



# **IP and Māori Advisory Committees: A Step Closer towards PIC and ABS?**

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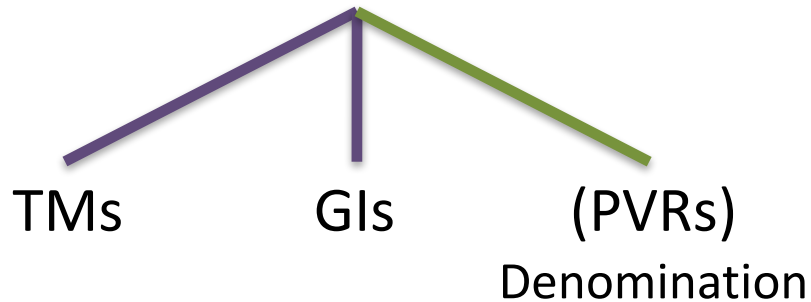
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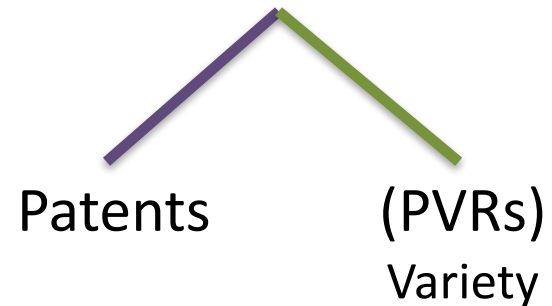
Sydney, IK Forum 2016

# Māori Advisory Committees

## Trade Marks Māori Advisory Committee



## Patents Māori Advisory Committee



# Examples



Capital thinking. Globally minded.

# How?

TMs	Use/registration “offensive”	“scandalous matter” “contrary to morality”
GIs	Use/registration “offensive”	
Patents	derived from Māori TK or “indigenous plants or animals” and commercial exploitation likely to be contrary to “Māori values”.	“ordre public” or “public morality”
(PVRs)	<i>Denominations?</i> <i>Varieties?</i>	<i>Cf. TMs?</i> <i>Cf. Patents?</i>

# PVRs?

- Denominations
- Varieties
  - UPOV 1991 restrictions
  - Cause for hope?



# PIC and ABS?

- Legal Functions:
- Institutional Functions:

# IPONZ's Ad Hoc Policies

- Trade Marks:
  - Reject applications that (1) could cause offence to Māori or (2) was of significance to a particular *iwi*, *hapū* or Māori group.
  - IPONZ sometimes required that the applicant seek and obtain consent from the relevant *iwi* or *hapū*.

# IPONZ's Ad Hoc Policies

- Patents
  - Required evidence of PIC from a relevant Māori group, if an invention was “either derived from or use[d] TK, or relate[d] to an indigenous fauna or flora, or products extracted therefrom”, and the application might have “special cultural significance for Māori” and was “likely to be considered culturally offensive.”



# Conclusions?