

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**

GENEVA

**INTERGOVERNMENTAL COMMITTEE ON  
INTELLECTUAL PROPERTY AND GENETIC RESOURCES,  
TRADITIONAL KNOWLEDGE AND FOLKLORE**

**Fourth Session**

**Geneva, December 9 to 17, 2002**

**PRESENTATIONS ON NATIONAL AND REGIONAL EXPERIENCES WITH SPECIFIC  
LEGISLATION FOR THE LEGAL PROTECTION OF TRADITIONAL CULTURAL  
EXPRESSIONS (EXPRESSIONS OF FOLKLORE)**

*Document prepared by the Secretariat*

1. On December 6, 2002, the Secretariat of the World Intellectual Property Organization (WIPO) received from the Delegation of the Russian Federation a presentation for circulation at the fourth session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, entitled "General Information, Russian National House of Folks Arts, Ministry of Culture of the Russian Federation."
2. The presentation, in two parts, is reproduced in Annexes I and II.

[Annex I follows]

## ANNEX I

### THE RUSSIAN FEDERATION MINISTRY OF CULTURE OF THE RUSSIAN FEDERATION RUSSIAN NATIONAL HOUSE OF FOLK ARTS

#### General Information

#### INTRODUCTION

3. The problem of protection of intellectual property in the field of traditional knowledge is very important in different aspects. In the Russian Federation there is a developed system of such protection. The Russian National House of Folk Arts is the major federal organization which works in this direction. A little bit later I will tell you how we work and how we see the possibilities to protect traditional knowledge in our country. But first of all, I would like to make some general remarks in the hope it might facilitate further international discussion.

4. It is important to identify the subject of our discussion and to find best organizational solutions for such a discussion.

5. When we speak about traditional knowledge we mean very different fields of human activities and types of heritage.

6. There are two notions which are under eternal discussion – traditional culture and folklore. Sometimes those notions are taken as more or less similar. For instance, the UNESCO says

- Folklore (or traditional and popular culture) is the totality of tradition-based creations of a cultural community, expressed by a group or individuals and recognized as reflecting the expectations of a community in so far as they reflect its cultural and social identity; its standards and values are transmitted orally, by imitation or by the other means. Its forms are, among others, language, literature, music, dance, games, mythology, rituals, customs, handicrafts, architecture and other arts.

7. This definition is a working version. We understand it slightly different. Traditional culture is a larger notion which comprises both handicrafts, architecture and other material creations and folklore as a type of artistic activity belonging to intangible heritage – singing, dancing, story-telling, music. No matter what are differences in our definitions. The important thing is to accept that we have two different artistic and cultural activities. Their difference lies in the nature of creation – material or intangible. There are very many common points shared by both types of activities. But there are also differences which are not possible to avoid when we approach the point of protection. There also types of traditional knowledge which belong both to material and intangible heritage, as, for instance, traditional medicine. So, the point is what is the subject of protection in each particular case. It is preferable to make a thorough study of that matter in two separate working groups and then to come to a discussion on general issues of traditional knowledge as the whole.

8. Another point is how to consider the so called ethnic issues. When we speak about authentic traditional culture we should accept that authenticity means in some sense very local form or space of expression. When traditional culture is considered under some wider viewpoint we deal with stylized forms of artistic activity. So, ethnic or indigenous is authentic if it is local and very concrete. In this respect regional workshops or seminars with local communities or even individual traditional artists is the most productive way to collect necessary information for further international work.

9. When we speak about Russia in regard to the protection of intellectual property in the field of traditional knowledge, we understand this activity first of all as some practical everyday work which we do in the Russian National House of Folk Arts.

10. The Russian National House of Folk Arts of the Ministry of Culture of the Russian Federation founded in 1915 by a famous patron of art Timofei Morozov and painter Vassily Polenov, is a State cultural institution. Its head office is located in Moscow. It has 89 branches in all administrative regions. It is a head methodological institution in the structure of the federal Ministry of Culture dealing with folklore and amateur activities in arts and main coordinator for artistic activities, information, publications and international exchanges in Russia.

Its major goals are:

- Support and encouragement of amateur artistic activities, traditional culture and national folklore
- Methodological assistance, organizational and PR support for 89 regional centers of folk and amateur arts in all administrative regions
- Collection and registration of traditional and amateur forms and spaces
- Foundation and development of traditional festivals, contests and exhibitions
- Organization of international cultural exchanges

Structure and major activities:

- The Russian National House of Folk Arts has a staff of top professional experts working in all genres of traditional and amateur activities. Professional divisions as follows: traditional authentic culture, music and singing, choreography and dancing, amateur theater, data base center, video and audio center , etc.
- Workshops and master-classes are organized for artistic directors of folk groups. Experts from the head office staff and invited experts hold seminars and workshops in regional branches. Those seminars and workshops are supplied with methodological and consultative publications, videos and audio documents.
- The Russian National House of Folk Arts organizes national, international and regional festivals, contests, folk feasts, tours for folklore groups in Russia and abroad, festivals of traditional arts.
- The Russian National House of Folk Arts has a library, archives, data base center with information regarding folk creativity in all regions of the Russian Federation.

- Collections of the Russian National House of Folk Arts comprise a unique choice of pieces of applied arts. In video collection there is a rich variety of documents on traditional folk holidays, collections of folk songs, dances, ethnographic costumes and music instruments.
- The Russian National House of Folk Arts has its own editorial and publishing services.
- The Russian National House of Folk Arts is a UNESCO partner in Russia for traditional arts programs.

11. We think that our activity is rather sufficient. It is based on very local approaches and nation-wide structure. It deals with different types of traditional knowledge. It secures collection, registration and transmission of traditional knowledge from one generation to another. It encourages nation-wide distribution of traditional culture and, thus, stimulates cultural education in the context of traditional heritage and its values.

12. Our major problem is financial. Federal budget invest not enough money into traditional culture.

13. National legislature says clearly that folklore is not subject of copyright protection.

14. Today we may say that some kind of stabilization in folklore movement is taking place. When I say folklore movement I mean activities by state institutions, different cultural, artistic and educational organizations, public and social associations in the framework of federal and regional programs of cultural development.

15. We think that the protection of traditional culture can be efficient in case if we understand well peculiar and exclusive features of folklore, if we understand what are inner processes of its development in the framework of national culture as the whole, what are its real values. Today traditions are still alive and they are in progress. Maybe, not so dynamic as it used to be before. Lots of folkloristic and ethnographical expeditions and fieldworks organized by us, our partner organizations and individual researchers discover new reserves of life folk traditions. Social transformations tell us that folklore as live artistic expression is not stagnating. We must take it as a vital source of contemporary culture. We succeed to protect traditional culture if we understand how live traditions work today, what are their real sources and values.

16. Today we can say that we succeeded to safeguard live authentic expressions, traditional spaces, ceremonies and rites in many regions of Russia, such as Northern Caucasus (it is significant that today most European folklore Festivals invite Caucasian folk groups), small ethnic communities from Northern parts of Russia and so on.

17. The situation with Russian authentic folklore is slightly different. Negative influences affected Russian culture more than ethnic cultures in Russias, such as urbanization, more developed links with other European cultures and as a result globalization effects, imposing of excessive inter-cultural contacts in the Soviet times and some others.

18. Collective nature of folk art forms its shape and exists within concrete time, is linked not only with the Past but also with the Future. That's why it is in a way some specific form of popular consciousness. It also may be identified as historic self-consciousness. That means a very particular type of artistic mentality which defines collective esthetics in folk art being every time linked with individual source of artistic expression. The act of creation is based on a particular link between individual folk artist and community. It safeguards the perception of world and tradition, reproduces eternal values.

19. Thus, continuity is not a simple transmission of traditional knowledge from one master to another, from elder generation to younger generation. It is not only a kind of genetic connection but essential link between phenomena which is, finally, responsible for cultural memory of mankind. This memory includes specific ethnic standards and elements of mentality worked out as a result of connections of man with nature, other men, his social work, world as the whole. Thus continuity of folk art must be understood as value – spiritual world of man.

20. Very important point is the value of traditional master, performers-bearers of live tradition, also traditional spaces where tradition exists in close link with nature, historic environment. The same concerns schools of traditional culture which work as centers of artistic activity for local communities.

21. Today secondary traditional expressions are more and more dynamic, primary authentic expressions are getting weaker, less present in everyday life. It's normal. Dynamic development of culture has always been and is now based on continuity of experience and tradition which reinforce culture as integral, unique and identical feature of every particular community, country and epoch.

22. The result of our reflection is as follows:

Authentic folklore has a tendency to move to a decline. On the other hand, it moves to self-revival by creating a new tradition. Folk art as secondary cultural phenomenon is always more dynamic. The integrity of folk culture includes a dynamic system of different forms of artistic creativity as a live structure with several inter-dependent elements, each of them has its own value and integrity.

23. These remarks, may be helpful just to make sure that we see the same way what we intend to protect.

24. Our expectation is to obtain some practical issues for our own country. Let's hope that the results of this Conference will help our national authorities to understand better that protection of traditional knowledge is an efficient toolkit to protect ourselves from globalization.

[Annex II follows]

## ANNEX II

### Russian National House of Folk Arts

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