

INTELLECTUAL PROPERTY AMENDMENT ACT 2018

SAMOA

Arrangement of Provisions

1. Short title and commencement
2. Section 2 amended
3. Section 55 amended
4. Section 137 amended

2018, No. 16

AN ACT to amend the Intellectual Property Act 2011 (“Principal Act”) in order to give effect to the Madrid Protocol accordingly.

[9th October 2018]

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

1. Short title and commencement:

This Act may be cited as the Intellectual Property Amendment Act 2018 and commences on the date of assent.

2. Section 2 amended:

In section 2 of the Principal Act, insert in its alphabetical order the following new definitions:

““Madrid Protocol” means the Protocol relating to the Madrid Agreement concerning the International Registration of Marks, adopted at Madrid on 27 June 1989, as amended from time to time;

“Madrid Agreement” means the Madrid Agreement concerning the International Registration of Marks, adopted in Madrid on June 27 1989, as amended;

“Office of Origin” means the Office of the Contracting Party where, in accordance with Article 2(2) of the Madrid Protocol, the International application was filed;

“basic application” means an application for registration of a mark, filed with the Registrar under section 48 and which is used as a basis to file an international application under the Madrid Protocol;

“basic registration” means a mark registered by the Registrar under section 55 and which is used as the basis to file an international application under the Madrid Protocol;

“international registration” means the registration of a mark effected under the Madrid Protocol;

“International Bureau” means the International Bureau of the World Intellectual Property Organization.”.

3. Section 55 amended:

Section 55 of the Principal Act is amended by inserting after subsection (3) the following new subsection:

- “(3A) A mark registered under this section may be used for an application for international registration under the Madrid Protocol.
- (3B) An application made pursuant to subsection (3A) whether it is from Samoa or from a contracting party or any other prescribed body is to be made pursuant to requirements and procedures under the Act or as prescribed.”.

4. Section 137 amended:

After section 137(2)(ka) of the Principal Act insert:

- “(kb) for the purpose of giving effect in Samoa to the Madrid Protocol, including provisions providing for any of the following:
 - (a) making applications for international registration by way of the Intellectual Property Registry of Samoa as office of origin;
 - (b) procedures to be followed where the basic application for registration ceases to be in force;
 - (c) procedures to be followed where the Intellectual Property Registry of Samoa receives from the International Bureau, or any body specified in the regulations, a request for extension of protection to Samoa;
 - (d) the effects of a successful request for extension of protection to Samoa;
 - (e) transforming an application for an international registration, or an international registration, into a national application for registration;

- (f) communicating information to the International Bureau;
 - (g) requiring fees to be paid in respect of applications for international registrations, extensions of protection, and renewals, and prescribing the amounts of those fees.”
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