

E-Commerce and IP: How Can IP Tools Help IPLC Entrepreneurs Protect and Promote Their Virtual Assets?

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TRADITIONAL KNOWLEDGE: PROTECTION AND PROMOTION

Traditional knowledge & expressions



may be protected through

Intellectual property



may be used to promote

Traditional knowledge & expressions



TRADITIONAL KNOWLEDGE: PROTECTION

Depending on the traditional knowledge expression and its “elements”, e.g.:



-traditional formulas or recipes → patents/copyright/trade secrets

-textiles (working technique; material; decoration; motifs and colors) → patents/trademarks/industrial designs/copyright/trade secrets

-objects (working technique; material; decoration; motifs and colors) → patents/trademarks/industrial designs/copyright/trade secrets

TRADITIONAL KNOWLEDGE: PROTECTION

Depending on the traditional knowledge expression and its “elements”:

Patents: new, industrial application, inventive step, disclosure!

Trademarks: distinctive + new!

Industrial designs: new, industrial application, not conceived only for its function or...

...Copyright: expression of an idea + original!



TRADITIONAL KNOWLEDGE: PROTECTION

Patents: registration!

Trademarks: in principle registration (in some countries, protection with use)!

Industrial designs: in principle registration (in some countries, with use and/or through copyright)!

Copyright: automatic!

TRADITIONAL KNOWLEDGE: PROTECTION AND PROMOTION

Intellectual property ensures:

- Protection & safeguard of your traditions and, should you wish it, promotion of your culture**
- IP may help you promote your traditional knowledge expressions as the original ones!**
- Economic gains & uniqueness on the market**

TRADITIONAL KNOWLEDGE: PROTECTION AND PROMOTION

Legal IP protection should ALWAYS go hand in hand with an IP management strategy!



TRADITIONAL KNOWLEDGE: PROTECTION

Collective marks, certification marks and GIs!



Explain the connection between your traditional knowledge and the traditional knowledge expression your business revolves around!

Specific videos, pictures, information!

TRADITIONAL KNOWLEDGE: PROTECTION

-The Cowichan tribe and the COWICHA certification mark:



-registered in 1996 by the Cowichan Band Council of British Columbia at the Canadian IP Office for clothing (such as sweaters, vests, ponchos, hats, socks, and slippers);

-“The certification mark, to be used by persons authorized by the certifier, will certify that the wares have been hand-knit in one piece in accordance with traditional tribal methods by members of the Coast Salish Nation using raw, unprocessed, undyed, hand-spun wool made and prepared in accordance with traditional tribal methods.”

TRADITIONAL KNOWLEDGE: PROTECTION AND PROMOTION



E-commerce:

Allows you to expand your business and market of reference beyond your normal market borders...

...but also exposes you to the threat of being copied and subject to wider competition (this threat exists even if you don't engage in e-commerce...)!



intellectual property as a tool for protecting your traditional knowledge expressions and promote your culture in a “safe” way!

TRADITIONAL KNOWLEDGE, IP AND E-COMMERCE

Creating a website:

- Buy a domain name recalling your community, traditional knowledge expression and/or your products
- Create a website alone or together with the members of your community
- Just make sure to always clarify the terms of your relationship with your fellows and with the website programmer!

TRADITIONAL KNOWLEDGE, IP AND E-COMMERCE

Enforcing/defending your rights:

- Copyright notice in the first page of the website and © to signal copyright protection
- Post only pictures with a watermark
- Disable right-click and hotlinking and display copyright notice when an image is right-clicked
- Don't show all the procedure to create your product!

Thank you for your attention!

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