, Justice and Attorney General Department, Papua New Guinea

TRADITIONAL WAYS OF MUSIC EXCHANGES IN NORTH VANUATU
Dr Monika Stern, Centre for Research and Documentation on Oceania

Music is a social phenomenon, which allows the possibility of indefinite re-creations. In many cultures, musical borrowings are the very essence of creation, as can be seen in the tradition of jazz or, more recently, techno music. Depending on the cultures, the places and the times, these musical exchanges have been locally managed in various ways. Today, the rights to copy a particular music have become a sensitive topic of current international interest because of the development of the music industry, with the technical possibilities of large-scale reproduction and the commercial character of recordings and performances.

In Vanuatu custom, a principle very close to the concept of intellectual property rights has existed for centuries, whether it be for songs, dances, or other intangible knowledge such as stories, designs woven into a basket or a mat, sand drawings, a magic formula, a medicinal plant, etc. Traditionally, it is not everyone who has the right to hand over certain parts of this knowledge as they see fit. Complex rules must be observed, particularly through the system of traditional exchanges. While for most sets of music anyone who knows a song can sing it, a certain number of sets exist that are governed by very precise rules of transmission. Through examples of ceremonies and specific cases observed in the north of Vanuatu, I would like to present in this article various ways in which music can be circulated, exchanged with other valuable objects of traditional currency such as red mats, pigs or even coins of modern currency (the vatu).
INTANGIBLE CULTURAL HERITAGE IN THE PACIFIC ISLANDS: WHY EUROPE SHOULD LISTEN IN
Dr Katharina Serrano, School of Law, University of the South Pacific

Pacific Island countries (PICs) are developing countries representing one of the culturally richest and most diverse regions worldwide. A decade ago, the realization evolved at international level that intangible cultural heritage (ICH) represents a development tool with an inherent commercial value. Regional initiatives are currently trying to balance objectives of development and protection of ICH with the need for commercial exploitation and effects of commodification. Yet, the same cannot be said about the Economic Partnership Agreement (EPA) between PICs and the EU. The article advocates that current EU efforts in supporting regional and national processes meant to establish a preliminary level of legal protection for Pacific ICH are insufficient and inappropriate to the ‘living’ character of ICH. It promotes a more context-oriented design of intellectual property rights (IPR) provisions in EU policy instruments aimed at sustainable development of the Pacific region.

THE PROBLEM OF PROPERTY: KNOWING AND SPEAKING ABOUT LAND IN SOLOMON ISLANDS
Ms Rebecca Monson, The Australian National University College of Law

In the last decade there has been a resurgence of interest in customary land tenure and the management of land disputes among national governments, donor agencies and scholars of the South Pacific, particularly Melanesia. Solomon Islanders often describe land tenure in terms that construct it as ‘a problem’. Subsistence gardeners in rural areas and legal practitioners in Honiara alike complain about protracted litigation, and people often speak of the need to ‘straighten out kastom’ and increase legal certainty.

Land tenure in Solomon Islands is dynamic, contested and contingent, but not all people are equally well positioned to influence the process of ‘straightening out’ kastom. In particular, once contests over land enter the arenas established by the state, it is primarily male leaders who perform, endorse and reject claims to land as property. I suggest that the dominance of senior men in these arenas cannot be understood simply in terms of customary ideals about who may ‘talk’ and have access to particular kinds of knowledge. Rather, soliciting the state’s recognition of claims to land as property has become a vital avenue to economic and political power in contemporary Solomon Islands. This means that contests over property rights in land not only reflect social differentiation, but constitute it. I conclude by suggesting that studies of the conversion of ‘place’ into ‘property’ contain important insights into processes of social differentiation that may also arise from the transformation of intangible cultural heritage into intellectual property.

THE 3 PILLARS - LAND SEA & SKY, OR SECRECY POWER & REVISION: A MARSHALLESE TREATMENT OF THE UNESCO ICH CONVENTION
Ms Ingrid Ahlgren, Resource Management in Asia-Pacific Program, The Australian National University

In June 2011, the Republic of the Marshall Islands Historic Preservation Office (RMIHPO) in conjunction with UNESCO hosted a national level discussion on the safeguarding of its intangible cultural heritage (ICH). Over the course of this four-day meeting, more than 25 select knowledge-keepers from each atoll, in addition to traditional chiefly and government representatives assembled to address a perceived culture loss and the possibility of a contemporary protection plan. Being the first of its kind, the welcoming reception of such an open and multi-voiced meeting was a landmark moment for the country, where certain cultural knowledge has typically been the guarded arena of elderly experts (ri-kapeel) and foreign anthropologists. In the development of the workshop program several drafts were developed, rejected, and contested, with the sample outlines provided from Pacific neighbors of Kiribati, Samoa, and Palau abandoned. Instead, a uniquely Marshallese format was adopted, organized by the ‘aeloñ kein’ cosmological concept of the three pillars of land, sea and sky (joor ene, joor meto, and joor lañ). This paper examines the UNESCO approach to ICH in the Pacific from a participant observer position, using the RMI’s treatment and molding of the convention’s standards as a critical case study in the applicability of a formalized framework in Micronesia. The program planning, meeting discussion, and controversial meeting adjournment are examined to highlight three dominant themes in the RMI’s ongoing struggle with the
expression and transmission of traditional mores in the face of colonial and post-colonial modernity: secrecy, power and revision.

Despite general excitement about addressing culture loss, much debate was sparked over a few key issues: which heritage forms should be protected (and, which should be allowed to effectively slip into historical oblivion), who should have access to the knowledge, and who had the authority to make these decisions. Select traditions were strategically omitted from the agenda during the planning process (namely sexual practices and sacred navigational poems), and others publicly condemned during the meetings as no longer valid in a contemporary Marshallese world (e.g. ‘black magic’). Some elders spoke of chiefly demands to omit key or comprehensive heritage details to their communities and anthropologists alike. Previously unshared knowledge of natural resource management by one master navigator surprised and awed the other participants. And in the last few minutes of the workshop, one chief contested the group’s perceived authority and complained that elements of the discussions were an assault on the respect due to chiefs, and thereby blatant balk to tradition. This effective stalemate at the meeting’s conclusion brought the entire effort into question, and the efficacy and advantages (or disadvantages, rather) of such formalized conventions in Micronesian cultures. This paper addresses these challenges in balancing UNESCO’s broad and well-intentioned agenda of protection and promotion with the strong undercurrent of secrecy still evident in the Marshall Islands, with the hope of creating a useful discussion tool for creating a more realistic and effective contemporary heritage management program.

THE POTENTIALS OF CULTURAL INDUSTRIES FOR DEVELOPMENT

Mr Elisa Tuiloma

Pacific island countries are mainly made up of traditional communities. The paper highlights that traditional knowledge and traditional cultural expressions; the foundation of the creative and innovative industry in the South Pacific countries, contribute to their social and economic development. On the other scale, intellectual property promotes and reward creation and innovation with the general public benefiting from the inventions. Highlighting these functional and cultural policy similarities should not separate developed and the developing countries views on protection of traditional knowledge and traditional cultural expressions, but secure greater appreciation and recognition of reciprocity under customary law to their usage and ownership.

The paper clarifies that regional co-operation is vital in areas of policy and legislative development, reforms of a mutual recognition and enforcement system of traditional knowledge and traditional cultural expressions and intellectual property in the South Pacific island countries because of similarities in their cultural markets and close community ties. The paper concludes that promotion and protection goes hand in hand during the commercialisation process of cultural industries.

STRUCTURING THE CULTURAL SECTOR ACROSS THE PACIFIC: THE WORK OF THE HUMAN DEVELOPMENT PROGRAM OF THE SPC

Dr Katerina Teaiwa, School of Culture, History and Language, The Australian National University

This presentation will reflect on recent work within the Culture Division of the SPC to ‘Structure the Culture Sector for Improved Human Development,’ funded by the European Union and coordinated by Dr Elise Huffer. The program involves cultural mapping, planning, and policy development projects as well as initiatives for cultural industries with the Pacific Islands Forum, UNESCO and other partners. The recent successful Festival of Pacific Arts in the Solomon Islands indicates a surge of interest and activity within this emerging ‘culture sector,’ along with new discussions on cultural rights facilitated by the UN Special Rapporteur, Ms. Farida Shaheed, plans for further World Heritage sites across the region, and the establishment of a Pacific Heritage Hub at the University of the South Pacific.
‘THE NEW ECONOMY’: UTILIZING CREATIVE, CULTURAL AND INNOVATIVE INDUSTRIES FOR SUSTAINABLE SOCIO-ECONOMIC DEVELOPMENT IN FIJI
Mr Salvin Nand, School of Law, University of Fiji

Today, creative, cultural and innovative industries are becoming important differentiators and drivers of competitiveness and economic development in many regions of the world. Creative industry has many characteristics such as knowledge-intensive, high-value-added and deep penetrable. The characteristics determine that the development of creative industry not only directly promotes the economic growth but also drives upgrade of the other industries, and which then promotes economic growth indirectly. Pacific Regions have long been projected as pristine paradise with vast cultural, natural and biological resources that have unique opportunities for sustainable economic development in Pacific Island countries (PIC). PICs have great potential to develop vibrant creative industries using their own tangible and intangible cultural properties.

However, to create and sustainably utilize benefits from cultural economy, creative industries needs be developed, using local customs, traditions and traditional knowledge. Secondly, creative industries need to be protected and creatively exploited using appropriate intellectual property mechanisms. This paper intends to propose new methods for evaluating the role of intellectual property laws in the development of creative industries and the role of those industries in economic, social and cultural development suitable for Fiji.

THE CHALLENGES OF PROMOTING INTELLECTUAL PROPERTY IN VANUATU AND THE TOURISM SECTOR
Mr George Borugu, Vanuatu Tourism Office, Vanuatu
INDIGENOUS DEVELOPMENTAL NETWORKS AND THE ADAPTIVE MANAGEMENT OF INTELLECTUAL PROPERTY
Professor Peter Drahos, Regulatory Institutions Network, The Australian National University

The paper argues that development based on the use of indigenous knowledge assets requires the presence of an indigenous developmental network capable of adaptively managing the rules of intellectual property. Adopting adaptive management is critical because the rules of intellectual property are permeated by state and big business interests. The geo-political dynamics around intellectual property rights leave indigenous people little option but to manage existing standards of intellectual property rights for the purposes of development. The paper concludes by suggesting how an indigenous developmental network might operate.

COPYRIGHT PROSECUTIONS IN FIJI
Mr Joseph Daurewa, Fiji Audio Visual Commission

Since the introduction of the Copyright Act of Fiji in 1999 and its recent amendment, Fiji has seen a fluctuation in the respect of intellectual property rights. This research looks at copyright infringement, in particular movie piracy and the laws that relate to it including the Berne Convention, other relevant international instruments and domestic laws.

Research was undertaken in assessing a recent movie piracy case, which serves as a precedent for movie piracy cases in Fiji. This particular case shows that Fiji is ready to undertake efficient and effective prosecutions of movie piracy cases. However, it also shows a lack of commitment by enforcement agencies. The research concludes that Fiji needs holistic commitment to move forward in protecting and respecting intellectual property rights, in particular copyright.

CHALLENGES OF COPYRIGHT LAWS FOR EDUCATION IN A FIJI UNIVERSITY
Ms Ruwani Somaratne and Ms Shareeni Kala, Fiji National University

Globalization certainly poses new questions as to the relation between copyright law and the education. In an Information Communication Technology (ICT) environment, a benefit factor is how best the educational resources are available regards to maintaining laws such as copyright. The changing trends, digitalization of resources has added new challenges in the area of education especially in the Pacific Island Countries (PICs). The use of internet search, online database, and electronic resources has grown with the advancement of the technologies. This study aims to elaborate on the challenges that exist in smaller nations like Fiji and PICs. The paper will identify, analyse and evaluate how education is affected by such challenges at Fiji National University.

COOK ISLANDS MAORI DATABASE PROJECT
Mr Ano Tisam, Chief Information Officer, Whupi Ltd

There is growing concern among Cook Islanders at home and abroad regarding the survival of the Cook Islands Maori language. Several of the languages and dialects spoken in the Cook Islands are on UNESCO’s endangered languages list including Rarotongan, the most widely spoken Cook Islands Maori Dialect. The Cook Islands Maori Database is an online project developed in the Cook Islands by Cook Islanders to help regenerate interest in the language particularly with the younger generation of Cook Islanders. This presentation will look at the background of the Cook Islands including intellectual property and copyright laws, the settings in which the development of the Cook Islands Maori Database project took place, the challenges and opportunities and possible future directions for the project.
INTELLECTUAL PROPERTY, CLIMATE CHANGE, AND INDIGENOUS KNOWLEDGE
Dr Matthew Rimmer, The Australian National University College of Law

There have been fierce debates over intellectual property, the environment, and climate change at summits in Copenhagen, Cancún, Durban, and Rio over the last few years. The question of the protection of Indigenous intellectual property and traditional knowledge emerged during these international discussions. A recent report Weathering Uncertainty by UNESCO and the United Nations University has emphasized that there is a need to take into account Indigenous communities and traditional knowledge in the debates over climate change:

‘When considering climate change, indigenous peoples and marginalized populations warrant particular attention. Impacts on their territories and communities are anticipated to be both early and severe due to their location in vulnerable environments, including small islands, high-altitude zones, desert margins and the circumpolar Arctic. Indeed, climate change poses a direct threat to many indigenous societies due to their continuing reliance upon resource-based livelihoods. Heightened exposure to negative impacts, however, is not the only reason for specific attention and concern. As many indigenous societies are socially and culturally distinct from mainstream society, decisions, policies and actions undertaken by the majority, even if well-intended, may prove inadequate, ill-adapted, and even inappropriate. There is therefore a need to understand the specific vulnerabilities, concerns, adaptation capacities and longer-term aspirations of indigenous peoples and marginalized communities throughout the world. Indigenous and traditional knowledge contribute to this broader understanding.’

The report notes: ‘Although nascent in climate science, indigenous knowledge has been widely recognized in fields such as agroforestry, traditional medicine, biodiversity conservation, customary resource management, applied anthropology, impact assessment, and natural disaster preparedness and response.’ In this context, there has been a particular concern about the protection of Indigenous intellectual property and traditional knowledge — particularly relating to climate science and environmental science.

The Indigenous Peoples Global Summit on Climate Change in Anchorage in 2009 produced a declaration, emphasizing: ‘We encourage our communities to exchange information while ensuring the protection and recognition of and respect for the intellectual property rights of Indigenous Peoples at the local, national and international levels pertaining to our Traditional Knowledge, innovations, and practices.’ Nonetheless, the agreements in Copenhagen, Cancún, and Durban failed to find consensus on text on intellectual property and climate change, let alone specifically on the topic of Indigenous intellectual property.

The Rio+20 The Future We Want text emphasized the importance of the participation of indigenous peoples in the achievement of sustainable development.’ It noted ‘that small island developing States remain a special case for sustainable development in view of their unique and particular vulnerabilities, including their small size, remoteness, narrow resource and export base, and exposure to global environmental challenges and external economic shocks, including to a large range of impacts from climate change and potentially more frequent and intense natural disasters.’ The agreement, though, lacked firm substantive obligations protecting Indigenous knowledge. Nonetheless, there have been initiatives to promote a Global Indigenous network in order to provide better practical protection of environmental traditional knowledge.

VICTORY IN CRISIS: NO TO UPOV CAMPAIGN IN NEPAL
Dr Kamalesh Adhikari, Regulatory Institutions Network, The Australian National University

Implementing intellectual property (IP) rules has been a major development concern for developing and least-developed countries. In particular, least-developed countries such as Nepal are faced with special challenges to address the implications of IP rules for food security, traditional seed systems, and farmers’ rights to access and use seeds of their local needs. These countries are, however, required and/or pressured to consider strict rules of patents and plant breeders’ rights, mostly by developed countries who have a major interest to promote the interest of their multinational seed companies. This paper discusses the international political economy of how Nepal, a poor and land-locked least-developed economy, was and still has been under pressure to pursue strict and broad IP rules either during multilateral or bilateral trade negotiations. Highlighting how a campaign was launched in 2003 to help Nepal fend off the pressure to join a global IP agreement—the International Union for the Protection of New Varieties of Plants (UPOV)—within the World Trade Organization (WTO) system, the paper draws attention towards recent
bilateral developments to thwart Nepal's preparedness to develop its own *sui generis* IP legislation. The paper concludes with some recommendations as to how smaller countries need to work together at multilateral, regional and bilateral levels to safeguard their local and national interests.

**REGULATION OF ACCESS TO TRADITIONAL KNOWLEDGE: APPROACHES AND CHALLENGES IN THE SOUTH PACIFIC**
Ms Yuri Suzuki, Department of Law, Macquarie University

The main aim of this paper is to examine current position of regulatory frameworks addressing the issue of access to genetic resources (GR) and associated traditional knowledge (TK) with equitable benefit sharing (ABS) from their use with specific focus on the case of Vanuatu. Regulatory frameworks regarding ABS are of international significance because of its social, economic and cultural implications for Indigenous and local communities (ILCs) in general and in the South Pacific countries in particular.

Vanuatu has opted for State based approaches in regulating access to GR and TK whilst it leaves primary control to regulate access to such resources to respective traditional landowners and/or holders of TK. This can be seen to reflect the fact that the vast majority of the land area as well as TK are held by ILCs and customary governance system have gained a formal recognition at constitutional level.

It is concluded that Vanuatu’s regulatory approaches is commendable and appropriate although what is notable weakness for Vanuatu is that a generic ABS legislation, namely the Environmental Conservation and Management Act 2003 does not provide a detailed mechanism for the implementation of ABS. It also addresses a set of related concerns with the current regulatory approaches. These include, inter alia: lack of funding and institutional capacity, actual utilization of the generic ABS legislation as well as institutional coordination and cooperation across government departments in addressing the issue.

**FOOD SECURITY IN PACIFIC ISLAND COUNTRIES**
Professor Sue Farran, Faculty of Law, University of Northumbria

This paper considers the advantages, disadvantages and challenges confronting the use of intellectual property regimes in the context of food security. The debate is particularly pertinent as many Pacific Island countries are increasingly feeling the pinch of rapidly growing populations and the adverse consequences of climate change. These, together with escalating food and fuel prices caused by the global economic situation mean that poor nutrition, poverty and hunger are becoming real concerns in the region. While there has been some shift towards commercial agriculture and mono-cropping, subsistence cultivation remains an important aspect of the daily lives of many Pacific islanders and reflects the traditions of cultivation practices which for centuries have preserved bio-diversity and provided a buffer against crops failures and the damage caused by natural disasters. Today, these aspects of food security are under pressure. Access to disease resistant crops and climate adapted livestock may provide a solution, but it is a solution which comes at a price, because the research and development of these resources are commonly protected by intellectual property rights vested in others. There is a tension therefore, between localism and globalism when it comes to food security. Genetically modified crops, blight resistant cultivars, and the possibility of harvesting higher yields may all usefully address some of the food security concerns of Pacific Island countries, but access to these resources is expensive and prohibitive. At the same time, traditional agricultural practices, cultivation knowledge and a biodiversity of resources, may be vulnerable to unprotected exploitation either by other Pacific islanders or by outsiders. Arriving at an intellectual property regime that can address the concerns and interests of all involved in growing food is, as this paper will explain, a major challenge.
COMBATING MISAPPROPRIATION OF TRADITIONAL KNOWLEDGE, EXPRESSIONS OF CULTURE AND RELATED RIGHTS (SOLOMON ISLANDS EXPERIENCE)

Mr Francis Waleanisia

The Pacific Festival of Arts Bill 2012 in brief seeks to –

1. Establish the Festival of Pacific Arts National Organizing Committee (‘Committee’);
2. Protect, promote and encourage the commercialization of Traditional Knowledge and Expressions of Culture and the Pacific Arts Indicia;
3. Create a Monopoly in Media Rights and regulate Media activities to minimize authorized broadcasting and publication of protected Traditional Knowledge and Expressions of Culture during the Festival Period.

Preceding commencement, an Information Booklet on Intellectual Property rights in general but importantly in relation to Traditional Knowledge and Expressions of Culture will be produced and circulated and the Committee will be engaged in a lot more media publication and awareness on the effects of the Bill commencing June 2012 through workshops and through the local newspapers and the TV Company. This will continue during the Festival in side event symposiums. After the Festival it is envisaged that a survey will be carried out to examine issues under the above objectives especially to find out the extent to which those legal mechanisms have worked in terms of protecting Traditional Knowledge intellectual property rights in general and importantly, also in its role in preserving and promoting culture. While the specifics of the proposed survey will be finalized later, at this stage some of the questions that may require answering include –

1. Is law a good means to protect, preserve and promote culture and our traditional knowledge and expressions of Culture?
2. Did the law succeed in providing the level of protection that was necessary for Intellectual property rights in Traditional Knowledge and Expressions of Culture?
3. Did the law enable Rights Holders to use monopolize and to use their Traditional Knowledge and Expressions of Cultures for their own gains?
4. Did the law in terms of media activities restrict the misappropriation of IP rights using the media?

The information gathered after the Festival should feed into the process that will continue from thereon in relation to the finalizing the Traditional Knowledge and Expression of Culture Bill which at present is also in the Ministry responsible plan to be enacted sooner than later. This Bill is specific to Intellectual Property Rights in Traditional Knowledge and Expressions of Culture thus the experience from the Festival in that regard will be beneficial.

PROTECTING NATURE AND CULTURE: ENHANCING LEGAL FRAMEWORKS FOR THE PROTECTION OF NATURAL RESOURCES AND CULTURAL HERITAGE IN THE PACIFIC

Professor Erika Techera, University of Western Australia

It is well-recognised that for Pacific Island peoples nature and culture are inextricably linked. The protection of the natural environment and biodiversity are essential for the maintenance of traditional and contemporary lifestyles and cultures. Conversely many aspects of Pacific intangible heritage are inherently associated with natural resources. Therefore, the protection of nature and culture cannot be separated in this context. More broadly the protection of the unique biodiversity and cultural heritage in this region of the world are significant for all people. Their importance extends beyond ensuring cultural integrity and environmental health to providing a possible avenue for sustainable economic development. The opportunities and challenges are illustrated, for example, by tourism. Tourism can assist the conservation of both nature and culture by raising awareness, providing valuable livelihood options and incentivising the protection of both. But it is not without risks. Therefore, appropriate legal frameworks are essential to facilitate enhanced protection, mitigate threats and guide best practice management. International environmental and heritage laws can play an important standard setting, capacity building and educative role for Pacific Island nations. But specific laws must be tailored to the local Pacific context. In circumstances where many natural and cultural resources are in the hands of local villages, community-based frameworks are arguably the most appropriate. But addressing both international law obligations and community-based management remain significant challenges. In many cases, there are inadequate legal frameworks to protect natural resources and cultural heritage; and in other situations existing legislation
and administration is fragmented. This presentation will explore the obstacles, opportunities and options for enhancing regulatory frameworks for natural resources and cultural heritage in the Pacific and how they can facilitate more integrated protection of nature and culture.

**IP IN FREE TRADE AGREEMENTS**
Mr Elisa Tuiloma

Developing countries are concluding free trade agreements with developed countries. While developing countries are focused on their achievement of sustainable economic development, developed countries mostly succeed in including higher protection measures by the inclusion of TRIPS-Plus protection. This paper highlights the likely impacts that these TRIPS-Plus provisions will exert on those developing countries that agree to the inclusion of such provisions.

The paper will also explain and draw together available evidence that strong intellectual property protection are not directly linked to foreign direct investment, access to information and innovation and creativity.

In health, the paper explains that intellectual property provisions create chance for the increase in medicine prices and difficulty in enforcement of tobacco control.

In the manufacturing sector, the paper discusses the impact of higher intellectual property protection on cultural and traditional knowledge industry and on countries where industrialisation have been done with little intellectual property protection.

In agriculture, the paper will explain and also draw on the impact of FTA on farmer's yields and productivity in organic produce with the adoption of terminator technology. Discussion is also drawn on the extinction to traditional crops and dilutions to traditional farming and propagation methods.

In climate change, the paper elaborates on the issue of whether patents of developed countries for the technology they own are going to affect the technology transfer to developing countries. Developing countries want more collaboration on their creation and innovation, increase trading and technology transfer and less use of intellectual property protection to exclude others.

**THE DEVELOPMENTAL RAMIFICATIONS OF VANUATU’S INTELLECTUAL PROPERTY WORLD TRADE ORGANISATION COMMITMENTS**
Dr Miranda Forsyth, Regulatory Institutions Network, The Australian National University

After over a decade of protracted negotiations, Vanuatu joined the WTO this year. Intellectual property provisions formed part of the package that Vanuatu signed up to, and included some TRIPs Plus provisions. This paper will look at the potential effects that these new undertakings will have on key areas of development, including education, access to medicines and agriculture. The paper will also discuss some of the general misunderstandings - by the public, politicians and key stakeholders - about intellectual property which became evident in the course of the debate over WTO membership.

**INTELLECTUAL PROPERTY IN SOLOMON ISLANDS**
Mr Joseph Foukona, The Australian National University

IP laws in Solomon Islands dealing with patent and trademark are adopted from UK while copyright is protected under a national copyright legislation. However, the administration and enforcement of the copyright legislation is problematic because State support and capacity is limited. Piracy of copyrighted materials including unauthorised recording or duplication of songs, images, films and cultural expressions are prevalent. This paper will look at the development of IP law in Solomon Islands followed by an analysis on the copyright legislation.
CAN MICRONESIANS PAINT?
Senator Rinson Edmond, Kosrae State Legislature, Federated States of Micronesia

Despite decades of assistance conventional approaches to development in the FSM appear to have had limited success.

Whilst development experts talk about development, lawyers talk about the rule of law, economists talk about the economy, this paper argues that development needs to be seen through the lense of the Micronesian cultures and asks what is missing in the jigsaw puzzle of development and growth in Micronesia. We submit that one crucial ingredient to economic growth is innovation and creativity - something that is sadly missing in the current debate on how Micronesia can grow.

We ask if Micronesians can be creative, motivated, passionate, artistic, or radical and ask what's stopping them from doing so if they can be.

While we cannot say what economic development ‘should’ look like -that is a matter for Micronesians and to a larger extent Pacific Islanders themselves- this paper looks at examples of Micronesian success stories, cultural examples of creativity, island ‘success stories’ and gives examples of Micronesians who have broken out of the mould.

Quoting liberally from Picasso, De Toqueville, Voltaire and Machiavelli, and a host of other philosophers, authors and intellectuals, we will try to see economic development, innovation and creativity as necessary, interlinked and even —instead of taking the textbook approach- as something akin to an ‘art form’ before asking the crucial question: ‘Can Micronesian paint?’

This paper suggests that by being innovative and creative, i.e. ‘thinking outside the box’, Micronesians can be empowered to tap an additional and substantial free resource of economic growth- their own innovative and creative spirits.

We will argue Micronesians 'can paint', but have simply been neither encouraged nor required to, and it is now time to reignite those skills, whilst looking at indigenous and externally imposed barriers to change.

Senator Rinson Edmond from Kosrae State Legislature, Federated States of Micronesia, discusses Micronesian culture, the need for reform, and how looking at economic development through the eyes of Picasso and other artists, philosophers and intellectuals - instead of neo-classical economic textbooks - could give Micronesians back what they may have been missing in economic growth and development - the same discipline, sense of purpose, creativity and innovation that made them some of the worlds most advanced seafarers throughout the Pacific.

Senator Edmond will focus on specific examples of the impact of ‘free development’ on Micronesians, Micronesian cultural blocks to reform, how creativity and innovation can be fostered in Micronesia and the crucial role of ‘human agency’ in development- all with liberal doses of commentary on philosophy, politics and art referenced by analogy to development in Micronesia.

Part Machiavellian, part politician, part lawyer, part artist, Senator Edmonds paper will take a creative, innovative and interdisciplinary look at creativity and innovation in the Pacific and ask how this resource can assist Pacific island states with their economic development and the introduction of new cultural perspectives to promote innovation and change.
MR KAMALESHE ADHIKARI

Mr Kamalesh Adhikari is a recipient of Australia Leadership Award 2012 for his PhD at the Regulatory Institutions Network of the Australian National University. He holds a Masters Degree in Rural Development from Tribhuvan University, Nepal and was also a faculty member at National College, Centre for Development Studies in Kathmandu. Until December 2011, he was Research Director at South Asia Watch on Trade, Economics and Environment (SAWTEE), a regional network of 11 South Asian non-government organizations. He has served as an Expert Member to different committees formed by the Government of Nepal to develop Nepal’s policy and legislative frameworks on plant variety protection, biodiversity management and food security, and has assisted Nepali government delegation to voice for national positions during international negotiations.

Adhikari was also a member of a Curriculum Development Committee of the Institute of Agriculture and Animal Science in Nepal, which designed courses on agriculture biodiversity management policies for bachelors and masters level studies. He has made presentations in different South Asian and global meetings, including the ones regarding the Convention on Biological Diversity, the UNFCCC, and the International Treaty on Plant Genetic Resources for Food and Agriculture.

MS INGRID AHLGREN

Ms Ingrid Ahlgren is a Doctoral Candidate in the Resource Management in Asia-Pacific Program at ANU, working on atoll settlement constraints, traditional resource taboos, and heritage practice in the Republic of the Marshall Islands (RMI), where she was born and raised. She received an M.S. at Stanford University in Anthropological Sciences, and a B.A. in Anthropology at Tufts University. Prior to coming to ANU, Ahlgren worked for several years in the Marshall Islands, as the Anthropologist for the RMI's Ministry of Internal Affairs in their Historic Preservation Office, as well as for the National Alele Museum and several NGOs.

PROFESSOR MARGARET CHON

Since joining the Seattle University School of Law faculty in 1996, Professor Margaret Chon has been a dedicated scholar and teacher of intellectual property and critical theory. Chon has published extensively on knowledge governance as well as the regulation of race. Her current scholarship explores the global governance dimensions of intellectual property, especially their distributional consequences and social justice implications. She is currently the Donald & Lynda Horowitz Professor for the Pursuit of Justice, and formerly Associate Dean for Research.

Chon is an alumna of the University of Michigan Law School, the University of Michigan School of Public Health and the Cornell University College of Arts and Sciences, where she majored in biology with a concentration in genetics. Following law school graduation, Chon worked for a year as a staff attorney at the U.S. Court of Appeals for the Third Circuit. She then clerked for the Honorable A. Leon Higginbotham, Jr., and practiced intellectual property law with Schnader, Harrison, Segal & Lewis in Philadelphia. Immediately prior to her first academic appointment, she served in an administrative clerkship with Chief Judge Dolores K. Sloviter of the U.S. Court of Appeals for the Third Circuit, where she assisted in the revision of the local Third Circuit rules.

Chon has been affiliated with numerous institutions, including most recently New York University School of Law, where she was a 2011-12 Senior Global Emile Noël Research Fellow at the Jean Monnet Center for International and Regional Economic Law & Justice. In addition, she has been a visiting law professor at various schools, including the University of Michigan Law School, Notre Dame Law School, University of Washington School of Law, and others. Throughout her professional career, she has been and continues to be active in various community and professional organisations, both nationally and internationally.

Additional biographical information can be found at http://www.law.seattleu.edu/Faculty/Faculty_Profiles/Margaret_Chon.xml.
MR JOSEPH DAUREWA

Mr Joseph Daurewa is currently the Legal Counsel with the Fiji Audio Visual Commission situated in Suva Fiji. Prior to this appointment Daurewa was a State Prosecutor for 4 years where he prosecuted and represented the State in the Magistrates Court, High Court and the Court of Appeal in Fiji. In addition to his usual workload of Murder, Serious Fraud and Sexual Offences Daurewa was also tasked to manage the Copyright Unit of the Office of the DPP between 2010 and 2011.

A graduate from USP with a Bachelor of Laws in 2006 Daurewa was admitted to the Fiji Bar as a legal practitioner. He is currently enrolled in USP as a student in Post Graduate Diploma in Diplomacy and International Affairs and aims to complete this program by the end of this year.

PROFESSOR PETER DRAHOS

Professor Peter Drahos is a Professor in Law and the Director of the Centre for the Governance of Knowledge and Development in the Regulatory Institutions Network (RegNet), College of Asia and the Pacific, at The Australian National University, Canberra. He currently holds a Chair in Intellectual Property at Queen Mary, University of London.

He is a Research Fellow at the Centre for Studies of Intellectual Property Rights, Zhongan University of Economics and Law, Wuhan, China. He is a Global Visiting Professor in the Hauser Global Law School Program, New York University Law School. From November of 2011 to April 2012 he will be the Fernand Braudel Senior Fellow at the European University Institute, Florence.

His former positions include Herchel Smith Senior Research Fellow in Intellectual Property at the Centre for Commercial Law Studies, Queen Mary, University of London and officer of the Australian Commonwealth Attorney-General's Department.

Drahos holds degrees in law, politics and philosophy and is admitted as a barrister and solicitor. He has published widely in law and social science journals on a variety of topics including contract, legal philosophy, telecommunications, intellectual property, trade negotiations and international business regulation. He has worked as a consultant to government, international organizations and international NGOs.


SENIOR RINSON EDMOND

Prior to becoming a Senator, Rinson Edmond had a varied career. He worked as a Research Consultant to the Joint Committee on US and FSM Compact Negotiations for 5 years with the Federated States of Micronesia National Government.

Edmond has also worked in Kosrae as a small business advisor, administrative advisor, and was a member of the College of Micronesia Planning Committee. He was also Secretary of an NGO for the Utwe-Walung Marine Park.

Edmond is currently Vice-Chairman of the Education and Cultural Affairs Committee for the Kosrae Legislature. He is considering further studies in the development field.

MR ENRICO LUZZATTO

Mr Enrico Luzzatto is Director at the EPO, department ‘Pure and Applied Organic Chemistry’ and is in charge of the coordination of the department’s activity related to Traditional Knowledge. He obtained his Degree in Chemistry at the Rome University ‘La Sapienza’ in 1985.

After 4 years in the R&D department of an Italian diagnostic company, Luzzatto joined the EPO as patent examiner. He passed the European Qualifying Examination in 1998. From 2006 to 2009 he also cooperated with the EPO’s Learning and Development department as trainer and coordinator of EPO’s internal advanced opposition courses for examiners.
Luzzatto has given lectures on biotechnology and chemical patenting issues at various conferences and seminars and has represented the EPO at various sessions of the WIPO IGC on TK, GR and TCE as well as at the 10th session of the UN Permanent Forum on Indigenous Issues. He was appointed director in February 2010.

PROFESSOR SUE FARRAN

Professor Sue Farran is based in the UK, but for over a decade her research has focused on the South Pacific region. From here she has drawn case studies to explore wider themes of human rights, law and development, issues of legal pluralism in evolving legal systems and the use of comparative legal approaches to address new legal questions. She remains connected to the Pacific as an Adjunct Professor at the University of the South Pacific, where she is a regular visitor, as an active member of the European Society of Oceanists and as an occasional reviewer of journal articles on Pacific topics. Farran has published widely in the field of human rights, family law, and property (intellectual and otherwise).

Forthcoming publications include: ‘Outwith the law in Samoa and Tonga’ in N. Besnier and K. Alexeyeff (eds.) Gender on the Edge: Transgender, Gay and Other Pacific Islanders, University of Hawaii Press; ‘Timber Extraction In Solomon Islands: Too Much, Too Fast; Too Little, Too Late’ in E. Gilberthorpe and G. Hilson (eds) Natural Resource Extraction and Indigenous Livelihoods: Development Challenges in an Era of Globalisation Ashgate; ‘You can’t eat that banana! Treaties, trade and food security in Pacific Island States’ Durham Law Review; ‘Navigating between traditional land tenure and introduced land laws in Pacific Island States’ Journal of Legal Pluralism and Unofficial Law; ‘Children of the Pacific: Giving effect to Article 3 UNCRC in small island states’ (2012) 2 The International Journal of Children’s Rights 199-223; and ‘Paddling a canoe with an oar made of oak: the challenging legacy of British law in Pacific island states’ Northern Ireland Legal Quarterly. Farran can be contacted at sue.farran@northumbria.ac.uk.

MR HOULTON FAASSAU

Mr Houlton Faasau is a Principal Legal Analyst for the Samoa Law Reform Commission. He holds a Master of Laws from Victoria University of Wellington, Bachelor of Laws and Bachelor of Education (Chemistry) from the University of the South Pacific. He has worked as a Senior Legal Officer for the Solomon Islands Law Reform Commission and a Legal Research Assistant for the USP (Vanuatu) School of Law Internet Project (now PACLII). His research work to date has allowed him to explore certain aspects of areas such as customary law, intellectual property law, human rights, international law and administrative law.

MR JOSEPH FOUKONA

Mr Joseph Foukona is from Solomon Islands and has a lecturing position at the USP Law School, Emalus Campus in Vanuatu since 2004. Currently, he is doing a PhD at ANU as an Australian Leadership Award Scholar. His research looks in some detail at history of land reform programs in three Melanesian countries: Vanuatu, Solomon Islands and Papua New Guinea.

DR MIRANDA FORSYTH

Dr Miranda Forsyth is a postdoctoral fellow at RegNet. She started in February 2011 on a three year ARC Discovery funded project to investigate the impact of intellectual laws on development in Pacific Island countries. Prior to coming to RegNet, Forsyth was working as a senior lecturer in criminal law at the law school of the University of the South Pacific, based in Port Vila, Vanuatu.
MR DOUVERI HENAO

Mr Douveri Henao is the Executive Director of Papua New Guinea’s business peak body, Business Council Papua New Guinea. He also is a researching staff of the PNG Institute of National Affairs specializing on private sector development. Prior to joining these two entities, he worked for four years with the Pacific Islands Forum Secretariat as the Trade Policy Officer responsible for Traditional Knowledge and Intellectual Property issues. Henao has also been working for several years in his home country, PNG, to develop their national system. He strongly believes knowledge based industries is the way forward for the pacific and views TK as a significant sector to bring sustainable revenue for a region that has relied heavily on unsustainable natural resource ventures.

DR LAWRENCE KALINOE

Dr Lawrence Kalinoe was formerly the Secretary to the PNG Law Reform Commission until his appointment as Secretary to the Justice and Attorney General Department replacing Hitelai Polume. He is from Ambunti in the East Province and holds a PhD in Law from the University of Wollongong. He was formerly the Dean of the Law School and the main Waigani Campus. Kalinoe has written extensively on a wide range of issues, including his thesis on water use in the Gulf province. He is Chair of the CIMC Family and Sexual Violence Committee, and is also on the Environment Board of the Department of Environment and Conservation.

MS SHAREENI KALA

An indo-Fijian Ms Shareeni Kala is a Lecturer at Fiji National University. She has been working in the teaching field for past 10 years. She has taught Computing, Information Systems and Business Statistics units at the university. She has also headed the department with 20 staff (Lecturers, Tutors and Tutorial Assistants).

Her qualification includes Master of Information Systems from Central Queensland University (2007), International Diploma in Tertiary Teaching from Fiji Institute of Technology (2004) and Bachelor of Science (Computer Science and Information Systems) from University of the South Pacific (1999).

Kala is interested in continuing the educations hence need to get into either research or PhD programme. Her research area is IT in Education, E-Learning, Information Systems Management and is also teaching year three of Bachelor in IS for Social and Professional Issues in Computing.

MS REBECCA MONSON

Ms Rebecca Monson is a lawyer and geographer with a background in both research and practice in environmental law, disaster and emergency management, and law in developing countries. Her work is transdisciplinary, drawing on critical approaches in law, geography and anthropology. Monson is particularly interested in the intersection of state and customary legal systems; postcolonial and feminist legal theories; and participatory research methodologies.

Monson has extensive experience in urban and rural areas across Solomon Islands, and has also conducted fieldwork in Vanuatu and Fiji. She regularly undertakes professional consultancies relating to justice systems, gender and development for both donors and NGOs.

Prior to her appointment at ANU, Monson worked as a legal practitioner advising corporate, government and not-for-profit clients working in the area of emergency and disaster management. She has also worked as a researcher at the Centre on Housing Rights and Evictions; the Bushfire CRC and the Centre for Risk and Community Safety at RMIT University; and the Van Vollenhoven Institute for Law, Governance and Development at Leiden University.

MR SALVIN NAND

Mr Salvin S. Nand has been a Lecturer in Law at the University of Fiji since 2010. He completed his Bachelors of Law Degree from the University of the South Pacific in 2007 and was then awarded a Victoria University of Wellington scholarship. He completed his Masters in Law (LLM) there in 2008. Upon completing his professional diploma, he was admitted as a Barrister and Solicitor to the Fiji Bar in 2010.
He has also completed a Postgraduate Diploma in Governance and Public Policy at the University of Fiji and is currently pursuing another Masters in Public Policy at the same institution. Nand has presented various research papers at the international/local conferences & workshops. He has extensive research interests in Public Policy, Intellectual Property and Small Medium Enterprises issues in the Pacific. Nand also serves as legal counsel and trustee to nonprofit organization such as: Empower Pacific.

DR MATTHEW RIMMER

Dr Matthew Rimmer is an Australian Research Council Future Fellow, working on Intellectual Property and Climate Change. He is an associate professor at the ANU College of Law, and an associate director of the Australian Centre for Intellectual Property in Agriculture (ACIPA). He holds a BA (Hons) and a University Medal in literature, and a LLB (Hons) from the Australian National University. Rimmer received a PhD in law from the University of New South Wales for his dissertation on The Pirate Bazaar: The Social Life of Copyright Law. He is a member of the ANU Climate Change Institute, and a director of the Australian Digital Alliance. Rimmer has published widely on copyright law and information technology, patent law and biotechnology, access to medicines, clean technologies, and traditional knowledge. His work is archived at SSRN Abstracts and Bepress Selected Works.

Rimmer is the author of Digital Copyright and the Consumer Revolution: Hands off my iPod (Edward Elgar, 2007). With a focus on recent US copyright law, the book charts the consumer rebellion against the Sonny Bono Copyright Term Extension Act 1998 (US) and the Digital Millennium Copyright Act 1998 (US). Rimmer explores the significance of key judicial rulings and considers legal controversies over new technologies, such as the iPod, TiVo, Sony Playstation II, Google Book Search, and peer-to-peer networks. The book also highlights cultural developments, such as the emergence of digital sampling and mash-ups, the construction of the BBC Creative Archive, and the evolution of the Creative Commons. Rimmer has also participated in a number of policy debates over Australian copyright law – including the Australian Law Reform Commission inquiry into copyright - and international copyright law in debates over the Australia-United States Free Trade Agreement 2004, the Anti-Counterfeiting Trade Agreement 2010, and the Trans-Pacific Partnership.

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Rimmer is the author of Intellectual Property and Biotechnology: Biological Inventions (Edward Elgar, 2008). This book documents and evaluates the dramatic expansion of intellectual property law to accommodate various forms of biotechnology from micro-organisms, plants, and animals to human genes and stem cells. It makes a unique theoretical contribution to the controversial public debate over the commercialisation of biological inventions. Rimmer also edited the thematic issue of Law in Context, entitled Patent Law and Biological Inventions (Federation Press, 2006). Rimmer was also a chief investigator in an Australian Research Council Discovery Project, ‘Gene Patents In Australia: Options For Reform’ (2003-2005), and an Australian Research Council Linkage Grant, ‘The Protection of Botanical Inventions (2003). He is currently a chief investigator in an Australian Research Council Discovery Project, ‘Promoting Plant Innovation in Australia’ (2009-2011). Rimmer has participated in inquiries into plant breeders’ rights, gene patents, and access to genetic resources.

Rimmer is a co-editor of a collection on access to medicines entitled Incentives for Global Public Health: Patent Law and Access to Essential Medicines (Cambridge University Press, 2010) with Professor Kim Rubenstein and Professor Thomas Pogge. The work considers the intersection between international law, public law, and intellectual property law, and highlights a number of new policy alternatives – such as medical innovation prizes, the Health Impact Fund, patent pools, open source drug discovery, and the philanthropic work of the (RED) Campaign, the Gates Foundation, and the Clinton Foundation. Rimmer is also a co-editor of Intellectual Property and Emerging Technologies: The New Biology (Edward Elgar, 2012), with Alison McLennan.

Rimmer is a researcher and commentator on the topic of intellectual property, public health, and tobacco control. He has undertaken research on trade mark law and the plain packaging of tobacco products, and given evidence to an Australian parliamentary inquiry on the topic.
Rimmer authors a monograph, Intellectual Property and Climate Change: Inventing Clean Technologies (Edward Elgar, September 2011). This book charts the patent landscapes and legal conflicts emerging in a range of fields of innovation – including renewable forms of energy, such as solar power, wind power, and geothermal energy; as well as biofuels, green chemistry, green vehicles, energy efficiency, and smart grids. As well as reviewing key international treaties, this book provides a detailed analysis of current trends in patent policy and administration in key nation states, and offers clear recommendations for law reform. It considers such options as technology transfer, compulsory licensing, public sector licensing, and patent pools; and analyses the development of Climate Innovation Centres, the Eco-Patent Commons, and environmental prizes, such as the L-Prize, the H-Prize, and the X-Prizes. Rimmer is currently working on a manuscript, looking at green branding, trade mark law, and environmental activism.

Rimmer has also a research interest in intellectual property and traditional knowledge. He has written about the misappropriation of Indigenous art, the right of resale, Indigenous performers’ rights, authenticity marks, biopiracy, and population genetics. He is currently editing a collection on Indigenous intellectual property

**DR KATHARINA SERRANO**

Dr Katharina Serrano graduated from Groningen University and continued her postgraduate study at the Universities of Leicester as well as Central Lancashire in the UK. Following a lectureship at the University of Halle-Wittenberg (Germany), Serrano worked on a Jean Monnet research project at the University of the South Pacific where she researched the area of EU law and policy in relation to Pacific Island countries. This experience has inspired her to undertake further research at the intersection of EU law and International law. In her PhD, Serrano focused on the trade-development nexus in Economic Partnership Agreements between the EU and African, Caribbean and Pacific countries. Following her PhD, Serrano researched and published in the area of WTO law (addressing issues of trade in sugar and special and differential treatment under the WTO regime) and European Commercial law in relation to non-EU countries. Her current research interest covers areas of international trade and development law in relation to Small Island Developing States (SIDS) of the Pacific region. Under an ARC-funded research project, she is looking at the impact Intellectual Property regimes (existing and under negotiation in trade agreements) can have on sustainable development in Pacific island countries. Here, Serrano's specific interest lies in the area of traditional knowledge and (intangible) cultural heritage.

**MS RUWANI SOMARATNE**

Ms Ruwani Somaratne is a Sri Lankan national, who is attached to the Computer Science & Information Systems Department of Fiji National University, in Fiji Islands, as an Assistant Lecturer from February, 2011. Presently she is on overseas leave from the position she held as a Computer Systems Analyst of the Faculty of Arts, University of Colombo since year 2001. As the in charge of the Computer Teaching Unit of the faculty, she virtually runs the whole show in teaching computer studies for the undergraduates by organizing coursework, conducting lectures, setting examination papers, supervising examinations and marking the answer scripts.

Somaratne obtained a Diploma in Computer System Design from the NIBM, Colombo in 1998, Bachelor of Science Degree with a Second Upper from University of Colombo in 2000; Masters Degree in Computer Science was obtained from University of Colombo School of Computing, in 2008. Furthermore, she was sworn in as an Attorney-at-Law of the Supreme Court of Democratic Socialist Republic of Sri Lanka in August, 2007.

Somaratne has been granted admission to study for a Masters in Computer Science degree in Australian National University, starting from February, 2013. In this program she is planning to enhance her knowledge in four core areas as; Artificial Intelligence, Computer Systems, Information & Human Centered Computing and Software Engineering. Somaratne plans to continue her research work in the Information & Human Centered Computing, to study for a PhD.
DR MONIKA STERN
Dr Monika Stern (AMU, CNRS, EHESS, CREDO) is an ethnomusicologist specialising in Vanuatu. Her research focuses on music and society and musicological analysis. Monika was awarded her PhD at Paris 4-Sorbonne. Her thesis (Women, Braids and Music on Pentecost Island (Vanuatu)) explores the role of music in traditional economic system of exchange. An important part of this work transcribes and analyses a corpus of ‘traditional’ music and establishes a theory of the use of musical scales.

After working as Lecturer in ethnomusicology at Lille 3 University, Stern conducted extensive fieldwork in the Vanuatu provinces of Penama and Torba on a multidisciplinary project of ACI (Ministry of Research/CNRS-LACITO). Working with an anthropologist and a linguist, these researches resulted in the recording and production of important sound archives for a number of communities, publications, and a documentary film The Poet’s Salary. The richness and breadth of data collected during this project means that insights are still being uncovered and the explication of these will result in future publications. Between 2007-2011 Stern lived in Port Vila, Vanuatu, where she was an important part of many urban musical projects, contributing for example to the creation of music association Tura Nambe and playing in one of the most popular urban bands, KRK. These reflexive experiences have provided her with the framework for a new research project exploring urban society, the music industry, and the forces of globalisation. In 2009 Stern joined CNRS-CREDO (Marseille-France) as an Associate Researcher and at the end of 2011 she was promoted to Permanent Researcher.

MS YURI SUZUKI
Ms Yuri Suzuki is a PhD candidate at the Macquarie Law School. Her PhD research examines legal and policy frameworks for regulation of access to genetic resources and associated traditional knowledge and benefit sharing from their utilization particularly in the South Pacific countries. Originally from Japan, Suzuki holds a Master of International and Comparative Law (National University of Singapore), a MA in Environmental Studies (Sophia University) and a LLB (Meijigakuin University). During her study in Japan, she completed research internship at Japan International Cooperation Agency and United Nations University. Her final year Masters’ thesis examined the impact of the Article 8 (j) of the Convention on Biological Diversity on law and policy in New Zealand in the specific context of the protection of traditional knowledge.

DR TEWEIARIKI TEAERO
Dr Teweiariki Teaero, who was born on Nikunau Island in Kiribati, is an artist, a poet, and a teacher. His distinctive drawings and paintings are inspired by traditional art motifs, ideas, legends, and contemporary issues in the Pacific. He has contributed poetry to numerous literary journals and is the author of two collections—on eitei’s wings and Waa in Storms. Teaero has a Postgraduate Diploma in Education and a Master of Arts in Education from the University of the South Pacific where he is Assistant to the Head of the School of Humanities.

DR KATERINA TEAIWA
Dr Katerina Teaiwa is Pacific Studies Convener, Head of the Pacific unit in CHL and Head of the Pasifika Australia Outreach Program supported by the Student Equity Office and CHL. She was born and raised in Fiji and is of Banaban, I-Kiribati and African American descent.

Teaiwa’s research focuses on cultural policy and cultural industries in the independent Pacific; cultural approaches to Pacific regionalism; the Pacific diaspora; and phosphate mining history and culture on Banaba in Kiribati, Rabi Island, in Fiji and historically in Australia and New Zealand through the work of the British Phosphate Commissioners. You can read more about here research in the ANU Reporter. She has been a consultant with the Secretariat of the Pacific Community and UNESCO on cultural policy, intercultural dialogue and sustainable development. She’s also worked with Austraining International and ANU Enterprises doing cross-cultural and development training for the Australian Youth Ambassadors for Development program.
Teaiwa has a background in contemporary Pacific dance and was a founding member of the Oceania Dance Theatre at the Oceania Centre for Arts and Culture at the University of the South Pacific in Fiji with choreographer Allan Alo. You can read some essays on dance Teaiwa has written for an educational dance website: Dances of Life and an opinion piece on representations of Fiji and the Pacific in the media at ABC The Drum Unleashed and in the Canberra Times.

PROFESSOR ERIKA TECHERA
Dr Erika Techera is an environmental lawyer. She teaches and researches on a range of international and comparative environmental law issues, including marine environmental governance and cultural heritage law and policy at both the global and Pacific regional levels.

Techera holds a PhD in law from Macquarie University, as well as a Masters of Environmental Law and Master of Laws in International Environmental Law. Techera is admitted as a legal practitioner in New South Wales and worked previously as a barrister at the Sydney Bar.

Techera is a member of the IUCN World Commission on Protected Areas and Commission on Environmental Law.

MR ANO TISAM
Mr Ano Tisam is an IT consultant and co-founder of Whupi LTD, a Cook Islands company specialising in providing sustainable information technology solutions to small island developing states mainly working with government agencies in the e-Governance space.

Prior to this Tisam was an Information Officer for 5 years at the Cook Islands Ministry of Educations Policy and Planning Division before being moved to its ICT division. In February 2012 Tisam left to focus on various IT projects. During this time Tisam was a technical consultant for the UNDP e-Government program and was responsible for building several government ministry websites from 2008 to 2009.

Tisam is a graduate from USP with a Bachelor of Science in Computer Science and Information Systems 2005. He is a qualified teacher with a Diploma in Secondary Education from CITTC 2007 and has recently completed a Post Graduate Diploma in Information Systems 2012 and is looking to pursue a Masters in Information Systems.

MR ELIESA TUILOMA
Mr Eliesa Tuiloma is a veteran oral surgeon and a lawyer, with specialise LLM in international comparative law and policies of intellectual property from Queen Mary University of London.

Tuiloma speaks and shares his experience on legislative and policies development of intellectual property and trade at international seminars and conferences, had taught at law school, Secretary for Justice, sit on the Bench as a Resident Magistrate, Medical Tribunal, Patent and Trade Mark Tribunal, Registrar Trademarks, Registrar Patents and Design, Registrar of Companies and Official Receiver, Technical Trade Adviser to Fiji –EU EPA Trade Negotiation until initialling and to the Republic of Nauru for the PACER and PICTA on TMNP.

As a former Administrator General and Registrar of Companies in Fiji, he has extensive experience in companies incorporations and due diligence, winding up and receivership. He also has extensive experience in legal and policy advice and litigations for governments in all his areas of legal specialities and civil law in general while he was Principal Legal Officer and then Deputy Permanent Secretary for Justice (Fiji) and Secretary for Justice in the Republic of Nauru.

As an Intellectual Property Consultant, Tuiloma had drafted Fiji, Vanuatu and Kiribati Traditional Knowledge Laws and Policies. As a person with innovative and enterprise focus, he is a Fellow of the Royal Society of Arts, Manufacture and Commerce (FRSA), London.
MR FRANCIS WALEANISIA

Mr Francis Waleanisia is from Langalanga, Malaita Province Solomon Islands. In 1992 he attended the University of Waikato Law School eventually graduating with an LLB in 1997. In 2009 he obtained a Post Graduate Diploma in Legislative Drafting from the University of the South Pacific.

Waleanisia started work in the Solomon Islands in the office of the Director Public Prosecutions in 1997 and moved to the Public Solicitors Office in 1999. In 2000 he moved to the Attorney General's Chambers. He made his way through the ranks until in 2004 when Waleanisia was appointed as the Deputy Solicitor General, a position he held until 2007. Amongst his various other tasks in the Attorney General’s Chambers, Waleanisia was responsible for Intellectual Property Rights in general but importantly, he represented the government in the various regional activities relating to Traditional Knowledge and Expressions of Culture that were instituted then, a role he continued even after his government service.

In 2010 the Ministry of Culture and Tourism with the support of the World Intellectual Property Organisation and SPC engaged Waleanisia as a national consultant to carry out a detailed review of the national intellectual property rights laws to examine the extent to which they deal with Traditional Knowledge and Expressions of Culture. This process resulted in the production of the Solomon Islands Traditional Knowledge and Expressions of Culture Bill (Draft). In 2011 a further study was carried out and a related intellectual property rights law specific to the Festival of Arts was produced (draft).

Since 2010 Waleanisia has been making presentations in various regional conferences and in 2011 participated in a Panel discussion hosted by the World Intellectual Property Organisation. In all these he shared Solomon Islands experience and my experience as a consultant engaged to take on a task that has never been tried.
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