

An Overview of the Nature and Forms of Traditional Knowledge in Indonesia

Utilization of the Traditional Knowledge Digital Library
(TKDL) as a Model for Protection of Traditional
Knowledge

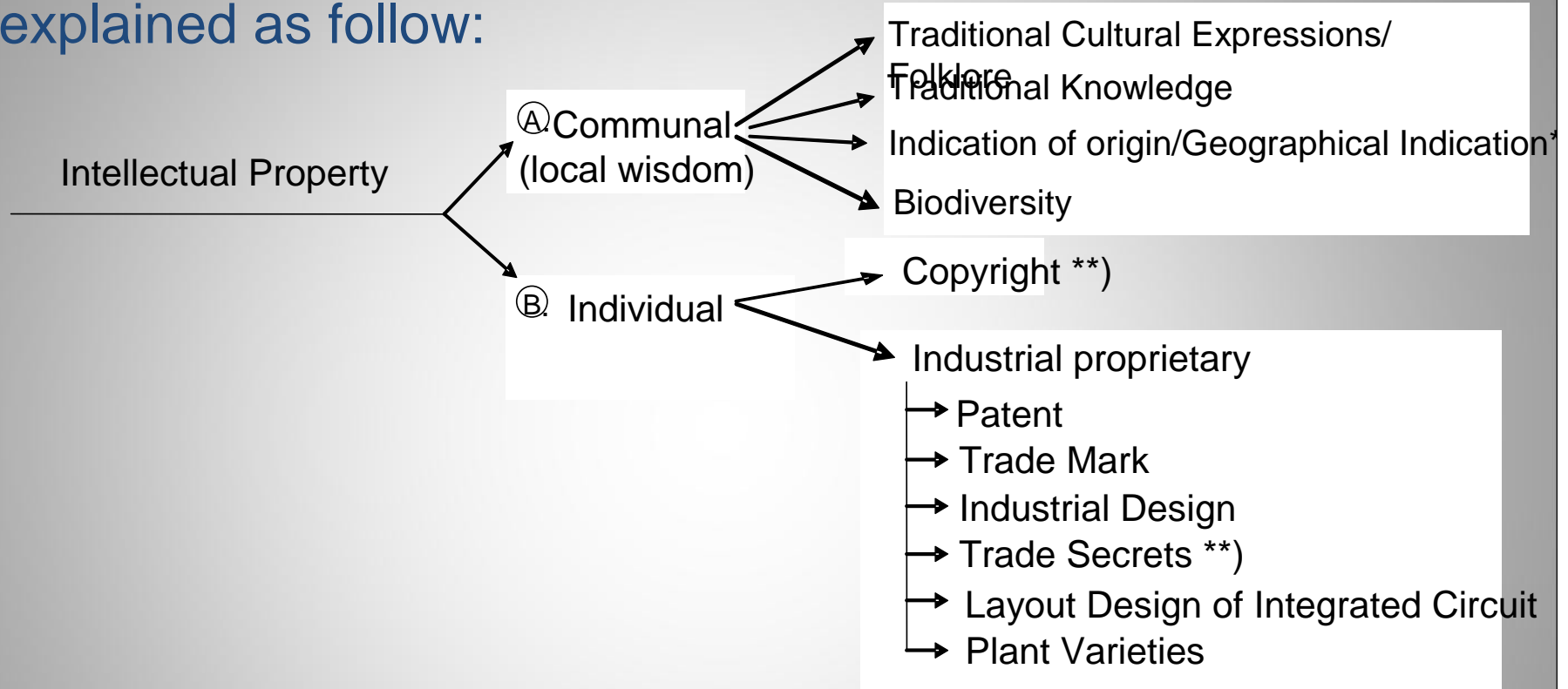
New Delhi, March 22 to 24, 2011

DELEGATION OF THE REPUBLIC OF INDONESIA



Introduction

Distinctions of the IPRs system and the IP Communal explained as follow:



*) IP Communal is not registered except Geographical Indication, registered with Trade Mark Law.

***) Individual IPRS is commonly registered except Copyright and Trade Secret which is declarative (not require to registered)



Key Concept

Traditional Knowledge (TK) can be characterized as knowledge (WIPO/GRTKF/IC/7/9), which is:

- Generated, preserved and transmitted in a traditional context;
- distinctively associated with the traditional or indigenous culture or community which preserves and transmits it between generations;
- Linked to a local or indigenous community through a sense of custodianship, guardianship or cultural responsibility, such as a sense of obligation to preserve the knowledge or a sense that to permit misappropriation or demeaning usage would be harmful or offensive;
- ‘Knowledge’ in the sense that it originates from intellectual activity in a wide range of social, cultural, environmental and technological contexts; and,
- Identified by the source community as being TK.



Considering:

- Abundant of genetic resources, traditional knowledge and expression of folklore
- The existence of misuse / misappropriation;
- An increase of public awareness on the necessity of a sufficient protection system (including which is related to IPR) in the field of genetic resources, traditional knowledge and expression of folklore.
- No domestic regulation and legal instruments capable of providing an optimal protection of genetic resources, traditional knowledge and expression of folklore



Law and Regulation

- Protection of expression of Folklore has been listed in the Indonesia Copyright Law (Article 10 . [1] and [2])
 - The State shall hold the Copyright for works from prehistoric remains, historical and other national cultural objects.
 - The State shall hold the Copyright for folklores and works of popular culture that are commonly owned, such as stories, legends, folk tales, epics, songs, handicrafts, choreography, dances, calligraphies and other artistic works



Law and Regulation 1

- Indonesia with a lot of different communities and ethnics has not established a certain protection system for TK which sufficiently fulfill need of those communities.
- Some alternatives as options:
 - Maximize of usage of existing IPR system;
 - Utilize of custom law;
 - Utilize anticompetitive law;
 - Combination of those three above;
 - Establish a “sui generis system”

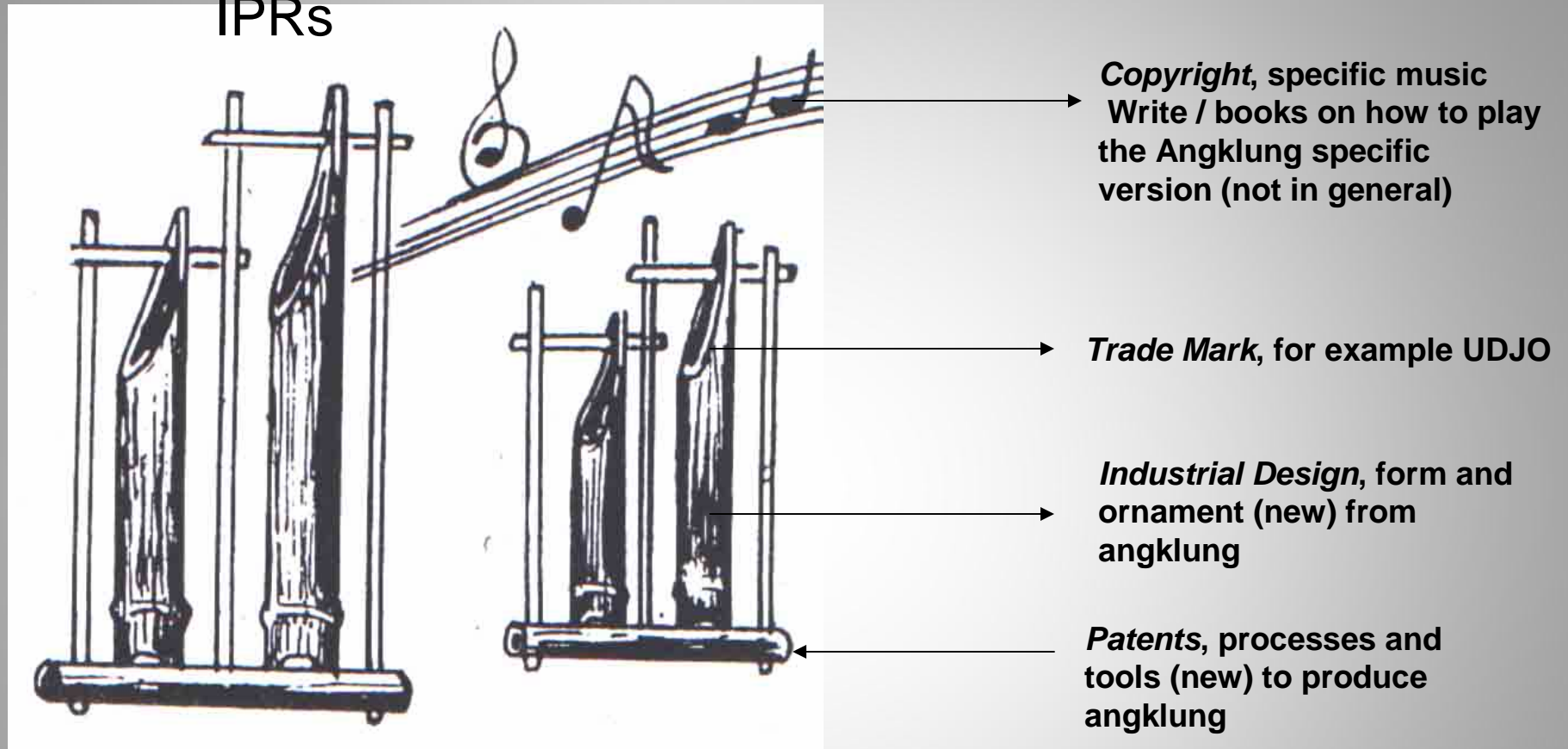


The following are related cases to the real forms of traditional culture expressions in Indonesia

- Silver jewelry "Bracelet-necklace" with a combination of the *Lumajang Luk Dragon* motif on bracelet circle and the *Balinese alligator eyes* motif bracelet owned by Foreign Investment Company in Bali;
- Inter-state cases, such as Mexico mask aren't sold in the market then the competitor given typical Bali's colour that make it sold in USA market.



Sample: Angklung is a types of product from original TK to IPRs



As TK, angklung existing products in the community are included in the real form of traditions and cultural heritage folklore, where the holder of rights held by the state



Intellectual Property Management

Communal Intellectual Property:

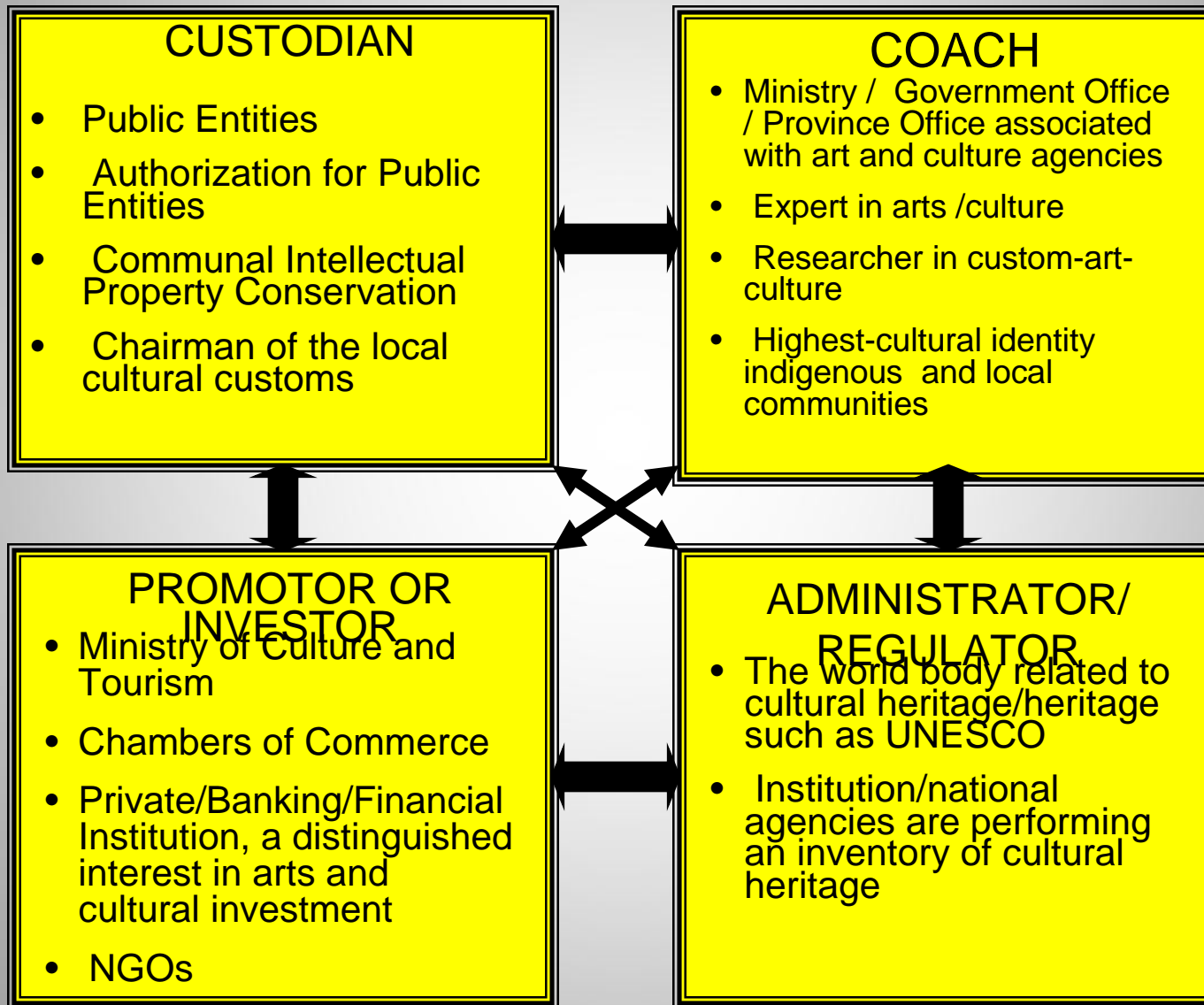
Needs law preservation and protection (obstacles that still has not completed a deal of international law, and which still exist in some countries local).

Personal Intellectual Property :

Needs law preservation, either through the direct registration or registered automatically



Parties Involved in the empowerment of preservation Communal Intellectual Property (4 pillars involved in activities)



Protection of TK in Indonesia

- Even though expression of Folklore has been protected, it is still needed to collect other criteria as input to establish the Government Regulation, including possibility Traditional Knowledge to be included as part of Folklore;
- In dealing with TK, Indonesia cooperates with groups of expert in TK and folklore which also consists of indigenous/local communities.



Protection of TK in Indonesia

- State Agency have started to compile and establish database of Indonesia's TK. The data base functions as a defensive protection of traditional knowledge. The data base consists of forms informing the description of traditional knowledge and its documentary;
- The Law Access to Genetic Resources is in preparation, which includes TK as a matter that has to be protected (through benefit sharing mechanism).
- Academic Review concerning of TK protection has been established, coordinated by Indonesian Assessment of Technology Agency



Protection of TK in Indonesia

- Promoting, hummed, demonstrating to the world through cultural or traditional art exhibitions periodically.
- Listed to the world body such as UNESCO.
- Doing safeguard (maintain physical still exist)



Some Example of Indonesia TK

- Mostly of the region/regency use their **Batik** as local entities

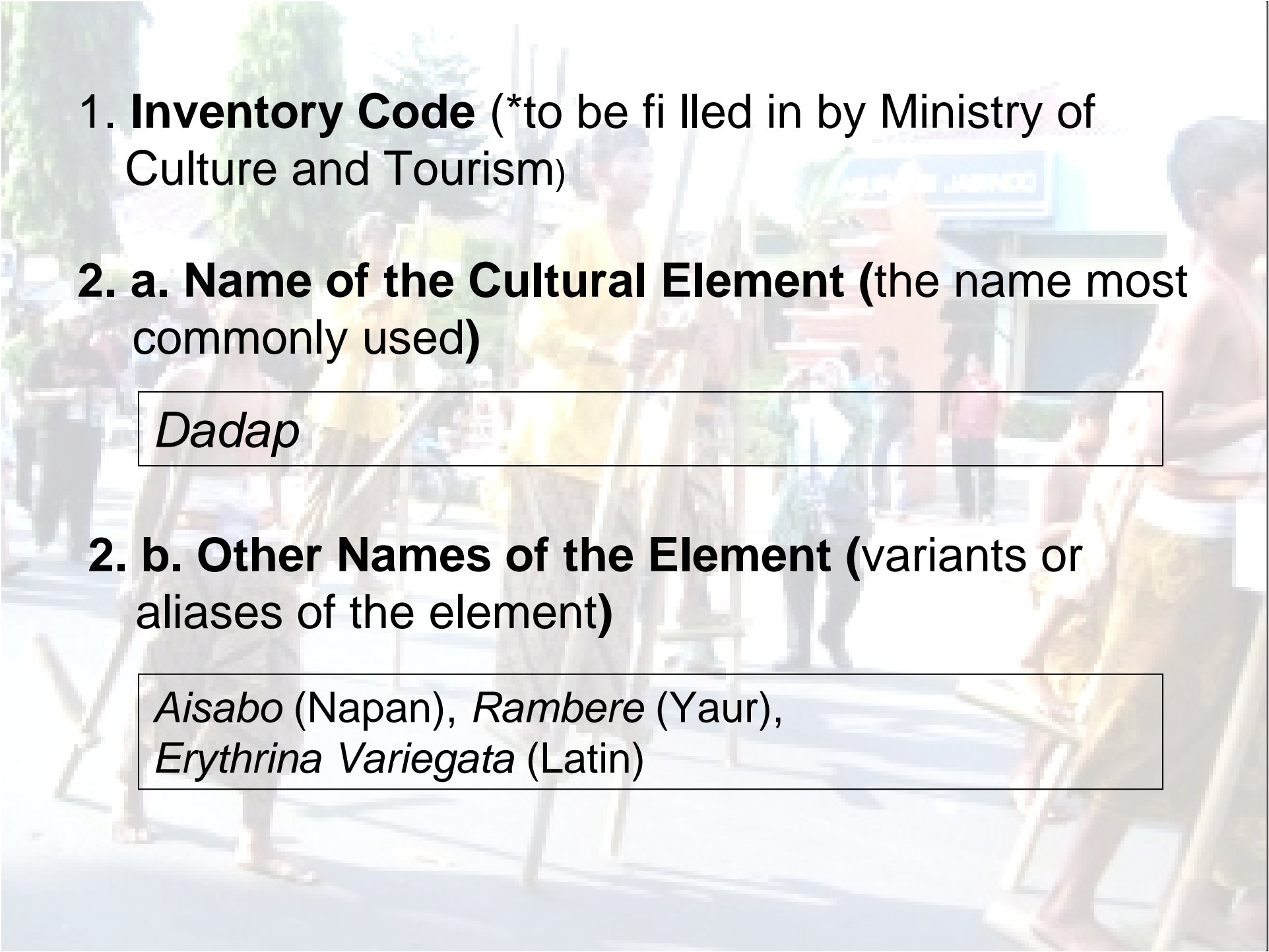


- **Dadap tree** is medicine for cough



Form for Inventory of Intangible Cultural Heritage of Indonesia (Traditional Knowledge and Cultural Expression)





1. **Inventory Code** (*to be filled in by Ministry of Culture and Tourism)

2. **a. Name of the Cultural Element** (the name most commonly used)

Dadap

2. **b. Other Names of the Element** (variants or aliases of the element)

Aisabo (Napan), *Rambere* (Yaur),
Erythrina Variegata (Latin)

3. Name of the person reporting the Cultural Element (if from a government agency, give the agency's name, section and rank)

Name: Cahya Putra Istuningrat

Address: Jln. Gerilyawan, Abepura

Post Code: 99358

No. Telp./No. Fax/ No. Mobile: +6285254382292

Email Address: chayslincah@yahoo.com

4. Place and Date of Report of Cultural Element

Place: Jayapura

Date: June 25, 2010

5. Agreement for Inventory by (a) community/organization/ association/ insitution, (b) social group, or (c) individual person

The ethnic of Napan and Yaur agree to have this cultural element recorded in the database.

6. Concise History of the Cultural Element (from written sources, books, inscriptions, archives, incidents involving the cultural element, statements of reliable source persons, (Max. 500 words)

The Napan and Your has been using *dadap* as a traditional medicine since a very long time ago. It is inherited through generations.

**7. Name of the community/ organization.
Association/ insitution/ paguyuban
association/ social group/ person
responsible for the element:**

Name: the ethnic of Napan and Yaur

Address: Nabire Kota sub-district

Post Code: -

No. Telp./No. Fax/ No. Mobile: -

Email Address: -

8. Culture teacher/ maestro: Please fill in the names of persons having knowledge and skill regarding the cultural element, and their age.

Name: Yan Maniba

Address: Kalibobo, Nabire Kota

Post Code: -

No. Telp./No. Fax/ No. Mobile: -

Email Address: -

Website: -

9. Location of the Cultural Element (main location, and other locations)

Province : Papua

Regency/City: Nabire

Sub-District: Nabire Kota

Village/Kelurahan: Kalibobo

Important Addresses: -

Post Code: -



10. Category of the Cultural Element (tick one or more):

- (01) oral traditions and expressions, including languages as vehicles for ICH, folk stories, ancient manuscripts, traditional games;
- (02) performing arts, including visual arts, theater, vocal arts, music and film;
- (03) social customs and traditions, rites and festivals, including traditional economic systems, systems of social organization, traditional ceremonies;
- (04) knowledge and practices related to nature and the universe, traditional knowledge, local genius, traditional medicine;
- (05) traditional craftsmanship, including painting, sculpture, architecture, dress, clothing, traditional food/cuisine/drinks, traditional modes of transportation.

11. Concise Description of the Cultural Element at the present time: (What? Who? Where? How? When? What is the Process? What is the social function of the cultural element? (Max. 1000 words)

Dadap is a tree. The use of *dadap* is medicine for cough. Part of the tree used: roots. Way of consuming: drink the water resulting from the boiled





12. Present Condition of the Cultural Element (tick one):

Developing or expanding;

Still maintaining;

Becoming less;

Threatened with extinction;

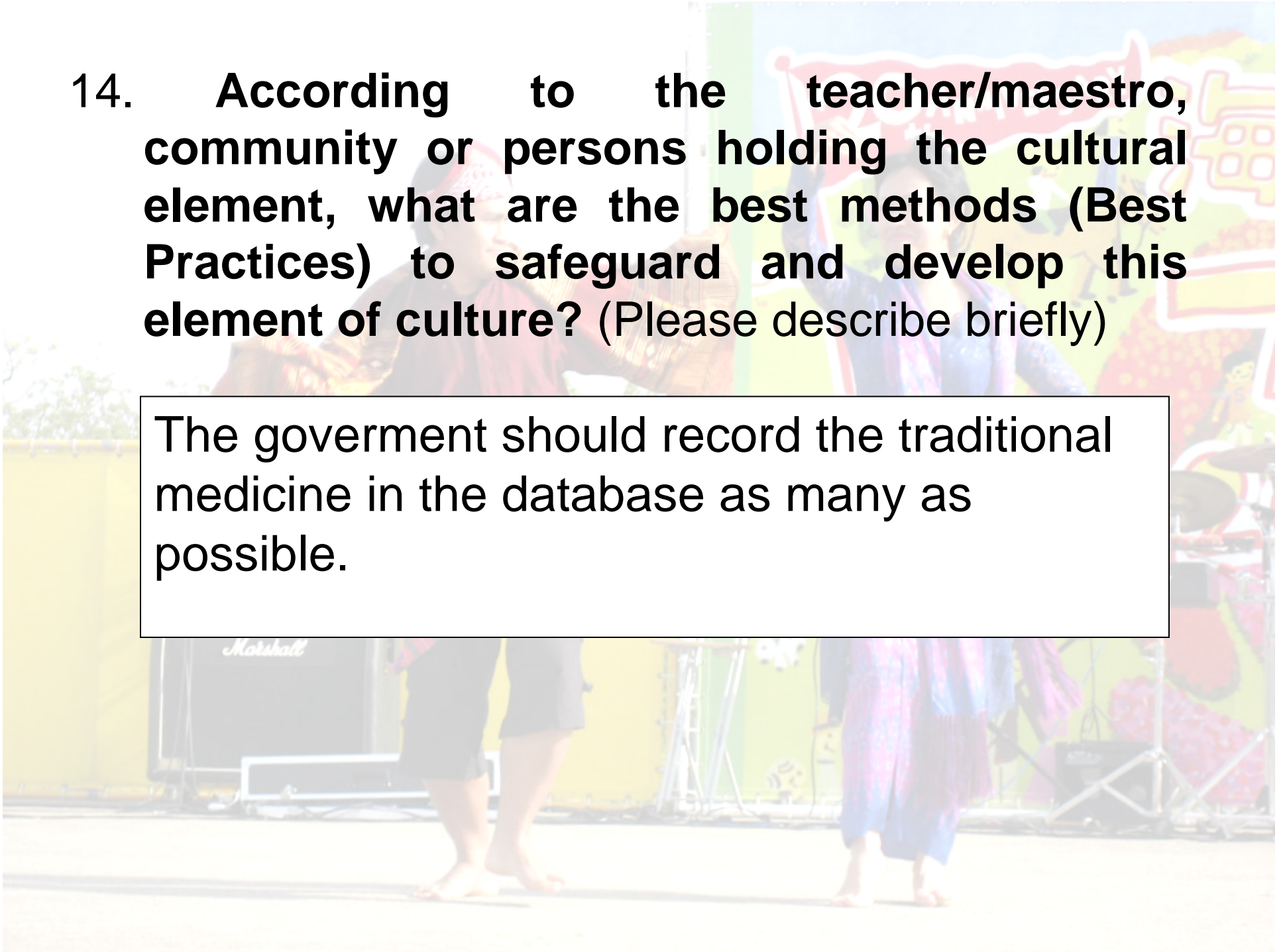
Already extinct, no longer functioning in the community

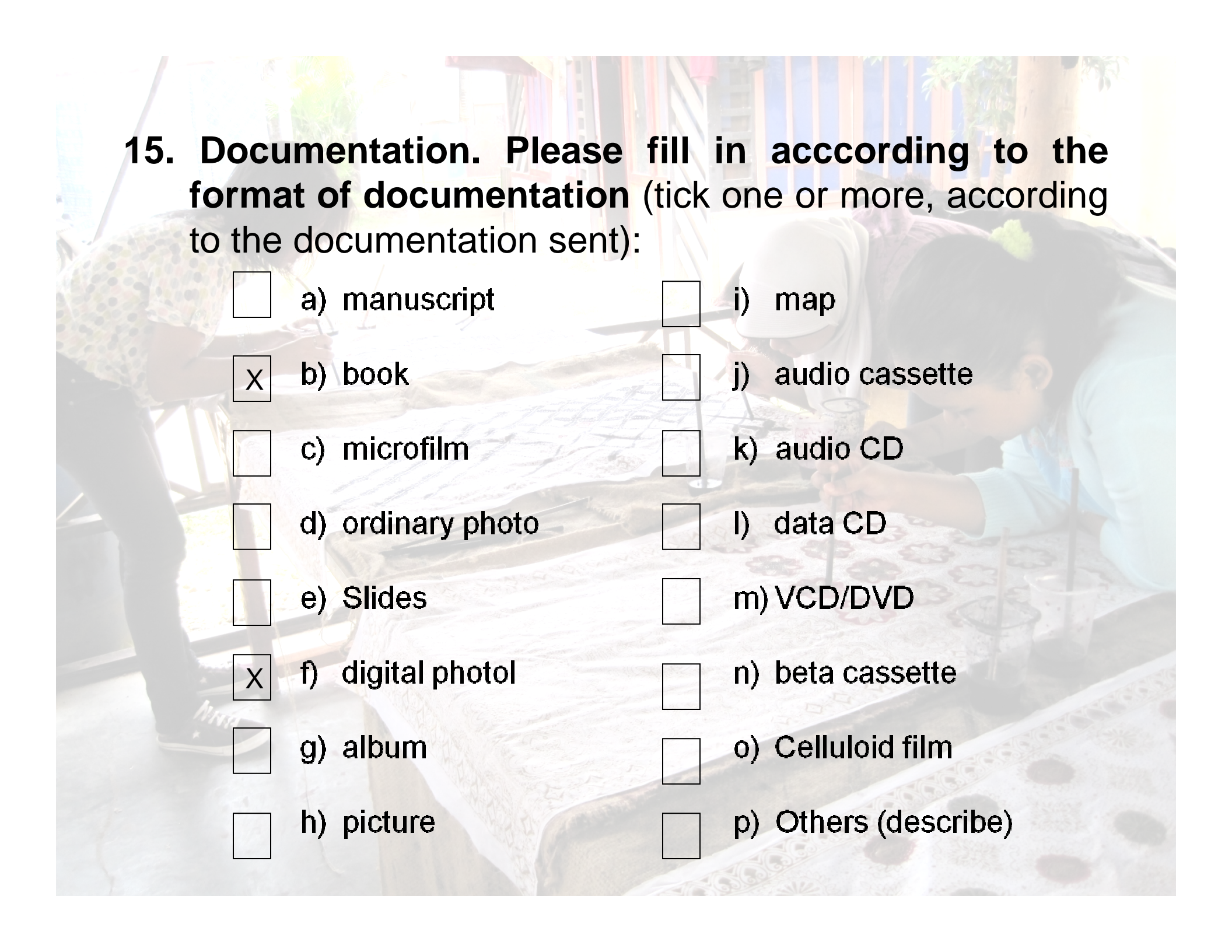
13. Present efforts to safeguard the cultural element (tick one or more):

- (a) Direct or oral promotion (word of mouth);
- (b) Art or cultural performances, exhibitions, demonstrations;
- (c) Leaflets, posters, newspaper, magazine, outdoor media;
- (d) Radio, television, film;
- (e) Internet
- (f) No efforts so far made to safeguard the cultural element.

14. According to the teacher/maestro, community or persons holding the cultural element, what are the best methods (Best Practices) to safeguard and develop this element of culture? (Please describe briefly)

The government should record the traditional medicine in the database as many as possible.





15. Documentation. Please fill in according to the format of documentation (tick one or more, according to the documentation sent):

- | | | | |
|-------------------------------------|-------------------|--------------------------|----------------------|
| <input type="checkbox"/> | a) manuscript | <input type="checkbox"/> | i) map |
| <input checked="" type="checkbox"/> | b) book | <input type="checkbox"/> | j) audio cassette |
| <input type="checkbox"/> | c) microfilm | <input type="checkbox"/> | k) audio CD |
| <input type="checkbox"/> | d) ordinary photo | <input type="checkbox"/> | l) data CD |
| <input type="checkbox"/> | e) Slides | <input type="checkbox"/> | m) VCD/DVD |
| <input checked="" type="checkbox"/> | f) digital photol | <input type="checkbox"/> | n) beta cassette |
| <input type="checkbox"/> | g) album | <input type="checkbox"/> | o) Celluloid film |
| <input type="checkbox"/> | h) picture | <input type="checkbox"/> | p) Others (describe) |

16. **References.**(Please write completely the Name of the Author, Title, Place of Publication, Year and Publisher); old manuscripts, inscriptions, oral sources/ names of practitioners (historical witnesses) still living, their age, etc.

Cahya Putra Istuningrat, Ishak S. Puhili, **Makanan dan Pengobatan Tradisional Masyarakat Napan dan Masyarakat Yaur Di Kabupaten Nabire**, Departemen Kebudayaan dan Pariwisata BPSNT Jayapura, 2009.

(translated as: Cahya Putra Istuningrat, Ishak S. Puhili, **Traditional Culinary and Healings in Napan and Yaur Ethnics in Nabire Regency**, Departement of Culture and Tourism – The Agency of History and Traditional Values of Jayapura, 2009.)

The making of colouring material of Indonesian Batik



The coloring of Batik uses natural materials such as roots, leaves, bark, fruits rind, calcimine, brown sugar, fermented cassava, banana, etc. The wastes of the natural materials don't pollute the environment and the wastes of the wax are recyclable.

The techniques to produce Batik: drawing (*tulis*)



The technology that is used in drawing Batik is *canting*, a kind of pen made of copper filled with wax (*malam*). The wax itself has colour.

TK Database

No.	Category of TK	Total
1	Traditional architecture	81
2	Traditional Clothing	49
3	Traditional medicine and methods of healing	22
4	Natural Resources Management	6
5	Customary Law	6
6	Social Organization	5
7	Local Beliefs	6
8	Local Philosophy	11
9	Handicrafts	27
10	Traditional Culinary	107
11	Ancient Manuscript	9
12	Customary Dress	12
13	Traditional Games	128
14	Traditional Art	259
15	Traditional Weapon	14
16	Traditional Technology	10
17	Oral Tradition	174
18	Rites	177
19	Local Language	5
	TOTAL	1108

So far, the database is only available in offline mode. The online mode is still under construction.



THANK YOU

