



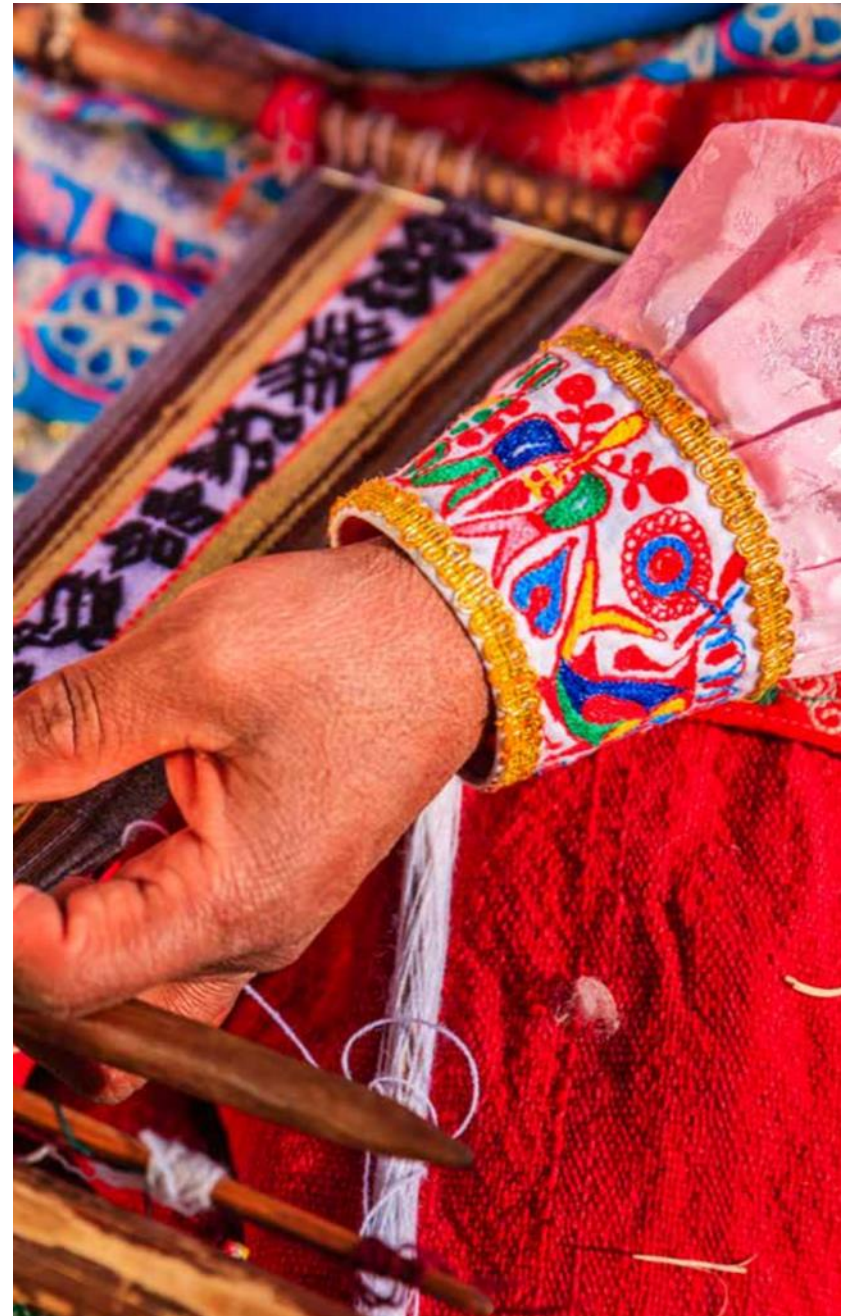
# Tags and Labelling

May 5, 2022

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# Outline

- Relationship with intellectual property
- Options for protection
- Community entrepreneurship
- WIPO's work
- Some tools and resources



- Traditional cultural expressions (TCEs) are intellectual property

## ■ Traditional cultural expressions

- They cannot be fully protected by existing IP systems due to inadequacies of the system

# Copyright

- Work needs to be original
- Identifiable author
- Fixation
- Limited term
- No protection for styles and method of manufacture
  
- Protection for contemporary cultural expressions
- Underlying TCEs may not be protected

# Options for protecting and promoting TCEs with IP

- Protection/promotion with **conventional/existing** IP systems
- **Adaptation** of conventional/existing IP systems
- ***Sui generis*** protection



# *Sui generis* protection of TK/TCEs

- TK/TCEs would be recognized as a form of “intellectual property”
- Protection would be provided by a special system based on the kinds of measures, principles and values that underlie the intellectual property system



# Normative development: WIPO IGC

- WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)
  - Created in 2000
  - Forum where negotiations take place for an international legal instrument on TK, TCEs and GRs
  - IGC participants: Member States, indigenous and local communities, business, civil society and other NGOs



# Adaptations of IP laws and *sui generis* regimes

<https://www.wipo.int/tk/en/databases/tklaws/>

## Traditional Knowledge, Traditional Cultural Expressions & Genetic Resources Laws

Find laws, treaties and regulations on the protection of traditional knowledge (TK), traditional cultural expressions (TCEs) and genetic resources (GRs).

Subject Matter

\*\*\*\* Any \*\*\*\*  
Traditional Knowledge  
Traditional Cultural Expressions  
Genetic Resources

Issue(s)

\*\*\*\* Any \*\*\*\*  
Subject Matter of Protection  
Beneficiaries or Rightholders  
Scope of Protection  
Exceptions and Limitations  
Trigger of Disclosure

Country / Organization

\*

\*\*\*\* Any \*\*\*\*  
Afghanistan  
Albania  
Algeria  
Andean Community  
Andorra  
Angola  
Antigua and Barbuda  
Argentina  
ARIPO  
Armenia

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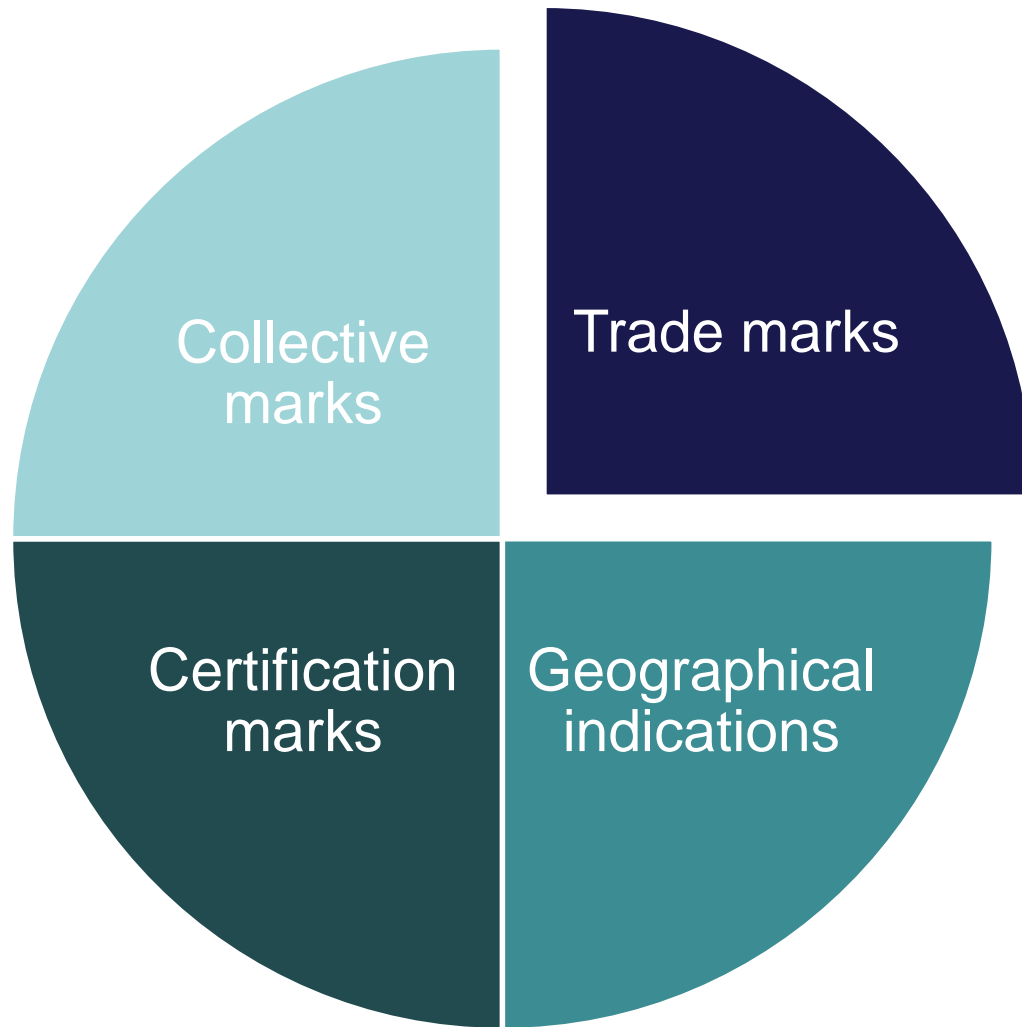
### Related links

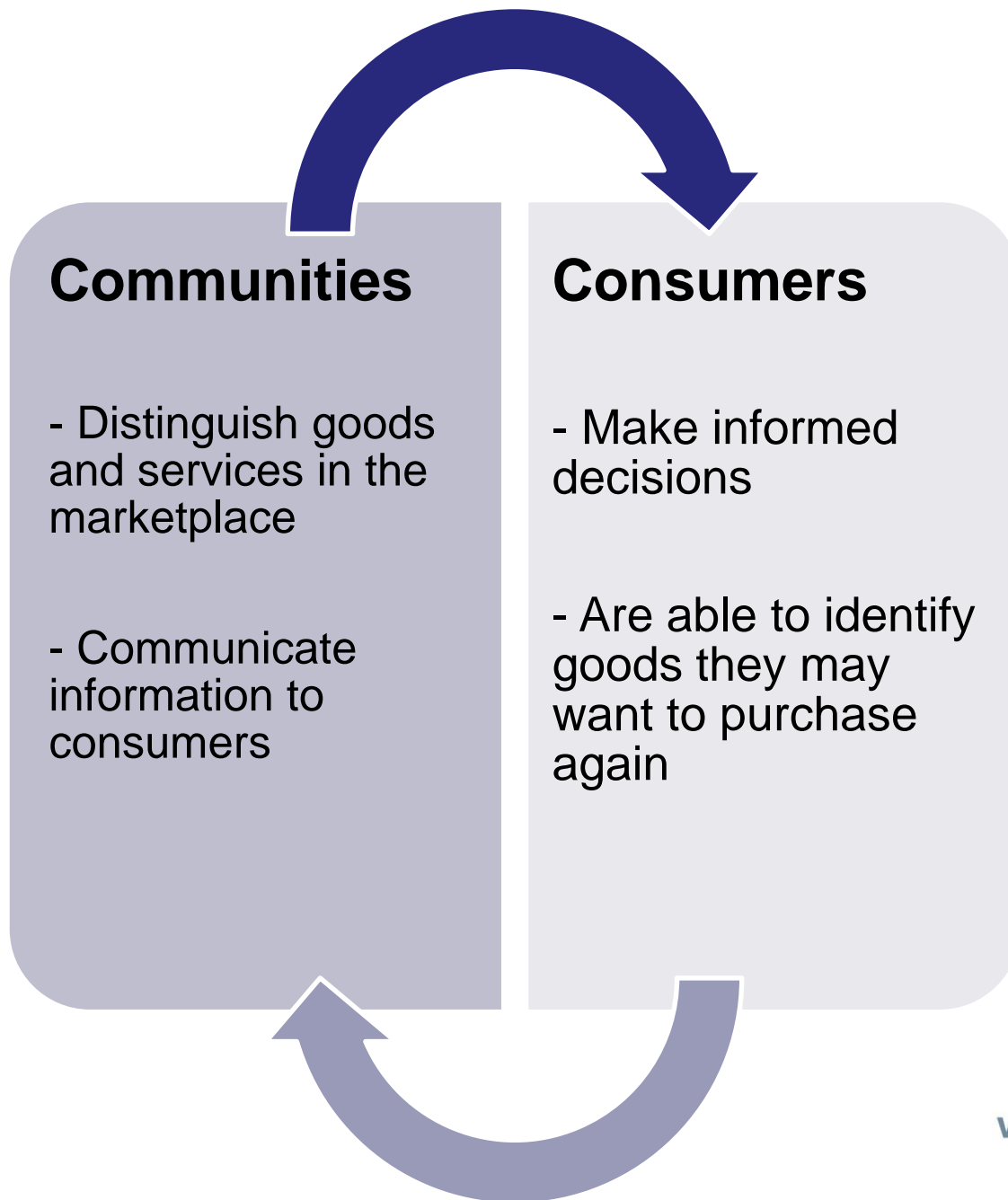
- [Treaties on TK, TCEs and GRs](#)
- [IP laws & treaties](#) (WIPO Lex)



# Protection/promotion with conventional/existing IP systems

- Focus on **Community Entrepreneurship**
  - IP rights that can be used in a **community context**
  - Signs that **distinguish goods and services** in the marketplace





**A certification mark** is a mark which indicates that the goods or services in connection with which it is used are certified by the owner of the mark as being compliant with certain standards, which may include origin, material, mode of manufacture of goods or performance of services, quality, accuracy or other characteristics.



### SÁMI DUODJI RY

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Follow Sámi Duodji ry's Facebook  
and Instagram accounts!

# Sámi Duodji ry

Sámi Duodji ry is an association of Finnish Sámi artisans, founded in Inari in 1975. The association is an association of Sámi artisans that organizes exhibitions, counseling and sales activities.

Sámi handicrafts were originally utensils related to accessories and decoration, cooking, jute, hunting culture, etc. Today, handicrafts are made according to traditional designs, although many items have been given a new use. Various wood, horn, pearl, yarn and leather work is essentially related to the Sámi way of life and livelihoods.

The association's own store was closed in 2008. Instead, Duodji Shop Oy has a stone foot shop in Inari and an online store with a wide selection of unique Sámi handicrafts. The store has the widest selection of Sámi handicrafts, music and literature in Finland

Rules

Membership application

Equality and equality plan

Publications

Sámi Duodji brand rules

History

<https://www.samiduodji.com/yhdistys>



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<https://www.samiduodji.com/30>

## EXPLANATIONS OF THE RULES OF THE HANDMADE MARK

### **What does Sámi Duodji mean**

The Sámi handicraft (Sámi Duodji) is understood in the Sámi language as consumables such as clothing, tools, household goods, fishing tackle and jewelry made by hand. Crafts have a long tradition. The traditions of modern handicrafts are also in natural materials. Sámi handicrafts are made according to an old tradition, but adapted to new working methods and new uses by region.

Products intended as souvenirs and not having a traditional use  
is not marked with Sámi Duodji.

### **Purpose of the mark**

- The mark is a trademark of Sámi handicrafts
- Shows buyers that the manufacturer of the goods is a Sámi
- Protect the quality of Sámi handicrafts
- To be a sign that Sámi handicraft is a living tradition.



# Certification marks

- ▶ Distinguish goods and services certified by the owner of the mark
- ▶ Guarantee that the goods or services marketed under the mark meet specific qualities or characteristics
- ▶ Can be used by anyone who complies with the standards defined by the owner of the certification mark
- ▶ Enable consumer recognition and raise public awareness
- ▶ Can be used as a marketing tool

**A collective mark** is a mark which distinguishes the goods or services of members of an entity (for example, an association) which is the owner of the mark from those of other undertakings.

# «Taita Basket» collective mark

Started by WIPO in 2016, a branding project using **intellectual property (IP)** supported a community of female basket weavers in Kenya's Taita Taveta County in acquiring a collective mark. The "Taita Basket" mark is a strategic IP tool for developing their regional brand, which the basket weavers hope will allow them to command higher prices, increase sales and improve their standards of living.



<https://www.wipo.int/ipadvantage/en/details.jsp?id=10875>

- Forming a collective (400 weavers)
- Weaving together quality standards
- Overcoming challenges through collaboration



# Collective marks

- ▶ Distinguish the goods or services of members of an association
- ▶ Inform the public about certain features of a product associated with the mark (may not always relate to all collective marks)
- ▶ Enable members of an association to conduct joint marketing campaigns
- ▶ Enable consumer recognition and encourage customer loyalty

**Geographical indications** are indications used on products that have a specific geographical origin and possess qualities, characteristics or a reputation that are due to that geographical place of origin.



# Montecristi straw Hat

- Made in a town called Montecristi in Ecuador

- Time-consuming and labor intensive process

- Specific qualities, characteristics or reputation due to natural and/or human factors)

[https://www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_1048.pdf](https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1048.pdf)



An example from Ecuador:  
the Montecristi straw hat

The Montecristi straw hat is made in the town of Montecristi in Manabi province, Ecuador, by expert weavers, and dates back to the 16<sup>th</sup> century. Its production involves a time-consuming and labor-intensive process that takes many steps – among others, these include harvesting the green leaves of the *toquilla* plant, boiling the fibers, the creation by expert weavers of intricate spiral patterns flowing outward from the center of the crown of each hat, the pounding of the rudimentary hats into their distinctive shape, and the addition of finishing touches that mean the hats do not have seams.<sup>1</sup>

# Geographical indications

- ▶ Set out certain quality standards
- ▶ Can be used as differentiation tools and bear a premium price
- ▶ Can be used as a tool for economic development and encourage investment in the production of quality local products
- ▶ Protect goodwill accumulated over time and can help preserve traditional ways
- ▶ The costs associated with the setting up, running and monitoring of a GI scheme need to be considered early on

# Indigenous and local community entrepreneurship



- WIPO provides assistance to indigenous peoples and local communities to make strategic and effective use of existing intellectual property tools in their businesses
  - Training, mentoring and match-making program for indigenous entrepreneurs

# Development of tools and resources to support community entrepreneurs



## Protecting your tradition-based products and services with IP

Explore our top tips for Indigenous and local community entrepreneurs looking to use intellectual property.

Webinar Series  
**How to Protect and Promote Your Culture**

WIPO

**Webinar series: How to Protect and Promote Your Culture**



## Taking your tradition-based business online

Explore our top tips for Indigenous and local community entrepreneurs looking to take their businesses online.

**Protect and Promote Your Culture**

A Practical Guide to Intellectual Property for Indigenous Peoples and Local Communities

WIPO  
WORLD INTELLECTUAL PROPERTY ORGANIZATION



# Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions



  
**WIPO**  
WORLD  
INTELLECTUAL PROPERTY  
ORGANIZATION

# Intellectual Property and Folk, Arts and Cultural Festivals

Practical Guide



  
**WIPO**  
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ORGANIZATION

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# Newsletter and updates

## Email updates

### **Traditional Knowledge Updates** –

Regular news and resources about intellectual property & traditional knowledge; and IGC updates.

**Sign up**

| [All WIPO newsletters](#)



# Thank you!

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