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Second Session

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QUESTIONNAIRE ON NATIONAL EXPERIENCES WITH THE LEGAL
PROTECTION OF EXPRESSIONS OF FOLKLORE

Prepared by the Secretariat

- ◆ This questionnaire is addressed to the Member States of the World Intellectual Property Organization (WIPO) and other Members of the Intergovernmental Committee.
- ◆ Members are requested to return their responses to the questionnaire to the Secretariat of WIPO before *September 14, 2001*.
- ◆ Responses should be addressed to the Global Intellectual Property Issues Division, 34 chemins des Colombettes, 1211, Geneva, 20. Fax: +41-22-338-8120.
- ◆ This questionnaire will be available at <www.wipo.int/globalissues>, and responses may also be submitted electronically through this site.

INTRODUCTION

This Questionnaire

1. Discussions during the first session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (April 30 to May 3, 2001) (“the Intergovernmental Committee”) under Agenda Item 5.3 (“Protection of Expressions of Folklore”) considered *inter alia* certain suggestions relating to the Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and Other Prejudicial Actions, which were adopted in 1982 under the auspices of the World Intellectual Property Organization (WIPO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) (“the Model Provisions”). These suggestions included, more specifically, that the Model Provisions be updated to take into account developments and new forms of commercial exploitation that have taken place since 1982, as had been recommended in four Regional Consultations on the Protection of Expressions of Folklore organized by WIPO and UNESCO in 1999.¹ In addition, the first session of the Intergovernmental Committee considered a suggestion that, once updated, the Model Provisions could constitute a basis for effective protection for expressions of folklore at national, regional and international levels, as had also been referred to at the Regional Consultations.²

2. In the course of such discussions, several Member States indicated that further information on national experiences with implementation of the Model Provisions would be desirable before further consideration could be given to the Model Provisions, including possibly updating them.³

3. Further information on the development and adoption of the Model Provisions, the main recommendations of the Regional Consultations and other related activities is contained below in the section headed “Background.”

4. This questionnaire seeks primarily, therefore, to gather legal and practical information on national experiences with the implementation of the Model Provisions. However, several Member States provide legal protection for expressions of folklore which is not necessarily based upon the Model Provisions. Other Member States may provide no form of legal protection for expressions of folklore. It is thus necessary to differentiate the questions to take into account such variances among Member States. Therefore:

- Certain questions are addressed to those States which provide specific legal protection for expressions of folklore in their national laws, whether or not on the basis of the Model Provisions. These questions are designed to obtain

¹ See WIPO/GRTKF/IC/1/3, paras. 92 to 101.

² *Idem*, paras. 107 – 114.

³ See WIPO/GRTKF/IC/1/13 (Report of first session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore), paras. 156 to 175.

information on lessons learned with the implementation of provisions in national laws for the legal protection of expressions of folklore, including those based upon the Model Provisions, and with the exercise, management and enforcement of the rights they provide. These questions are clustered as questions “For Member States which provide specific legal protection for expressions of folklore.”

- In respect of those Member States which do not currently provide specific legal protection for expressions of folklore, a distinct set of questions seeks general information on national policies and practices relating to the protection of expressions of folklore, and to ascertain the views of such Member States on the Model Provisions, including reasons why they have not been implemented. These questions are clustered as questions “For Member States which do not currently provide specific legal protection for expressions of folklore.”
- Certain questions are addressed to all Member States, irrespective of whether they have implemented the Model Provisions, or whether they provide other forms of protection for expressions of folklore. These questions are clustered as questions “For all Member States.”

5. The questionnaire concerns national experiences with the legal protection of expressions of folklore as intellectual property. This means specific legal protection of an intellectual property nature for expressions of folklore. Such protection may, but need not be, provided for in a State’s intellectual property laws. It may be provided for by *sui generis* (of its own kind) legislation, or as part of a law dealing with national cultural heritage, for example. The questionnaire is, therefore, not concerned with indirect, or incidental, protection for expressions of folklore, such as may be provided in certain cases by copyright, related rights or industrial property laws. It is also not concerned with the identification, preservation, promotion and dissemination of folklore, save to the extent that these may be relevant to the legal protection of expressions of folklore as intellectual property.

6. The questionnaire is not exhaustive, and the questions contained in it are simply indications of the kind of information that is being sought. Respondents are requested to answer all the questions as fully as possible, and to provide, wherever possible, practical examples and lessons learned. It should be emphasized that the primary purpose of the questionnaire is to obtain practical information.

7. The questionnaire is addressed to the Ministries of Foreign Affairs of WIPO’s Member States and other Members of the Intergovernmental Committee. The Ministries are requested to refer, if necessary, the questionnaire to the relevant national offices for copyright and related rights and for industrial property. The offices which complete the questionnaire are strongly encouraged to seek input from other relevant Government departments, agencies and offices and, where appropriate, non-governmental

stakeholders, such as indigenous and local communities, research institutions, folklore archivists, folklore documentation centres, museums and the private sector.

8. The questionnaire is divided into three main sections, being:
 - I. Application of the Model Provisions as a Whole;
 - II. Application of the Principal Provisions of the Model Provisions; and,
 - III. Modification and Adaptation of the Model Provisions.

Section II (Application of the Principal Provisions of the Model Provisions) is further sub-divided into the following sub-sections: (a) Basic principles taken into account for the elaboration of the Model Provisions; (b) Protected expressions of folklore; (c) Acts against which expressions of folklore are protected; (d) Authorization of utilizations of expressions of folklore; (e) Sanctions, remedies and jurisdiction; (f) Relation to other forms of protection; (g) Protection of expressions of folklore of foreign countries. Each sub-section is introduced by a brief explanation of the relevant provisions and issues. In each sub-section, respondents are invited to include other information not specifically requested by any of the questions.

9. A copy of the Model Provisions, with a commentary, is attached as Annex 1.
10. The responses to the questionnaire will be examined and compiled by the Secretariat of WIPO, and the results will thereafter made available to the Intergovernmental Committee.

Background

11. The Model Provisions were adopted in 1982 by a Committee of Governmental Experts on the Intellectual Property Aspects of the Protection of Expressions of Folklore, which had been convened by the Directors General of WIPO and UNESCO.⁴
12. During the course of the development of the Model Provisions, it had been agreed by a Working Group convened by WIPO and UNESCO that: (i) adequate legal protection of folklore was desirable; (ii) such legal protection could be promoted at the national level by model provisions for legislation; (iii) such model provisions should be so elaborated as to be applicable both in countries where no relevant legislation was in force and in countries where existing legislation could be further developed; (iv) the said model provisions should also allow for protection by means of copyright and neighboring rights where such forms of protection could apply; and, (v) the model provisions for national laws should pave the way for sub-regional, regional and international protection of creations of folklore.

⁴ See generally Ficsor, M., "Attempts to Provide International Protection for Folklore by Intellectual Property Rights", paper presented at the UNESCO-WIPO World Forum on the Protection of Folklore, Phuket, Thailand, April 8 to 10, 1997.

13. The Model Provisions were developed in response to concerns that expressions of folklore, which represent an important part of the living cultural heritage of nations, were susceptible to various forms of illicit exploitation and prejudicial actions. More specifically, as stated in the Preamble to the Model Provisions, the Expert Committee believed that the dissemination of folklore might lead to improper exploitation of the cultural heritage of a nation, that any abuse of a commercial or other nature or any distortion of expressions of folklore was prejudicial to the cultural and economic interests of the nation, that expressions of folklore constituting manifestations of intellectual creativity deserved to be protected in a manner inspired by the protection provided for intellectual productions, and that the protection of folklore had become indispensable as a means of promoting its further development, maintenance and dissemination.

14. As already noted, the Model Provisions were intended to pave the way for sub-regional, regional and international protection of creations of folklore. A number of participants stressed at the meeting of the Committee of Governmental Experts which adopted the Model Provisions that international measures would be indispensable for extending the protection of expressions of folklore of a given country beyond the borders of the country concerned. WIPO and UNESCO followed such suggestions when they jointly convened a Group of Experts on the International Protection of Expressions of Folklore by Intellectual Property, which met in Paris from December 10 to 14, 1984. The Group of Experts was asked to consider the need for a specific international regulation on the international protection of expressions of folklore by intellectual property and the contents of an appropriate draft. The discussions at the meeting of the Group of Experts reflected a general recognition of the need for international protection of expressions of folklore, in particular, with regard to the rapidly increasing and uncontrolled use of such expressions by means of modern technology, beyond the limits of the country of the communities in which they originate.

15. However, the great majority of the participants considered it premature to establish an international treaty since there was no sufficient experience available as regards the protection of expressions of folklore at the national level, in particular, concerning the implementation of the Model Provisions. Two main problems were identified by the Group of Experts: the lack of appropriate sources for the identification of the expressions of folklore to be protected and the lack of workable mechanisms for settling the questions of expressions of folklore that can be found not only in one country, but in several countries of a region. The Executive Committee of the Berne Convention and the Intergovernmental Committee of the Universal Copyright Convention, at their joint sessions in Paris in June 1985, considered the report of the Group of Experts and, in general, agreed with its findings. The overwhelming majority of the participants was of the opinion that a treaty for the protection of expressions of folklore would be premature. If the elaboration of an international instrument was to be realistic at all, it could not be more than a sort of recommendation for the time being.

16. In December 1996, the WIPO Committee of Experts on a Possible Protocol to the Berne Convention and the Committee of Experts on a Possible Instrument for the

Protection of the Rights of Performers and Producers of Phonograms recommended that “provision should be made for the organization of an international forum in order to explore issues concerning the preservation and protection of expressions of folklore, intellectual property aspects of folklore, and the harmonization of the different regional interests.”⁵ Accordingly, the UNESCO-WIPO World Forum on the Protection of Folklore was held in Phuket, Thailand, in April 1997. This meeting adopted a “Plan of Action” which suggested *inter alia* that “Regional consultative fora should take place....”⁶

17. Pursuant to the suggestion quoted immediately above, WIPO and UNESCO organized four Regional Consultations on the Protection of Expressions of Folklore in 1999.⁷ Each of the Regional Consultations adopted resolutions or recommendations which include proposals for future work, including that the Model Provisions be updated to take into account technological, legal, social, cultural and commercial developments since 1982.⁸ The Regional Consultations also recommended the establishment of effective national, regional and international regimes for the protection of folklore. In this respect, the Consultations indicated that the Model Provisions provide an appropriate framework and starting point for further work in this area.⁹

18. Regarding implementation of the Model Provisions, several countries have used the Model Provisions as a basis for national legal regimes for the protection of folklore. Many of these countries have enacted provisions for the protection of folklore within the framework of their copyright laws.

19. However, it appears that the Model Provisions have not had extensive impact on the legislative frameworks of WIPO’s Member States. Several reasons have been advanced for this, such as the scope of protected expressions in the Model Provisions. In this regard, for example, it has been suggested that the Model Provisions should also cover forms of “traditional knowledge” related to traditional medicine and medicinal practices, traditional agricultural knowledge and biodiversity-related knowledge.¹⁰ The nature and scope of the rights granted over expressions of folklore by the Model Provisions has also been cited as a reason. It has been suggested, for example, that the Model Provisions are limited in their usefulness because of their not providing for

⁵ See BCP/CE/VI/16-INR/CE/V/14, par. 269.

⁶ The Plan of Action records that “(t)he participants from the Governments of the United States of America and the United Kingdom expressly stated that they could not associate themselves with the plan of action.”

⁷ The regional consultations were held for African countries in Pretoria, South Africa (March 1999); for countries of Asia and the Pacific region in Hanoi, Viet Nam (April 1999); for Arab countries in Tunis, Tunisia (May 1999); and for Latin America and the Caribbean in Quito, Ecuador (June 1999).

⁸ See documents WIPO-UNESCO/FOLK/AFR/99/1; WIPO-UNESCO/FOLK/ASIA/99/1; WIPO-UNESCO/FOLK/ARAB /99/1; WIPO-UNESCO/FOLK/LAC /99/1.

⁹ See documents WIPO-UNESCO/FOLK/AFR/99/1, WIPO-UNESCO/FOLK/ASIA/99/1 and WIPO-UNESCO/FOLK/ARAB /99/1.

¹⁰ See documents WIPO-UNESCO/FOLK/AFR/99/1, WIPO-UNESCO/FOLK/ASIA/99/1, WIPO-UNESCO/FOLK/ARAB /99/1 and WIPO-UNESCO/FOLK/LAC /99/1. See also Kutty, P. V., “Study on The Protection of Expressions of Folklore”, 1999, study prepared for the World Intellectual Property Organization (WIPO), unpublished, pp. 76 and 77.

exclusive ownership-type rights over folklore.¹¹ In addition, as already noted, the possibility that the Model Provisions may be out of date, given technological, legal, social, cultural and commercial developments since 1982, has also been cited as a reason for the relatively low number of countries which have appear to have implemented or followed the Model Provisions.¹²

[Questionnaire follows]

¹¹ See Kutty, *op. cit.*, pp. 76 and 77.

¹² See in particular WIPO-UNESCO/FOLK/AFR/99/1, WIPO-UNESCO/FOLK/ASIA/99/1 and WIPO-UNESCO/FOLK/ARAB /99/1.

(ii) Are the relevant laws and regulations based, at least to some degree, upon the Model Provisions?

Yes

No

(iii) Please indicate below which aspect(s), if any, of the Model Provisions are not followed in your national laws and regulations:

*This aspect of the
Model Provisions
has not been followed
in our national laws
and regulations*

The basic principles underlying the Model Provisions (see the Preamble)

The scope of “expressions of folklore” protected by the Model Provisions (section 2)

The acts against which expressions of folklore are protected and the exceptions thereto (sections 3, 4, 6 and 6)

The provisions dealing with authorization of utilizations of expressions of folklore (sections 9 and 10)

The sanctions and remedies provided for (sections 7 and 8)

The solutions offered by the Model Provisions for the protection of expressions of folklore of foreign countries (section 14)

(b) Protected expressions of folklore

The Model Provisions do not offer any definition of folklore. Section 2 provides that “expressions of folklore” are understood as productions consisting of characteristic elements of the traditional artistic heritage developed and maintained by a community in the country or by individuals reflecting the traditional artistic expectations of such a community. This definition also embraces the results of individual development of the traditional artistic heritage, since the generally applied criterion of “impersonal” creativity does not always correspond to reality in the evolution of folklore. The personality of the artist is often an important factor in folklore expressions, and individual contributions to the development and maintenance of such expressions may represent a creative source of enrichment of inherited folklore if they are recognized and adopted by the community as expressions corresponding to its traditional artistic expectations.

The Model Provisions use the words “expressions” and “productions” rather than “works” to underline the fact that the provisions are *sui generis*, rather than part of copyright. It is another matter that expressions of folklore may, and often do, have the same artistic forms as “works.”

Only “artistic” heritage is covered by the Model Provisions. This means that, among other things, traditional beliefs, scientific views (e.g., traditional cosmogony) or merely practical traditions as such, separated from possible traditional artistic forms of their expression, do not fall within the scope of the proposed definition of “expressions of folklore.” On the other hand, “artistic” heritage is understood in the widest sense of the term and covers any traditional heritage appealing to our aesthetic sense. Verbal expressions, musical expressions, expressions by action and tangible expressions may all consist of characteristic elements of the traditional artistic heritage and qualify as protected expressions of folklore.

The Model Provisions also offer an illustrative enumeration of the most typical kinds of expressions of folklore. They are subdivided into four groups according to the forms of the “expressions,” namely expressions by words (“verbal”), expressions by musical sounds (“musical”), expressions “by action” (of the human body) and expressions incorporated in a material object (“tangible expressions”). The first three kinds of expressions need not be “reduced to material form,” that is to say, the words need not be written down, the music need not exist in musical notation and the dance need not exist in choreographic notation. On the other hand, tangible expressions by definition are incorporated in a permanent material, such as stone, wood, textile, gold, etc. The Model Provisions also give examples of each of the four forms of expressions. The words “architectural forms” appear in the Model Provisions in square brackets to show the hesitation which accompanied their inclusion, and to leave it up to each country to decide whether or not to include such forms in the realm of protected expressions of folklore.

(c) Acts against which expressions of folklore are protected

There are two main categories of acts against which, under the Model Provisions, expressions of folklore are protected: “illicit exploitation” and “other prejudicial actions” (Section 1).

“Illicit exploitation” of an expression of folklore is understood in the Model Provisions as any utilization made both with gainful intent and outside the traditional or customary context of folklore, without authorization by a competent authority or the community concerned. This means that a utilization—even with gainful intent—within the traditional or customary context should not be subject to authorization. On the other hand, a utilization, even by members of the community where the expression has been developed and maintained, requires authorization if it is made outside such a context and with gainful intent. See Section 3.

An expression of folklore is used in its “traditional context” if it remains in its proper artistic framework based on continuous usage of the community. For instance, to use a ritual dance in its “traditional context” means to perform it in the actual framework of the respective rite. On the other hand, the term “customary context” refers rather to the utilization of expressions of folklore in accordance with the practices of everyday life of the community, such as selling copies of tangible expressions of folklore by local craftsmen. A customary context may develop and change more rapidly than a traditional one.

Section 1 of the Model Provisions specifies the acts of utilization which require authorization where the circumstances described above exist. It distinguishes between cases where copies of expressions are involved and cases where copies of expressions are not necessarily involved. In the first category of cases, the acts requiring authorization are publication, reproduction and distribution; in the second category of cases, the acts requiring authorization are public recitation, public performance, transmission by wireless means or by wire and “any other form of communication to the public.”

Section 4 of the Model Provisions determines four special cases regarding the acts restricted under Section 3. In those cases, there is no need to obtain authorization, even if the use of an expression of folklore is made against payment and outside its traditional or customary context. The third case is where an expression of folklore is “borrowed” for creating an original work by an author. This important exception serves the purpose of allowing free development of individual creativity inspired by folklore. The Model Provisions do not want to hinder in any way the creation of original works based on expressions of folklore.

“Other prejudicial actions” detrimental to interests related to the use of expressions of folklore are identified by the Model Provisions, as four cases of offenses subject to penal sanctions (Section 6). Firstly, the Model Provisions provide for the protection of the “appellation of origin” of expressions of folklore. Section 5 requires that, in all printed publications, and in connection with any communication to the public, of any identifiable expression of folklore, its source be indicated in an appropriate manner by mentioning the community and/or geographic place from where the expression utilized has been derived. Under Section 6, non-compliance with the requirement of acknowledgment of the source is a punishable offense.

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(d) Authorization of utilizations of expressions of folklore

When the Model Provisions determine the entity entitled to authorize the utilization of expressions of folklore, they alternatively refer to “competent authority” and “community concerned,” avoiding the term “owner.” They do not deal with the question of the ownership of expressions of folklore since this may be regulated in different ways from one country to another. In some countries, expressions of folklore may be regarded as the property of the nation, while in other countries, a sense of ownership of the traditional artistic heritage may have developed in the communities concerned. Countries where aboriginal or other traditional communities are recognized as owners fully entitled to dispose of their folklore and where such communities are sufficiently organized to administer the utilization of the expressions of their folklore, authorization may be granted by the community itself. In other countries, where the traditional artistic heritage of a community is considered a part of the cultural heritage of the nation, or where the communities concerned are not prepared to adequately administer the use of their expressions of folklore, “competent authorities” may be designated to give the necessary authorizations in the form of decisions under public law.

Section 9 of the Model Provisions provides for the designation of a competent authority, where that alternative is preferred by the legislator. The same Section also provides, in a second paragraph in square brackets, for designation of a “supervisory authority,” if this should become necessary owing to the adoption of certain subsequent alternative provisions as regards activities to be carried out by such an authority (see below). “Authority” is to be understood as any person or body entitled to carry out functions specified in the Model Provisions. It is conceivable that more than one competent or supervisory authority may be designated, corresponding to different kinds of expressions of folklore or utilizations thereof. Authorities may be already existing institutions or newly established ones. The tasks of the competent authority (provided such an authority has been designated) are to grant authorizations for certain kinds of utilizations of expressions of folklore (Section 3), to receive applications for authorization of such utilizations, to decide on such applications and, where authorization is granted, to fix and collect a fee – if required by law – (Sections 10.1 and 10.2). The Model Provisions also provide that any decision by the competent authority is appealable (Section 10.3 and Section 11.1).

The Model Provisions offer the possibility (in square brackets, that is, as an option) of providing in the law that a supervisory authority shall establish tariffs payable for authorizations of utilizations or shall approve such tariffs (without indication in the Model Provisions as to who will, in such a case, propose the tariffs, although it was understood by the experts adopting the Model Provisions that the competent authority would propose the tariffs) (Section 10), and that the supervisory authority’s decision may be appealed to a court (Section 11.1).

Where the community as such is entitled to permit or prevent utilizations of its expressions of folklore subject to authorization, the community would act in its capacity of owner of the expressions concerned and would be free to decide how to proceed. There would be no supervisory authority to control how the community exercises its relevant rights. However, the Committee of Governmental Experts was of the opinion that, if it was not the community as such, but a designated representative body thereof, which was entitled by legislation to give the necessary authorization, such a body would qualify as a competent authority, subject to the relevant procedural rules laid down in the Model Provisions. As regards the process of authorization, it follows from Section 10.1 of the Model Provisions that an authorization must be preceded by an application submitted to the competent authority. The Model Provisions allow oral applications too, by placing the words “in writing” within square brackets. They also imply that the authorizations to be applied for may be “individual” or “blanket” authorizations, the first meaning an *ad hoc* authorization, and the second intended for customary users such as cultural institutions, theaters, ballet groups and broadcasting organizations. The Model Provisions (Section 10.2) allow, but do not make mandatory, collecting fees for authorizations. Authorizations may be granted free of the obligation to pay a fee. Even in such cases, the system of authorization may be justified since it may prevent utilizations that would distort expressions of folklore. The Model Provisions also offer choices regarding the purpose for which the collected fees must be used.

(e) Sanctions, remedies and jurisdiction

Sanctions should be provided for each type of offense determined by the Model Provisions, in accordance with the penal law of each country concerned. The two main types of possible punishments are fines and imprisonment. Which of these sanctions should apply, what other kinds of punishment could be provided for, and whether the sanctions should be applicable separately or in conjunction, depends on the nature of the offense, the importance of the interests to be protected and the regulations adopted in a given country concerning similar offenses. Consequently, the Model Provisions do not suggest any specific punishment; they are confined to the requirement of penal remedy, leaving it up to national legislation to specify its form and measure. As regards seizure and other similar measures, the Model Provisions are somewhat more explicit. Section 7 providing for such measures applies, in the case of any violation of the law, to both objects and receipts. "Object" is understood as meaning "any object which was made in violation of this [law]," while the receipts are "receipts of the person violating it [that is, violating the law]"; typical examples are the receipts of the seller of an infringing object and the receipts of the organizer of an infringing public performance.

It should be noted that seizure and other similar measures are not necessarily considered under the Model Provisions as confined to sanctions under penal law. They may be provided as well in other branches of the law, such as the law on civil procedure. Seizure should take place in accordance with the legislation of each country.

Section 8 of the Model Provisions states that the sanctions provided for in Sections 6 and 7 are without prejudice to damages or other civil remedies that may be applied. Section 11 deals with certain jurisdictional questions.

(f) Relation to other forms of protection

In the case of many important categories of expressions of folklore, “neighboring rights” (related rights) may be used as a fairly efficient means of indirect protection. Folk tales, folk poetry, folk songs, instrumental folk music, folk dances, folk plays and similar expressions actually live in the form of regular performances. Thus, if the protection of performers is extended to the performers of such expressions of folklore—which is the case in many countries—the performances of such expressions of folklore also enjoy protection. The same can be said about the protection of the rights of producers of phonograms and broadcasting organizations in respect of their phonograms and broadcasts, respectively, embodying such performances.

However, there is a slight problem just in respect of the key notion of “performers” (and the notion of “performances” following indirectly from the notion of “performers”) as determined in the International Convention for the Protection of Performers, the Producers of Phonograms and Broadcasting Organizations, 1961 (the “Rome Convention”). Under Article 3(a) of the Rome Convention, “performers” means actors, singers, musicians, dancers, and other persons who act, sing, deliver, declaim, play in, or otherwise *perform literary or artistic works*” (emphasis added). As expressions of folklore do not correspond to the concept of literary and artistic works proper, the definition of “performers” in the Rome Convention does not seem to extend to performers who perform expressions of folklore. More recently, however, the WIPO Performances and Phonograms Treaty, 1996 provides that the definition of performer includes the performer of an expression of folklore.

For all Member States

Question II 23: Are there instances in which expressions of folklore have received protection in your country by indirect means, such as under related rights?

Yes

No

