

Hungary

Moldova

# TK and TCEs in ROMANIA

Ukraine

Serbia

The Black Sea

Bulgaria



# Human beings in Romania

- The oldest humanoid in Europe – approximately 2 million years (Bugiulesti, Valcea County);
- Some of the oldest modern human beings from Europe 40,000 years (the Cave with Bones)
- Some of the oldest cave paintings in the world, aging 35,000 years at Coliboaia Cave;
- The oldest permanent settlement in Europe (Schela Cladovei/on Danube).



# Turdas/Vinca and Cucuteni Civilizations

- The oldest civilizations in Europe (8,000 years).
- Population involved in agricultural and animal breeding activities, tool and weapons manufacture;
- Knew to work with cooper, silver and gold;
- Cucuteni famous for perfect ceramics, many symbols decorated on various objects still being used thousands of years after worldwide.



# Tartaria tables - oldest written message of humanity (7,000 years) but oral tradition extremely rich and well preserved



# Legendary creations based on Romanian TCEs

- Bram Stoker's "Dracula" based on an old Romanian myth
- Referring to Vlad Tepes (the Impaler), voievode (king) of Romanian Country (1456-1462, 1477)



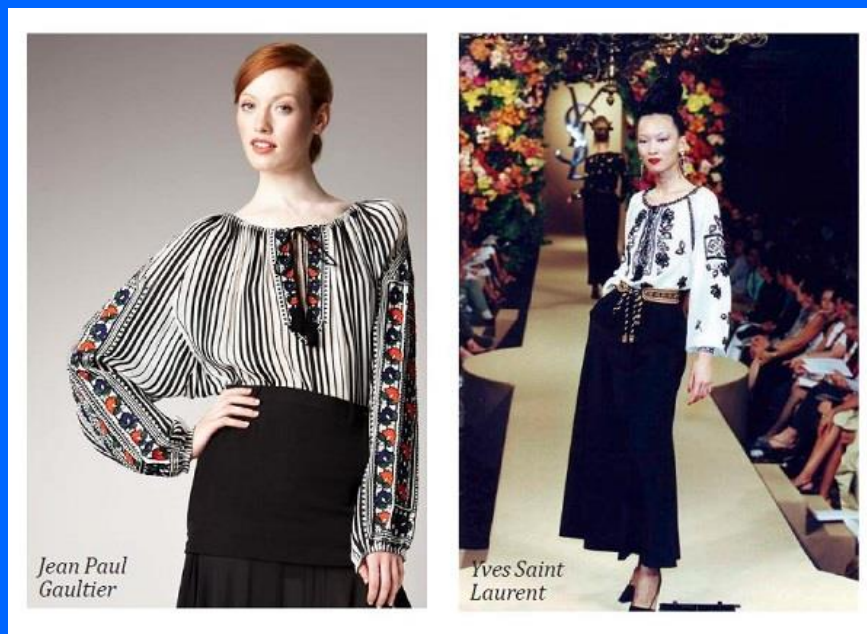
# Legendary creations based on Romanian TCEs

- Constantin Brancusi work (Coloana Infinitului, Poarta Sarutului, Masa Tacerii etc)



# Legendary creations based on Romanian TCEs

## Romanian blouse



# Romania in UNESCO Representative List of the Intangible Cultural Heritage

- **Calusul**, a ritual dance derived from ancient purification and fertility rites
- **Doina**, a traditional way of singing, transmitted orally, mainly within families, as part of their cultural heritage and identity
- **Colindul**, a Christmas-time ritual where groups of male perform festive songs





# Romania in UNESCO Representative List of the Intangible Cultural Heritage

- **Horezu ceramics**, a unique traditional craft transmitted within families, handmade and reflecting generations of knowledge and craftsmanship. The drawn traditional motifs combine decoration and color and define the personality and uniqueness of these ceramics.



# TK from IP perspective in Romania

- National legislation does not define TK;
- Introduced a provision for a disclosure requirement regarding traditional knowledge in the Implementing Regulation (Governmental Decision no.547/2008) to the Patent Law 64/1991 republished in 2007;
- Not mandatory, so the failure to comply does not affect the granting or enforceability of patents.
- Disclosure encouraged by voluntary requirements, but there are no legal consequences for non-compliance.
- Art. 16 of the Governmental Decision 547/2008 stipulates the description of the invention shall contain, where the prior art also contains traditional knowledge, indication of such TK and of its source, if known, which will be explicitly indicated in the description.

# TCEs from IP perspective in Romania

- Art. 7 of Law 8/1996 provides protection for genuine intellectual creations in the literary, artistic or scientific field, regardless of the manner of their creation, the manner or specific form of expression or their value and destination;
- Art. 95 also specifies that performers means actors, singers, musicians, dancers or any other persons who present, sing, dance, imitate, recite, play, interpret, direct, conduct or perform a literary or artistic work, a performance of any kind, including folk performance in any other way.
- These provisions expressly offer copyright protection to artistic, literary or scientific subject matter, not only for TCEs fixed on supports but even for TK holders when associated with Folklore.

# TK and TCEs from IP perspective

The project of the new National Strategy on Intellectual Property envisages:

- a public awareness campaign, entitled “Romanian Traditional Cultural Products”, to be jointly implemented by the State Office for Inventions and Trademarks (OSIM) and the Romanian Copyright Office (ORDA) and
- the initiation of a Program meant to identify the works and products covered by related rights, geographical indications and traditional trademarks of national cultural patrimony.

# TK and TCEs from non-IP perspective

Law no. 26/2008 for safeguarding of the immaterial cultural heritage, following the ratification by Romania of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage:

- establishes the necessary general framework in order to identify, protect, conserve, promote, and revitalize the immaterial cultural heritage;
- the national immaterial heritage could be represented by manifestations in the fields of oral traditions and expressions, music and dances, social practices, rituals and celebrations, traditional games, practices and knowledge related to nature and universe, techniques of traditional handicrafts;
- traditional cultural expressions can be expressed under the shape of recipes for food, chemical substances, materials used in construction, textiles, etc;
- establishes the National Center for Conservation and Promotion of Traditional Culture;
- Romania applied the UNESCO Living Human Treasures Program and nowadays we can report fourteen recognized living human treasures, keepers and transmitters of immaterial cultural heritage;
- it is clearly stated that Law no. 26/2008 cannot be used entirely or in part, either by a legal or natural person, for receiving protection over an element of immaterial cultural patrimony through legislation regulating patents or copyright.

# TK and TCEs from non-IP perspective

Law 389/2006 for the ratification of the Framework Convention on the Protection and Sustainable Development of the Carpathians:

- Aims at strengthening regional cooperation and supporting local projects in the mountain areas of the Czech Republic, Hungary, Poland, Romania, Serbia, Montenegro, Slovakia and Ukraine;
- The preamble mentions the contribution of the local people to sustainable social, cultural and economic development, and to preserving traditional knowledge in the Carpathians;
- Art. 11 provides that parties shall pursue policies aiming at the preservation and promotion of the cultural heritage and of traditional knowledge of the local people, crafting and marketing of local goods, arts and handicrafts.

The 1993 Convention on Biological Diversity (CBD),

- *Article 8. In-situ Conservation* stresses that the contracting parties shall respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.

**Thank you!**

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