

## **Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore**

**Nineteenth Session**  
**Geneva, July 18 to 22, 2011**

**SUBMISSION BY OMAN: REPORT ON THE INTERNATIONAL TECHNICAL  
SYMPOSIUM ON INTELLECTUAL PROPERTY AND SUSTAINABLE  
DEVELOPMENT: DOCUMENTATION AND REGISTRATION OF  
TRADITIONAL KNOWLEDGE AND TRADITIONAL CULTURAL EXPRESSIONS**

*Document prepared by the Secretariat*

### **INTRODUCTION**

1. The Public Authority for Craft Industries (PACI) of the Sultanate of Oman, in cooperation with the World Intellectual Property Organization (WIPO), organized an International Technical Symposium on Intellectual Property and Sustainable Development: Documentation and Registration of Traditional Knowledge and Traditional Cultural Expressions, which took place from June 26 to 28, 2011, in Muscat, Oman.
2. On June 29, 2011, the Delegation of Oman submitted a document entitled "Report on the International Technical Symposium on Intellectual Property and Sustainable Development: Documentation and Registration of Traditional Knowledge and Traditional Cultural Expressions" and requested that it be made available as an information document for the nineteenth session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.
3. *The Committee is invited to take note of this document and the Annex to it.*

[Annex follows]

INTERNATIONAL TECHNICAL SYMPOSIUM ON  
INTELLECTUAL PROPERTY AND SUSTAINABLE DEVELOPMENT:  
DOCUMENTATION AND REGISTRATION OF TRADITIONAL KNOWLEDGE  
AND TRADITIONAL CULTURAL EXPRESSIONS

Organized by  
the World Intellectual Property Organization (WIPO)  
in cooperation with  
the Public Authority for Crafts Industries (PACI), Sultanate of Oman

Muscat, Oman  
June 26 to 28, 2011

### Introduction

The present report was prepared by the Public Authority for Crafts Industries (PACI), Sultanate of Oman. The report gives an overview of the discussions that took place in the Symposium, and is not intended necessarily to represent the views of all the participants. The program for the event, working documents (notably, the background paper (WIPO/TK/MCT/11/INF/7) on which the meeting was based), presentations made, films shown and photographs taken during the event, as well as the list of participants, are available online at <http://www.wipo.int/tk> and on the meeting's website at [http://www.wipo.int/meetings/en/2011/wipo\\_tk\\_mct\\_11/index.html](http://www.wipo.int/meetings/en/2011/wipo_tk_mct_11/index.html).

### Report

The WIPO International Technical Symposium on Intellectual Property and Sustainable Development: Documentation and Registration of Traditional Knowledge and Traditional Cultural Expressions was organized in Muscat, Oman, from June 26 to 28, 2011, in cooperation with the PACI, Oman. Representatives from 16 countries, namely Algeria, Bulgaria, China, Egypt, Fiji, Islamic Republic of Iran, Iraq, Jamaica, Kuwait, Kyrgyzstan, Lebanon, Morocco, Oman, Pakistan, United Republic of Tanzania and Yemen participated in the meeting. In addition, Dr. Jane Anderson (Australia), Professor Ahmed Morsi (Egypt), Ms. Senileba Waqainabete (Fiji), Dr. V.K. Gupta (India), Mr. John Ole Tingoi (Kenya), Professor Dr. Fathy Abdul Aziz Al Hadad, Dr. Nadiya Al-Saadi, Mr. Nasser Assawafi and Mr. Mussan Al-Katheeri (Oman), Dr. Manuel Ruiz (Peru) and Ms. Fawzia Galaleldin (Sudan) and representatives of the World Intellectual Property Organization (WIPO) made presentations during the meeting.

The Symposium was opened under the patronage and in the presence of H.E. Abdul Aziz Mohd Al-Rowas, Advisor to His Majesty The Sultan for Cultural Affairs. Her Excellency Aisha bint Khalfan Jumail Al Syabia, Chairperson of PACI, Mr. Amgad Abdel Ghaffar, Director-Advisor, Office of the Deputy Director General, WIPO and Mr. Wend Wendland, Director, Traditional Knowledge Division, WIPO participated in the opening. Ms. Brigitte Vézina, Legal Officer, Traditional Creativity, Cultural Heritage and Cultural Expressions Section, Traditional Knowledge Division, also took part in the meeting on behalf of WIPO. In addition, the opening comprised the inauguration of an exhibition of Oman's creative craftsmanship and artistry.

The subsequent sessions were devoted to substantive presentations and discussions. They addressed national documentation systems for the intellectual property (IP) defensive and positive protection of traditional knowledge (TK) and traditional cultural expressions (TCEs); the role of cultural institutions, such as museums, archives and libraries; and, community-led cultural documentation. More particularly, presentations addressed subjects such as:

- The IP issues associated with the documentation of TK and TCEs;
- The state of negotiations underway in the WIPO Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore (IGC);
- The experience of India, in particular the Traditional Knowledge Digital Library (TKDL), used both for defensive purposes and for research, development and innovation;
- The experience of Peru, in particular public and private registers which are part of Peru's national *sui generis* law for the protection of TK;
- The documentation of cultural heritage, and the crafts industries in particular, in Oman, and Oman's proposal for an international registry for TK and TCEs;
- Existing practices and proposals related to registration and documentation systems in copyright, including related WIPO Development Agenda projects;
- Databases of genetic resources in Oman;
- The documentation and cultural mapping of TCEs in Fiji;
- The practical experiences of ethnomusicologists with prior and informed consent;
- Documentation, protection and preservation experiences in Egypt, including an initiative which is creating employment and generating income through the use of traditional Egyptian designs in contemporary fashion;
- The perspectives and concerns of the World Crafts Council;
- The national experiences of Kyrgyzstan, Lebanon, Jamaica and Pakistan;
- Building synergies between preservation and IP protection;
- Institutional guidelines, best practices and local community management strategies for the safeguarding of intangible cultural heritage;
- The role of formalities (such as examination of applications for rights and the registration of rights) in the protection of TK and TCEs;
- Community documentation initiatives, in particular practical experiences of the Sudanese Association for the Archiving of Knowledge (SUDAAK) in Sudan and of the Maasai community in Kenya, which benefited from WIPO's Creative Heritage Training Program on Cultural Documentation.

The Symposium was structured as an opportunity for States, communities and others engaged in the documentation of TK and TCEs to share experiences and perspectives as well as to debate diverse models. The meeting was technical, substantive and productive. Participants had the opportunity to be apprised of latest thinking and developments regarding the use of databases, registers and inventories for the protection, preservation and promotion of TK and TCEs. Participants exchanged and coordinated information and ideas on an inter-regional basis.

Participants noted in particular the following:

- Documentation of TK and TCEs refers to any form in which TK and TCEs are recorded, including in databases, inventories and registers. Documentation may be undertaken by communities, or their authorized representatives, and external parties (such as governments, museums and research institutes) and may be ‘public’ or ‘private’;
- Documentation can serve many purposes, such as preservation, promotion, research and development, repatriation, revitalization, education and awareness-raising, resource management, and access and benefit-sharing;
- For these purposes, documentation can be very helpful, and can recognize and celebrate the intellectual contributions of creators from all cultures, nurture and empower communities, enhance mutual understanding and promote respect for cultural diversity. Countries, communities and others could undertake documentation for these purposes;
- Documentation may also assist in identifying TK and TCEs that have commercial potential and in connecting communities with potential investors. The protection of *publicly available* TK and TCEs is not aimed at their ‘freezing’ but rather at their use for appropriate and equitable research and development and resulting innovation and creativity, for human welfare. The survival of the culture of some communities may depend on income and employment that can flow from cultural production. Communities should, however, have control over if and how their secret-sacred TK and TCEs are accessed and used by external parties;
- Documentation may also have explicit IP functions, namely defensive protection (such as, providing evidence of prior art in patent searches) and assertion of rights (as part of legislative systems for the positive protection of TK and TCEs);
- Documentation of TK/TCEs can, however, be controversial, as it is not itself necessarily a form of protection. ‘Preservation’ and ‘IP protection’ may be related but they are distinct. From an IP perspective, documentation can threaten TK/TCEs and facilitate their unwanted disclosure and exploitation; documentation should, therefore, not take place in a policy or legal vacuum: an IP strategy should guide and underpin any documentation exercise;
- Concerning IP issues, documentation and registration systems raise questions relating to: (a) Process: why, and by whom documentation or registration is carried out; (b) Property: ownership of the data, control, legal effect, ‘public domain’, competing claims, and (c) Access: who has access to the data and on what terms;
- The valuable roles of protocols in creating space for dialogue and guiding documentation was also noted and further work on community-led protocols was encouraged as a way to build mutually-beneficial relationships;
- Regarding existing national models and approaches towards documentation, the experiences of Egypt, Fiji, India, Oman and Peru were of particular interest, and the international community could learn from them. Regarding defensive protection in particular, considerable interest was expressed in learning more about the Indian TKDL and, in this case, participants were invited to contact either the Government of India or WIPO;
- Participants noted that, within the negotiations underway in the WIPO IGC, the question of ‘formalities’ (examination and registration of claimed rights) remains unsettled, and expressed the hope that the technical discussions that had taken place at this International Symposium might assist the IGC in its deliberations. Participants requested WIPO to organize further opportunities for technical discussions and exchanges of experiences on key issues under negotiation in the IGC;

- The participants thanked the Sultanate of Oman for its initiative in proposing an international registry for TK and TCEs, and requested the Sultanate to develop its proposal and to present it in due course to the IGC. Participants recognized the role that registers could play as 'platforms' and technical infrastructure to complement and support international, regional and national legal systems.

Participants noted the practical assistance, training programs and guidelines on documentation issues related to TK and TCEs available from WIPO, such as the WIPO Creative Heritage Cultural Documentation Training Program and related rights management software, the publication entitled "Intellectual Property and the Safeguarding of Traditional Cultures: Legal Issues and Practical Options for Museums, Libraries and Archives," the WIPO database of protocols and best practices, and the WIPO Toolkit on IP management before, during and after the documentation of TK. Participants requested that WIPO continue to make these available and provide technical assistance on these issues to States and communities.

The participants expressed their deep gratitude and appreciation to the Government of the Sultanate of Oman for its hospitality and organization that contributed to the success of this Symposium. The participants also thanked WIPO for organizing the meeting and for its ongoing efforts in relation to these issues.

The Symposium was closed by Her Excellency Aisha bint Khalfan Jumail Al Syabia, Chairperson of PACI.

[End of Annex and of document]