



Inspiring Innovation and Sustaining Traditional Knowledge – WIPO's Capacity-building Program

**Traditional Knowledge Division
WIPO**

**Geneva
June 25, 2015**

Subjects



What we do



Program 4 of WIPO Program and Budget: Genetic resources, traditional knowledge, and traditional cultural expressions

Facilitate

Secretariat to the IGC, including Voluntary Fund Policy, strategy and legislative advice, upon request, regional and national Inter-agency coordination and cooperation

Inform

**Seminars
Website, including Indigenous Portal
E-Updates and E-Newsletters
Briefs, studies and other publications
Briefings and presentations
Databases**

Train

**Practical Workshops for Indigenous Peoples
Distance Learning Course
TK Toolkit
Creative Heritage Program
Indigenous Fellowship
Practical guides and guidelines**

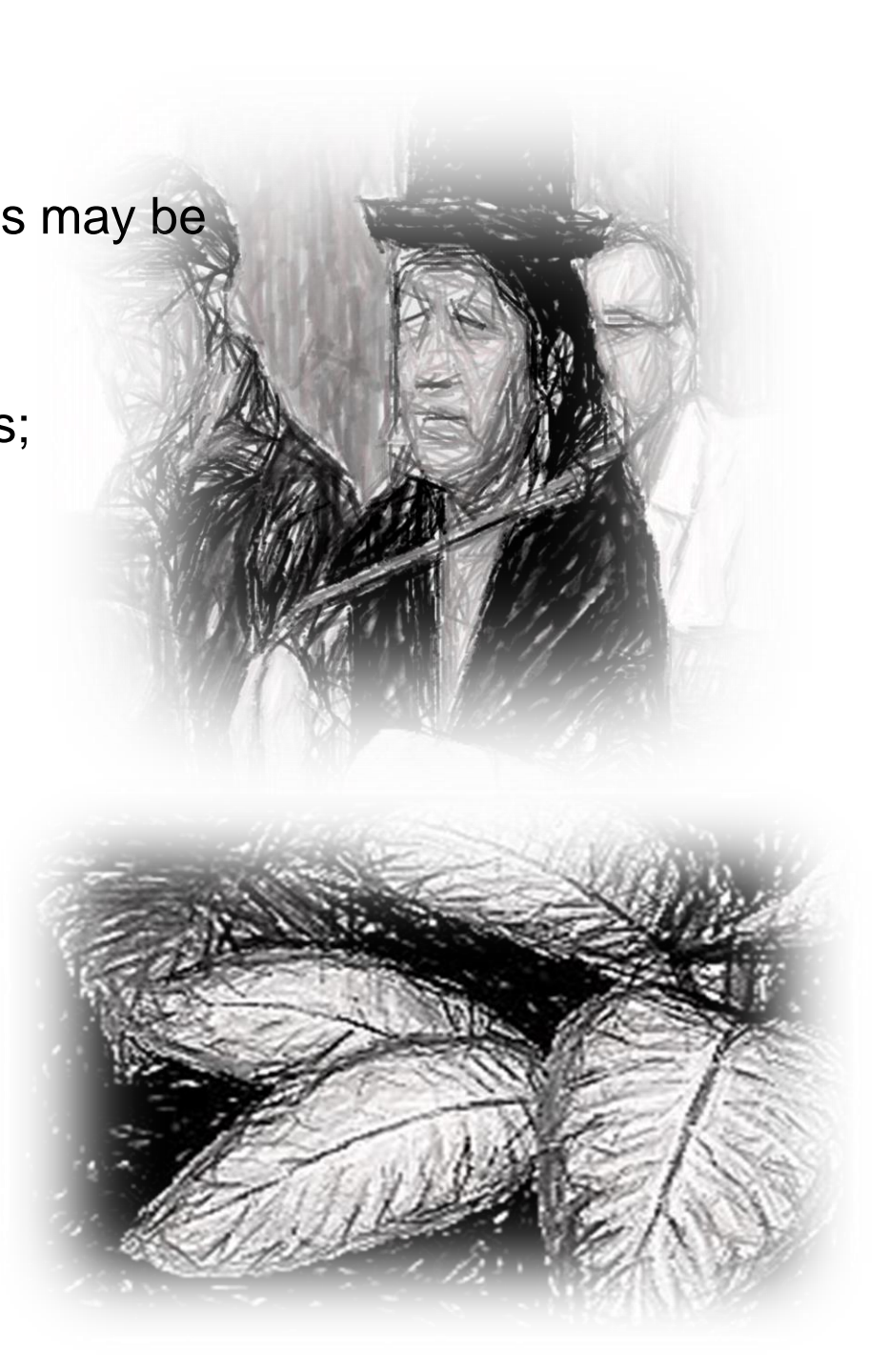
Helping achievement of outcomes as may be agreed

Greater clarity on issues and options; experiences and practices

Participation of indigenous peoples and local communities

Opportunities for dialogue and cooperation

Coordination and cooperation with other agencies and processes



- **Helping Member States develop national strategies for the protection of TK, TCEs and GRs** – Daphne Zografos Johnsson
- **TK and TCEs Documentation : The Intellectual Property Risks and Opportunities** – Begoña Venero
- **From local to global:
Helping indigenous and local communities protect and market their cultural assets** – Daphne Zografos Johnsson
- **The role of intellectual property in access and benefit-sharing agreements** – Claudio Chiarolla
- **Indigenous participation** – Hai-Yuean Tualima

Helping Member States develop national strategies for the protection of TK, TCEs and GRs

Policy initiative

Legislative initiative

Infrastructure

Practical tools

Policy initiative

- Identifying key issues
- Researching and analyzing issues
- Setting objectives of protection
- Formulating a national strategy

Legislative initiative

- Examination legal options under conventional IP systems
- Assistance with adaptation of existing IP framework
- Assistance with creation of *sui generis system*

Infrastructure

- Assistance with the management of IP issues that arise when setting up and using information systems

Practical tools

- Assistance with guidelines and protocols
- Organization of capacity-building and awareness-raising activities

BACKGROUND
BRIEF

N°3

DEVELOPING A NATIONAL STRATEGY ON INTELLECTUAL PROPERTY AND TRADITIONAL KNOWLEDGE, TRADITIONAL CULTURAL EXPRESSIONS AND GENETIC RESOURCES

This brief summarizes the legal, policy and operational issues that need to be considered in developing a national strategy for the intellectual property protection of traditional knowledge and traditional cultural expressions, also known as folklore. It also outlines the intellectual property issues related to genetic resources.

At present, intellectual property protection of traditional knowledge and traditional cultural expressions, and rules concerning intellectual property aspects of the use of genetic resources, are matters primarily for national governments. Negotiations are currently underway in the World Intellectual Property Organization (WIPO) to develop an international legal instrument (or instruments) for the effective protection of traditional knowledge and traditional cultural expressions, and to address the intellectual property aspects of the access to and the sharing of benefits arising from the use of genetic resources. These negotiations are taking place in the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), established by the WIPO General Assembly in 2000.

TRADITIONAL KNOWLEDGE AND TRADITIONAL CULTURAL EXPRESSIONS

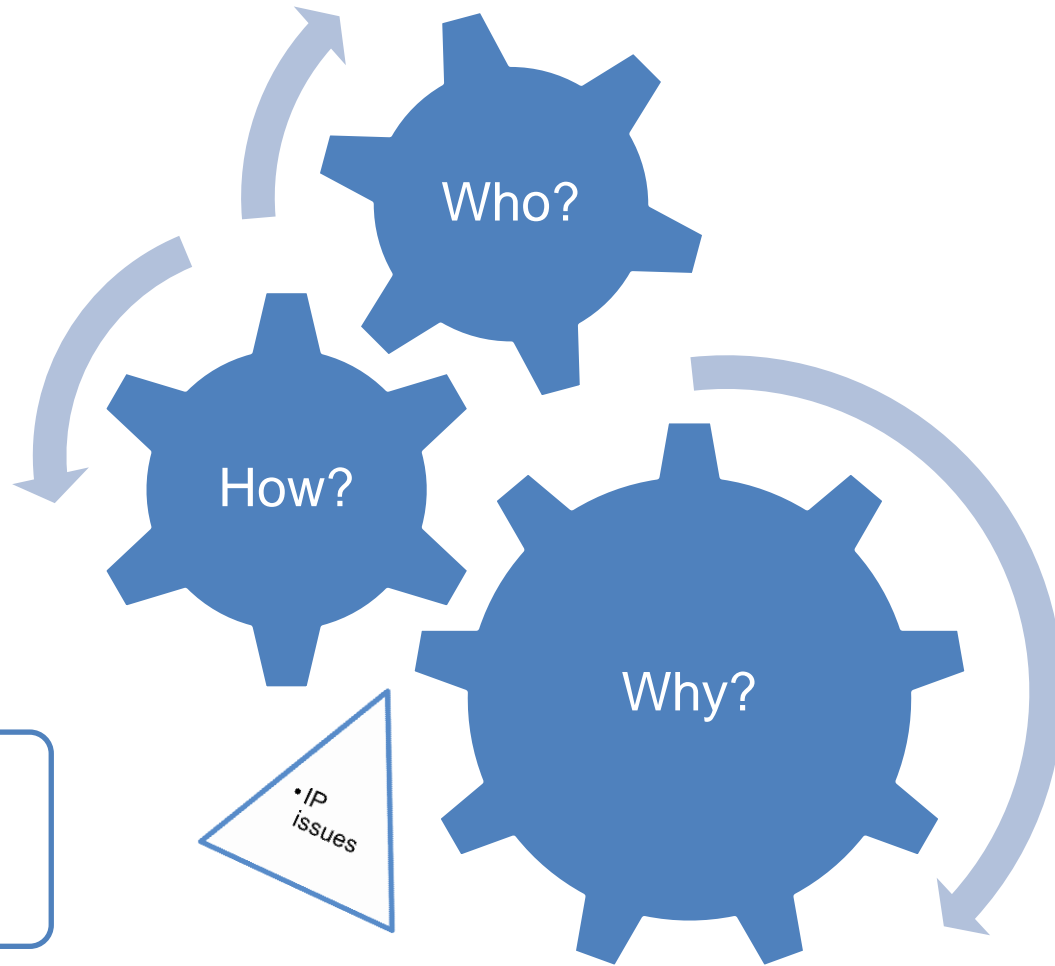
The meaning of “protection”

This brief is concerned with a very specific understanding of the term “protection”, to mean the use of intellectual property (IP) laws, values and principles to prevent unauthorized or inappropriate uses, by third parties, of traditional knowledge (TK) and traditional cultural expressions (TCEs). The objective of IP protection is to make sure that the intellectual innovation and creativity embodied in TK or TCEs are not wrongly used.

IP protection can take two forms - positive and defensive protection. Positive protection grants IP rights in the subject matter of TK and TCEs. This may help communities prevent third parties from gaining illegitimate access to TK and TCEs, or from using them for commercial gain without equitably sharing the benefits. It may also enable active exploitation of TK and TCEs by the originating community itself, for example, to build up its own handicraft enterprises. Defensive protection, on the other hand, does not grant IP rights over the

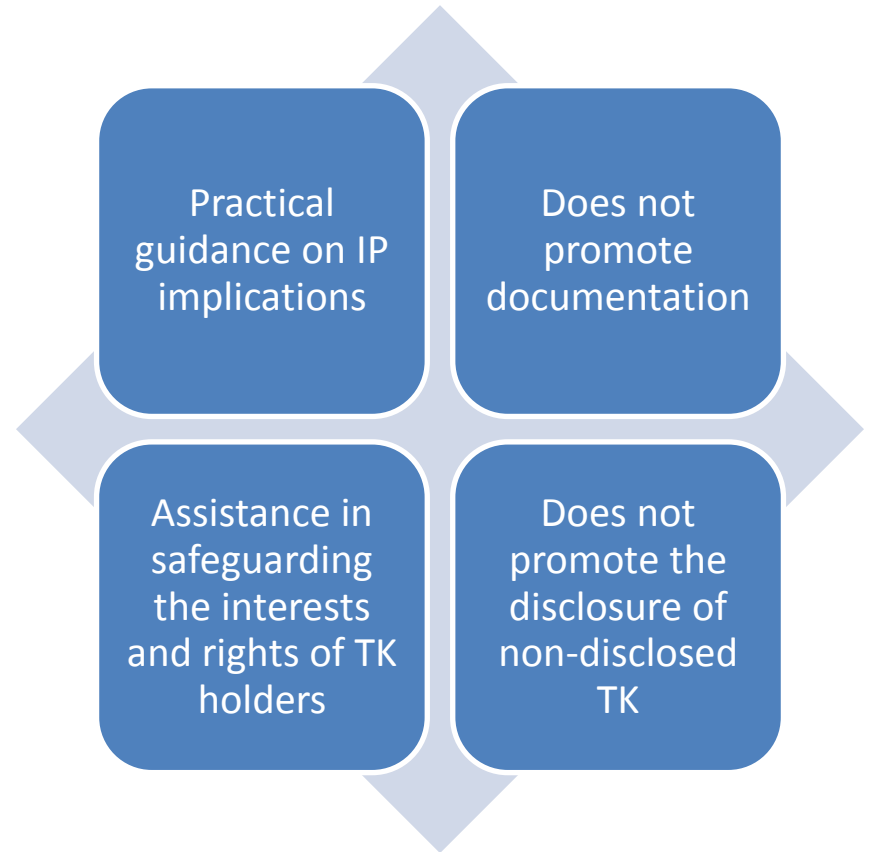
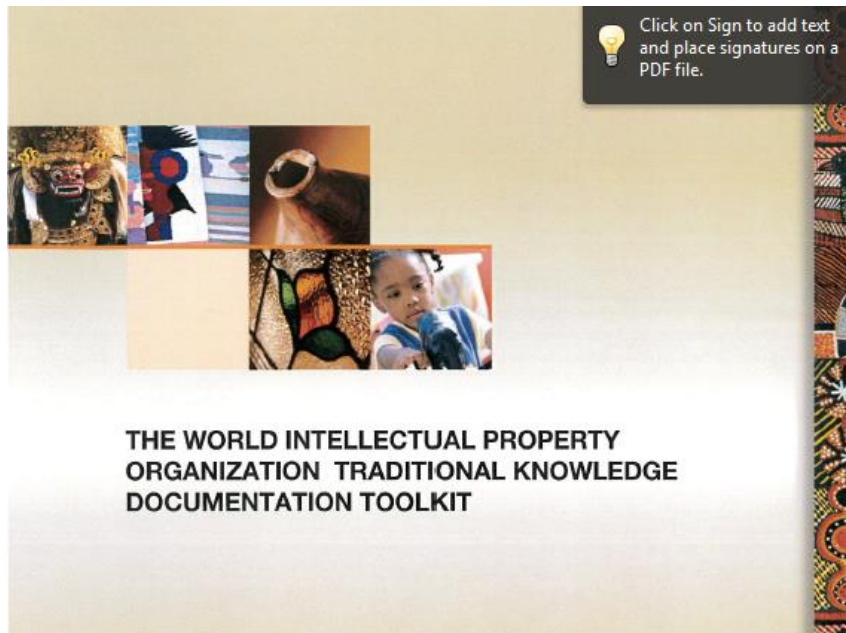
TK and TCEs Documentation: The Intellectual Property Risks and Opportunities

Documentation

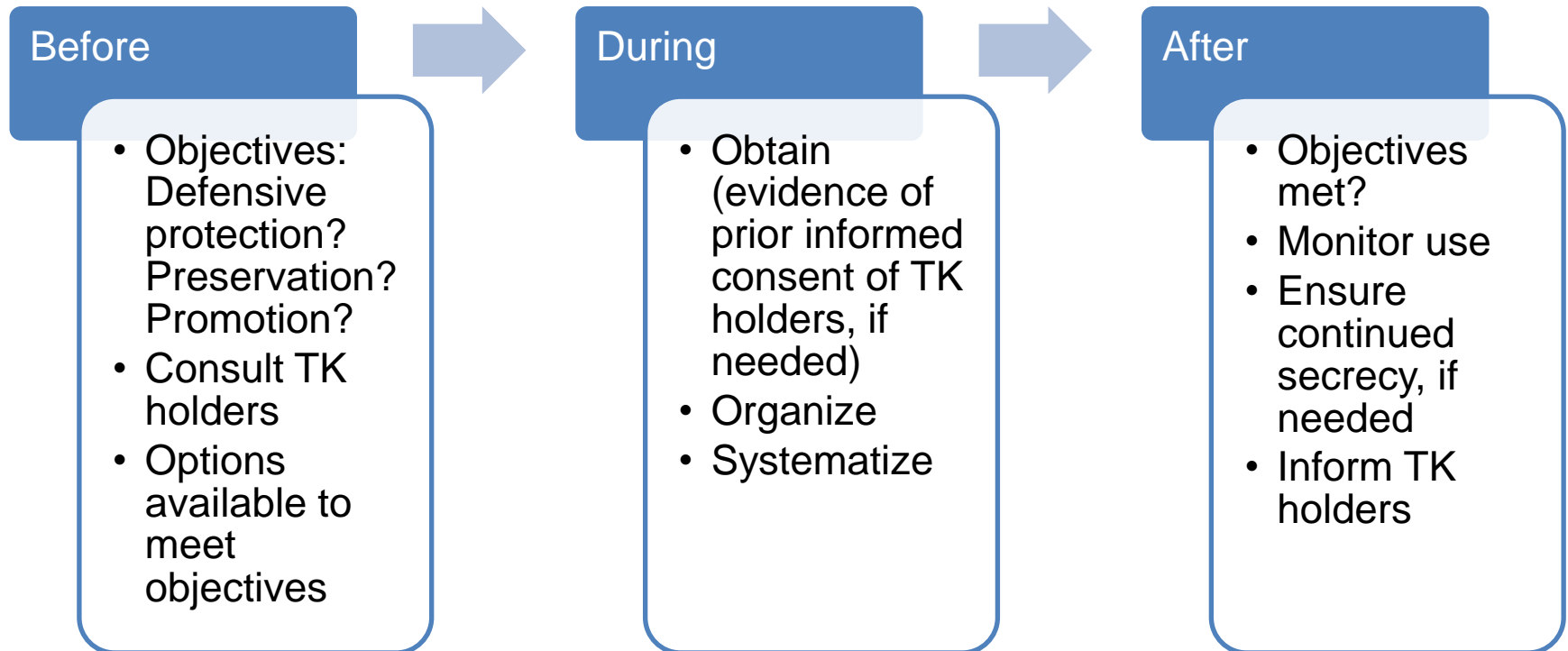


- Risks
- Opportunities

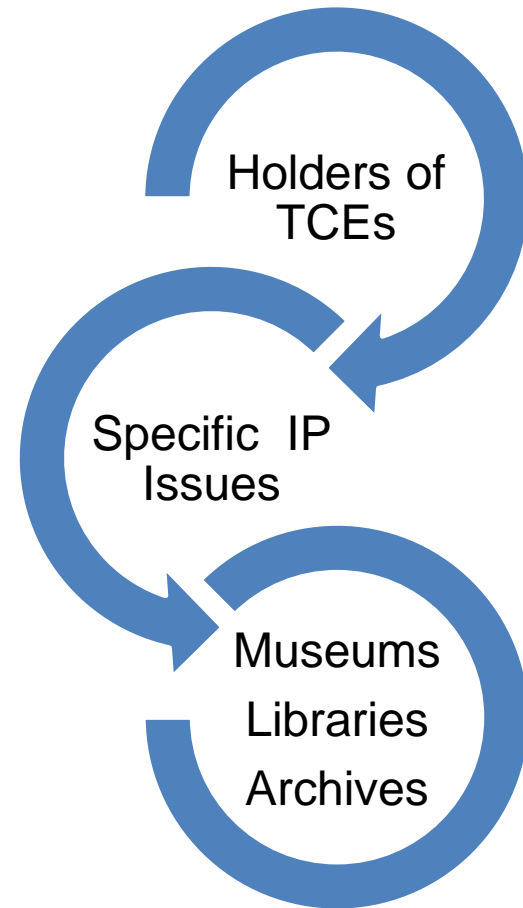
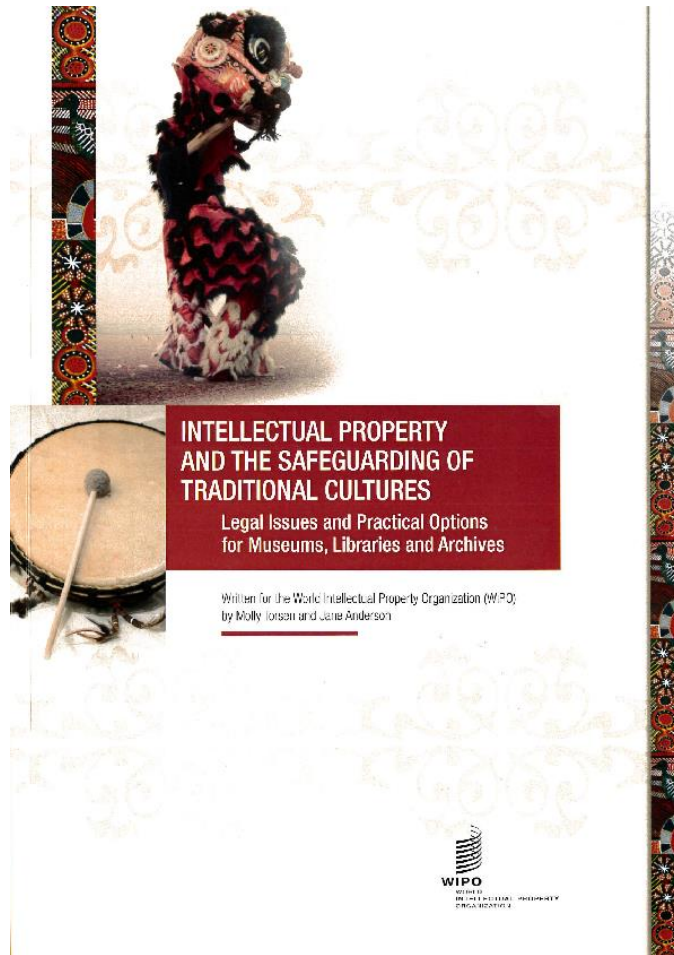
The WIPO TK Documentation Toolkit



The WIPO TK Documentation Toolkit



Other WIPO publications



**From local to global:
Helping indigenous and local
communities protect and market
their cultural assets**

Bilum





Photo: © Dina Saulo

- Enhance capacity to make use of IP tools
- Establish an effective IP strategy
- Better market, commercialize and protect tradition-based handicraft

BACKGROUND
BRIEF

N°5

INTELLECTUAL PROPERTY & TRADITIONAL HANDICRAFTS

INTRODUCTION

Traditional craftsmanship requires specialized and traditional techniques, skills and knowledge that are often of considerable antiquity and transmitted from generation to generation. Handicrafts can be traditional cultural expressions (TCEs) in their design, appearance and style, and can also embody traditional knowledge (TK) in the form of the skills and know-how used to produce them.

TK and TCEs, including handicrafts, are valuable cultural, social and historical assets of the communities who maintain, practice and develop them; they are also economic assets that can be used, traded or licensed for income generation and economic development. Unfortunately, however, traditional techniques - and the design, reputation and style associated with handicrafts - are vulnerable to imitation and misappropriation. All too often cheap imitations undermine sales of traditional handicrafts as well as the quality reputation of the genuine products.

Proposals and solutions are being identified for the legal protection of TK and TCEs to prevent their misuse, misappropriation, or other kind of *illicit exploitation*. These can also be useful for the protection of traditional handicrafts. Negotiations on a *sui generis* international legal instrument for the protection of TK and TCEs are currently taking place in the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). These negotiations aim to address the linkages between the intellectual property (IP) system and the concerns of TK and TCE holders. A number of countries and regions have also developed their own *sui generis* systems for protecting TK and TCEs.

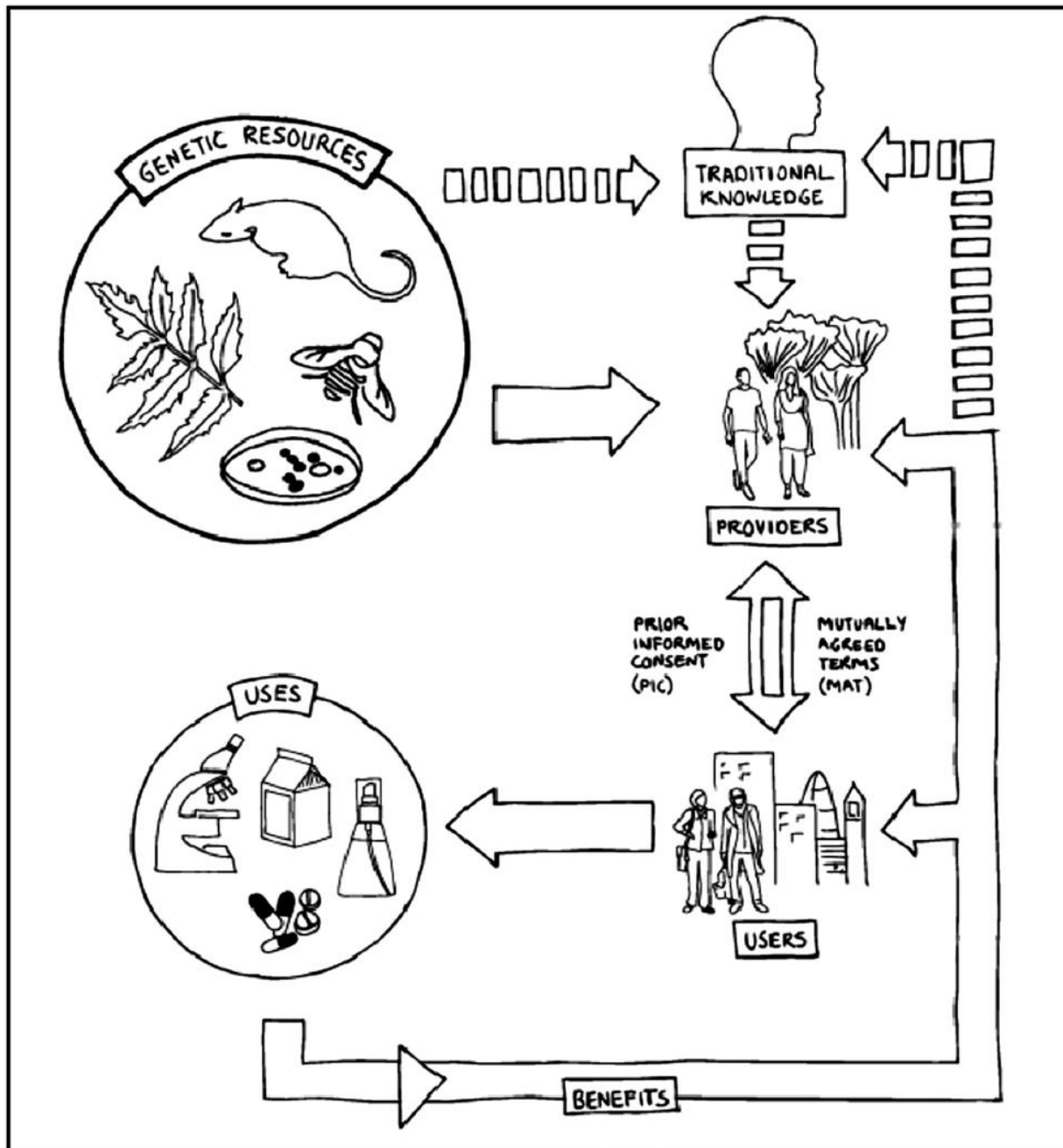
In the meantime, existing IP rights, such as trademarks, geographical indications, copyright, industrial designs or patents can also be used by artisans and handicraft organizations to promote their interests. In particular, they can be used to protect traditional handicrafts against unauthorized reproduction and adaptation, and against misleading use of their style and reputation.



**Protecting Names and Symbols Associated with
Traditional Knowledge
A Practical Guide**

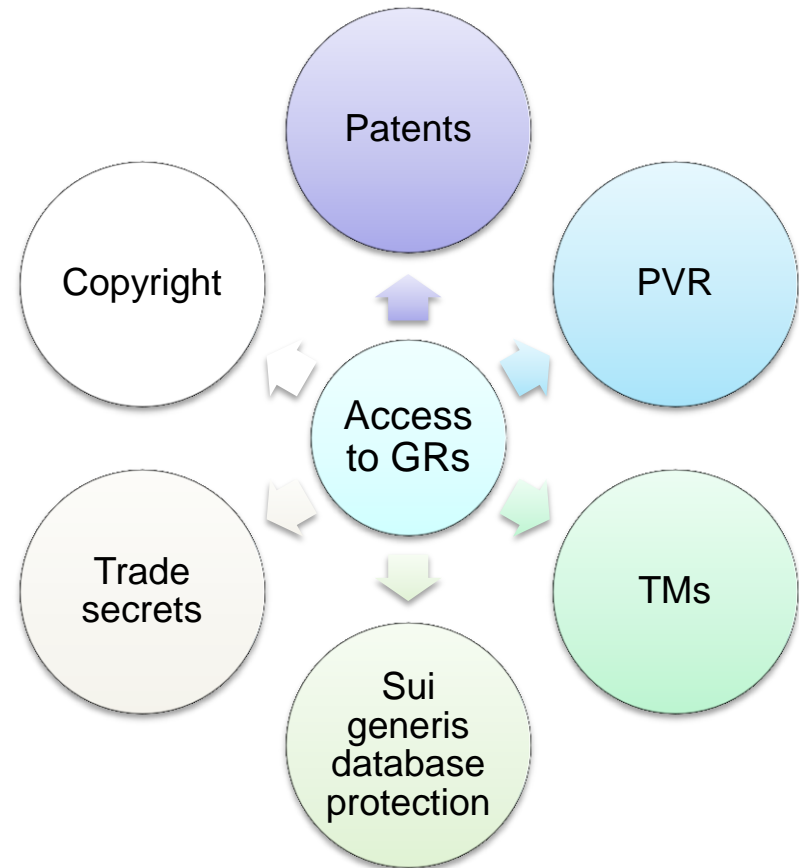
2015

The Role of Intellectual Property in Access and Benefit-sharing Agreements



IP aspects of ABS

- Negotiating and granting access to GRs, for research or commercial uses, can potentially result in a number of IP rights
 - Should IP rights be used?
 - If so, under which conditions?



Some questions to consider

- Who will decide whether to acquire IP rights?
- Who will apply for the IP right/patent?
- Who will own the IP right/patent? Joint ownership?
- Who will negotiate and agree the terms of any subsequent arrangement to exploit the patent?
- How, when and who will be entitled to share the benefits arising from it?



**Draft Intellectual Property
Guidelines for Access to
Genetic Resources and
Equitable Sharing of the Benefits
arising from their Utilization**

CONSULTATION DRAFT
February 4, 2010



WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

Biodiversity-related Access and Benefit-sharing Agreements

Database of actual and model biodiversity-related access and benefit-sharing agreements and related information, with particular emphasis on the intellectual property aspects of such agreements.

The database is a work in progress. Interested parties are invited to contribute by completing our questionnaire [PDF](#) [DOC](#) and/or by contacting us.

Related links

[Genetic resources](#)

[Consultations on genetic resources](#)

[Full text search](#)

[List of all contracts](#)



Intellectual Property Related Clauses

- Intellectual Property (general)
- Patents
- Distinctive Signs
- Plant Breeders' Rights
- Trade Secrets

Other Clauses

- Dispute Resolution
- Definitions
- Ownership
- Confidentiality
- Transfer to Third Parties

Indigenous Participation

www.wipo.int/tk/en/indigenous

Indigenous Peoples and Local Communities Portal



"Glwa", Heiltsuk canoe (UN Photo/John Isaac)

Links to resources for indigenous peoples and local communities.

Participation

- Accreditation to the IGC
- WIPO Voluntary Fund
- IGC Panels on Indigenous Peoples and Local Communities
- WIPO Indigenous Fellowship

Training

- Distance Learning Course
- Practical Workshop for Indigenous Peoples
- Traditional Knowledge Document Toolkit
- Practical Guides

WIPO Indigenous Fellowship

2013 – Mr. Q”apaj Conde
(Plurinational State of
Bolivia)



2012 -- Mrs. Jennifer Tauli
Corpuz (Philippines)



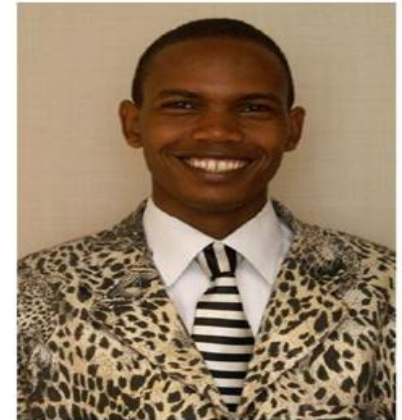
2011 – Ms. Gulnara
Abbasova (Ukraine)



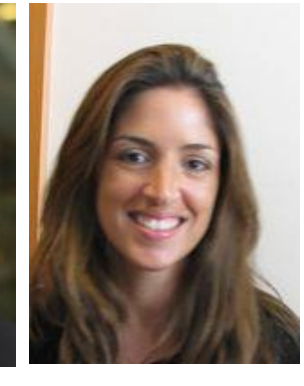
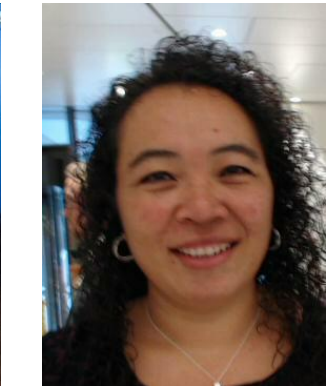
2010 – Ms. Patricia Adjei
(Australia)



2009 – Mr. Eliamani
Laltaika (Tanzania)



The Team

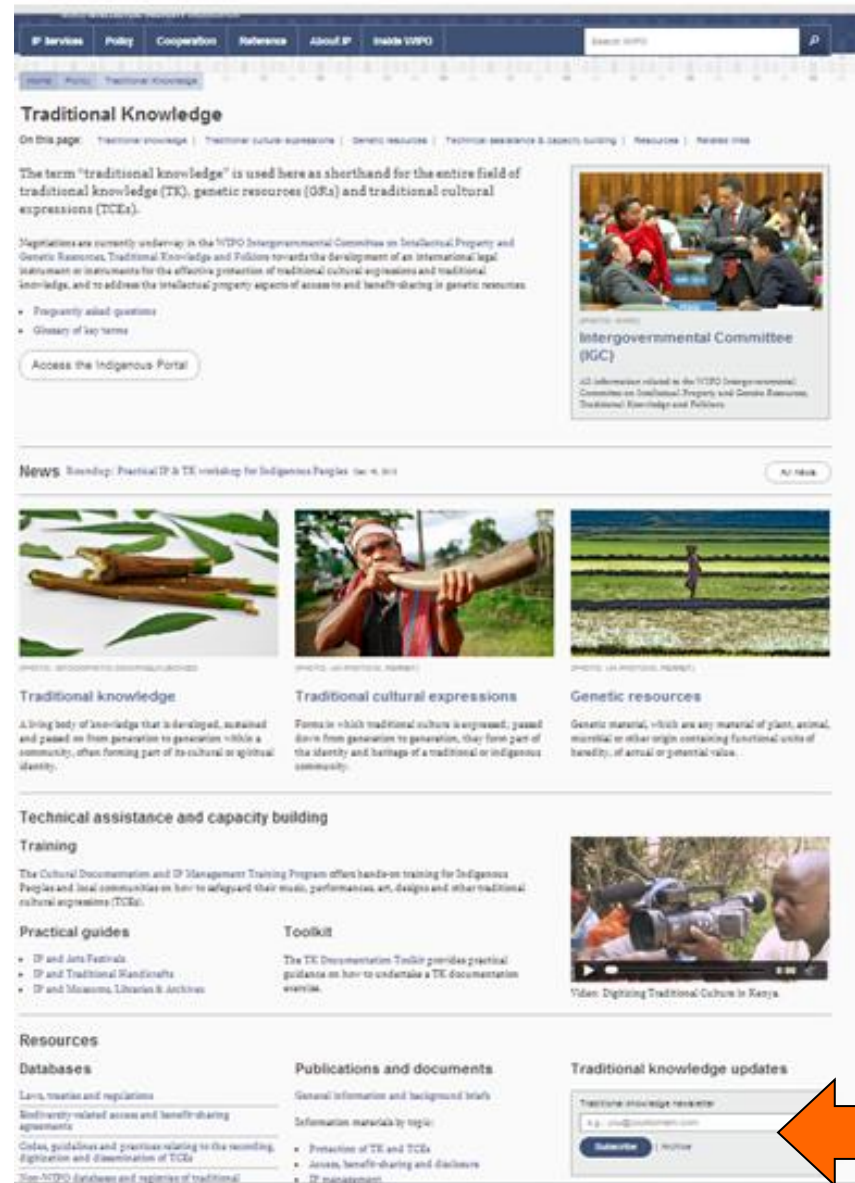






Access all
resources at:
www.wipo.int/tk/en

Email:
grtkf@wipo.int



The screenshot shows the homepage of the WIPO Traditional Knowledge portal. The page is organized into several sections:

- Traditional Knowledge:** A main section with a navigation menu (IP Services, Policy, Cooperation, Reference, About IP, Inside WIPO) and a search bar. It includes a definition of traditional knowledge, a list of frequently asked questions, and a link to the Indigenous Portal.
- Intergovernmental Committee (IGC):** A section featuring a photo of a meeting and text about the IGC's role in developing an international legal instrument for the protection of traditional cultural expressions and traditional knowledge.
- News:** A section with a "Newspaper: Practical IP & TK toolbox for Indigenous Peoples" and a "No links" button. It contains three news items with images and captions: "Traditional knowledge" (showing ginger roots), "Traditional cultural expressions" (showing a person playing a traditional instrument), and "Genetic resources" (showing a person in a field).
- Technical assistance and capacity building:** A section with a "Training" subsection (describing the Cultural Documentation and IP Management Training Program) and a "Toolkit" subsection (describing the TK Documentation Toolkit).
- Resources:** A section with three sub-sections: "Databases" (listing laws, treaties, and agreements), "Publications and documents" (listing general information and background info), and "Traditional knowledge updates" (featuring a "Subscribe" button and a "Notify" button, which is highlighted by a large orange arrow).