



IP AND DOCUMENTATION OF TRADITIONAL CULTURAL EXPRESSIONS

A paper presented at the IP workshop

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by

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Learning objectives

- To share experiences on documentation of Traditional Cultural Expressions in Uganda
- To stimulate new areas for documentation of Traditional Cultural Expressions

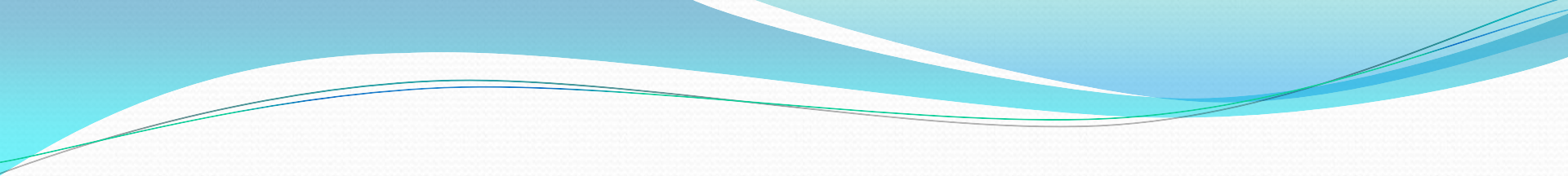


Format of Presentation

- Definitions
- Policy Framework
- Achievements
- Challenges
- Recommendations

Definitions

- i.** **IP** refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images.
- ii.** **IK** refers to know-how, skills and practices that are developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity.
- iii.** **Traditional Cultural Expressions** refers to Expressions, Skills and Practices used by indigenous and local communities including music, dance, art, designs, names, signs and symbols, performances, ceremonies, architectural forms, handicrafts and narratives, or many other artistic or cultural that is

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- iv. Documentation** refers to all activities of:
- Identification
 - Fixation
 - and classification aimed at facilitating a retrieval from paper files, digital data bases, archives or libraries

Key Questions:

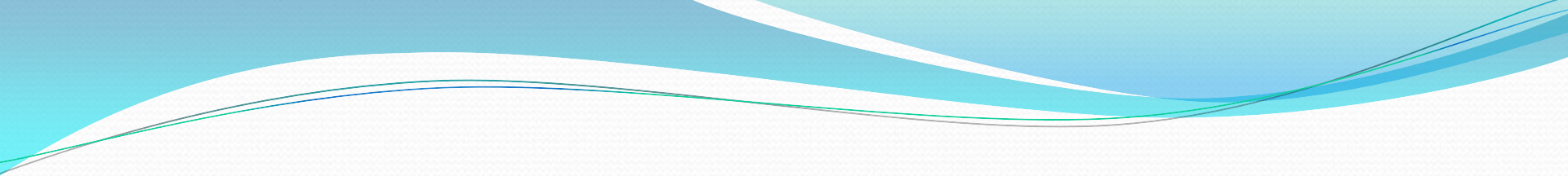
- i. Is all that is patented documented
- ii. Is all that is copyrighted documented
- iii. Is all that is a trade mark documented

All that is patented, copyrighted and or a trade mark is documented

BUT not all documented are patented, copyrighted or a trade mark

Policy /legal framework

- 1. The Constitution of Uganda**
- 2. Uganda National Culture Policy, 2006**
- 3. The Uganda National Cultural Centre Act, (amended 1965)**
- 4. Copyright and Neighbouring Rights Act, 2006**
- 5. The Stage Plays and Public Entertainment Act**

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- 6. The 2003 Convention on the Safeguarding of the Intangible Cultural Heritage**
 - 7. The 2005 Convention on the promotion and the protection of the Diversity of Cultural Expressions**
 - 8. The 1972 Convention on the Protection of Natural or Cultural Heritage**

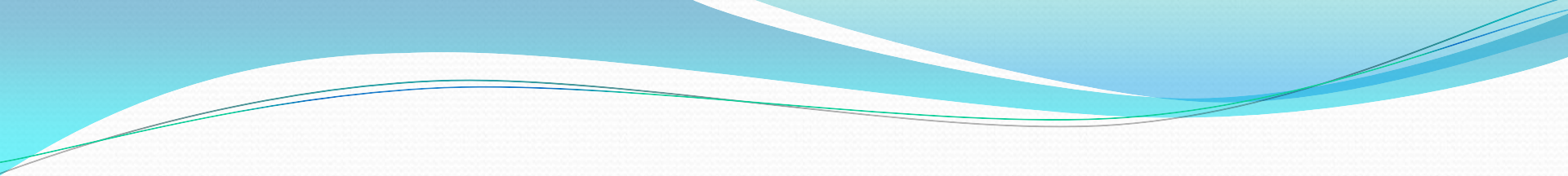
Inventorizing TCE in Uganda

1. Inventorizing of TCE

Inventorizing is the collecting and presenting information on ICH elements in a systematic way. An inventory can be disseminated as a paper list, a multimedia database or another type of publication.

Inventories of:

1. Basoga(28)
2. Lango(1)
3. Ik(15)
4. Acholi(20)
5. Madi(1)

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6. Alur(20)
 7. Basongora(9)
 8. Batoro,(2) Banyoro(1), Banyabindi(2),
Batagwenda(1)

(Aspects of TCE Documented)

1. Oral Traditions- Story telling



2. Performing arts(Dances)



3. Traditional craftsmanship(Basketry)



4. Knowledge about nature (Sun observation)



5. Social Practices(Rain making



Inventorizing and the link to IP

- i. The identification encouraged that all the photos of the cultural expressions are kept in the community for ownership.
- ii. Issues of free prior and informed consent were honoured before the identification
- iii. Issues of community secrets were emphasized to avoid loss of secrecy

IP and TCE in Uganda

1. Many communal songs, dances, costumes, symbols, expressions and shape and designs e.g baskets, styles are not copyrighted, patented nor trade marks.
2. Cultural performers do not have image rights, rights in sound and audio visual performances(video and music clips)
3. A lot of filming of TCE not economically benefiting the communities
4. A lot needs to be done on documentation of IP

Other initiatives of documentation

2. Archiving of Music in Makerere University
3. Documentation of Traditional Medicine (UNATCOM and National chemotherapeutic Laboratory)
4. Strategy on inventorying the intangible cultural Heritage.

It guides all ICH inventorying and documentation efforts in Uganda.

Challenges

- 1. Some sensitization has been done but this has not been fully appreciated by society indicated by:**
 - a) Some communities are not aware of IP
 - b) Some not fully aware of what to patent, copyright
- 2. Lack of infrastructure at all levels(Legal, institutional, human resource)**
- 3. Little Research which does not cater for TCE**

Conclusion

- i. What has been done is largely identification so as to safeguard for the future generations
- ii. Very few or little knowledge of TCE that has been copyrighted, patented or as trade mark
- iii. Non existence of economic benefits to traditional communities in terms of intellectual property rights
- iv. Most of the identified documentation is under the social or cultural expressions which are communally owned and passed on orally

Recommendation

- There is need support research on TCE
- There is need for capacity building of the Communities on issues of IP and TCE



THANK YOU