

## IV. IP Issues in Cook Islands

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### A. Traditional Knowledge Action Plan

The Traditional Knowledge Action Plan for Forum Island Countries (FICs) was launched at a Traditional Knowledge workshop hosted by the Pacific Islands Forum Secretariat and World Intellectual Property Rights Organisation (WIPO) in 2009. The Action Plan has six beneficiary countries including Cook Islands.

According to the background of the Action Plan, it promotes an approach which guides the implementation activities:

“The first part, which is the subject of this Action Plan, involves the development of national systems of protection setting out new rights and obligations in TK that will complement existing forms of protection for intellectual property. This shall comprise essentially legal measures; however, non-legal measures such as that of customary and cultural practices and databases, amongst others, will form part of a holistic approach to the development of frameworks of protection. This will ensure that TK is not only sustainably managed but also regulated in a transparent manner.”

Also, its objective indicates that:

“Also to be undertaken in this medium-term period will be a range of activities aimed at realizing the objectives of TK legislation. This will include determining a range of reforms to intellectual property laws and exploring the role of customary laws and practices, amongst other legal and non-legal measures. This area of assistance responds to the recognition that, if the best possible outcomes for TK owners and TK users are to be achieved, a holistic approach to the protection and management of TK is required. Other assistance to be rendered on an on-going basis and which is aimed at addressing the international dimension of the Action Plan

involves the participation of FICs in meetings of the WIPO IGC (subject to funding provision to be made available), preparation of briefs by the PIFS and its regional partners for participating national delegations and the development of a process that promotes caucusing with other like-minded groupings within the WIPO IGC and other international fora. The Pacific Islands Forum's Geneva Office will play a key role in the co-ordination of positions with other delegations."

Please see [Annex II] for the full text of the Traditional Knowledge Implementation Action Plan.

## **B. National Legislation**

Legislations related to ICH are;

- House of Ariki Act 1966
- MOC Act 1990
- Cultural and Historic Places Act
- Reo Maori Act 2003
- Environment Act 2003
- Atiu and Takutea Regulations
- Traditional Knowledge Bill 2013
- Copyright Bill

The Cook Islands has no copyright law of its own, but has adopted and applied the New Zealand Copyright Act of 1962.

At the national level, the Traditional Knowledge Bill is expected to go to parliament and be adopted in 2013. Then, the Copyright Bill will follow this.

Please see [Annex III] for the text of Te Reo Maori Act 2003.