



הרשות למשפט,  
טכנולוגיה ומידע

**Israeli Law Information and Technology Authority**

# Protecting Traditional Knowledge through IP – observations from data protection and privacy

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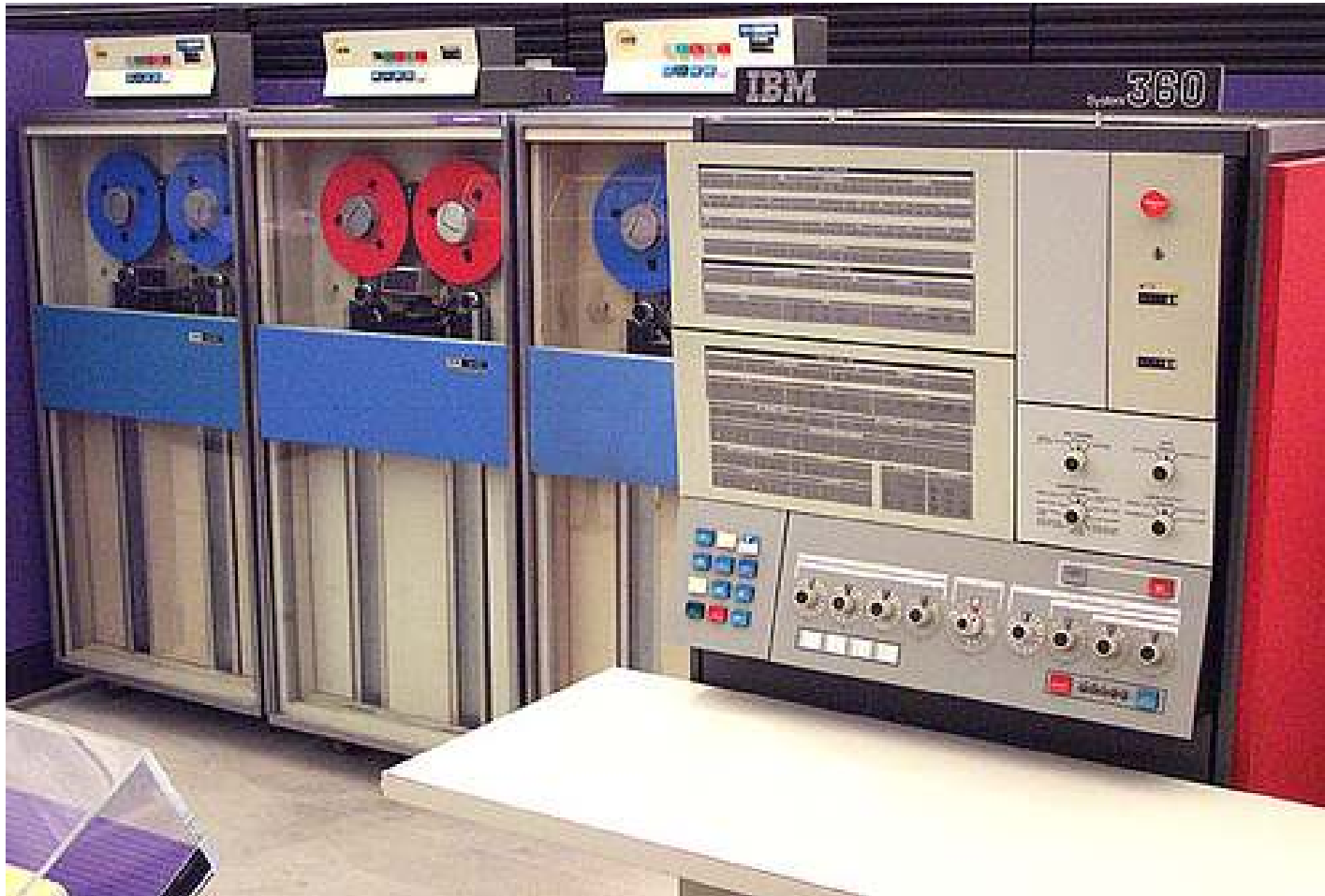
- Social rational
  - A right to be “**left alone**”/ to **control** the way information about a person is used/ to “**allow access**” to a person/ “**contextual privacy**”
- A **constitutional right**
  - Part of the protection of **dignity** and **autonomy**
  - **Proportionality**
- In the **law** – PPA, 1981
  - Privacy **torts** [like **libel** and the copyright **moral right**]
  - “**Informed Consent**” for use (collection and processing)
  - “**Purpose limitation**”
  - **Access and rectification**
  - ...

# History – regulation of databases to prevent “Big Brother”

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**Social  
networks**

**,Celluar  
,IP  
cookies**

**collection**

**Cloud  
Computing**

**Internet**

**storage**

**Personal  
Computers**

**Central  
Databases  
Mainframe**

**use**



- From a public good to “property”
- From “property” to “the market”
- Is the market fair?
  - What is “**informed consent**” in the DP or the IP “market”?
  - [Is collective bargaining fair to the individual?]
  - What are unintended consequences of publication or distribution of information?
  - How can “**contexts**” be controlled?
  - How does this effect self determination and control of identity?



- Learning from the moral right?
  - A “personal” tort?
  - Inalienable/non –transferable/non- waivable?
  - Joint ownership of moral rights? [“TA Culture Hall case”]
  - Exemptions? [The netcom case]



# The Israeli Law Information and Technology Authority

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