

## Traditional knowledge

### Issues

**1. Definition of traditional knowledge that should be protected**

Knowledge acquired in the course of time in a particular region with characteristics of a specific community which passes said knowledge on from generation to generation as part of its customs and culture.

**2. Who should benefit from any such protection or who hold the rights to protectable traditional knowledge?**

The beneficiaries of this knowledge must be the community or the population of the region, and the local government is the owner of these rights.

**3. What objective is sought to be achieved through according intellectual property protection (economic rights, moral rights)?**

As regards economic rights, the exclusive nature of the exploitation of said knowledge must be guaranteed, as well as the right to authorize or prohibit said exploitation, while moral rights are collective (regional or community) rights.

**4. What forms of behavior in relation to the protectable traditional knowledge should be considered unacceptable/illegal?**

Individual exploitation and commercialization and variation in the processes of preparation or production that do not comply with the transmission of said knowledge and which are designed for large-scale exploitation by companies from outside the community.

**5. Should there be any exceptions or limitations to rights attaching to protectable traditional knowledge?**

Yes, above all for medicinal purposes in case of national emergency.

**6. For how long should protection be accorded?**

Indefinitely.

**7. To what extent do existing IPRs already afford protection? What gaps need to be filled?**

There is no protection for traditional knowledge in Nicaragua.

**8. What sanctions or penalties should apply to behavior or acts considered to be unacceptable/illegal?**

Financial sanctions and terms of imprisonment according to the seriousness of the offense.

**9. Which issues should be dealt with internationally and which nationally, or what division should be made between international regulation and national regulation?**

**10. How should foreign rights holders/beneficiaries be treated?**

National treatment (without discrimination).

Traditional Cultural Expressions/Expressions of Folklore

Issues

- 1. Definition of traditional cultural expressions (TCEs)/expressions of folklore (EoF) that should be protected.**

Cultural expressions which are based on a work or tradition and are characterized in that they are a new form of expression, and reference to their regional origins is guaranteed.

- 2. Who should benefit from any such protection or who hold the rights to protectable TCEs/EoF?**

The beneficiaries of these expressions must be the community or the population of the region, and the local government is the owner of these rights.

- 3. What objective is sought to be achieved through according intellectual property protection (economic rights, moral rights)?**

As regards economic rights, the exclusive nature of the exploitation of said cultural expressions must be guaranteed, as well as the right to authorize or prohibit the exploitation of said expressions, while moral rights are collective (regional or community) rights.

- 4. What forms of behavior in relation to the protectable TCEs/EoF should be considered unacceptable/illegal?**

Exploitation and commercialization without the authorization of the owners of these rights.

- 5. Should there be any exceptions or limitations to rights attaching to protectable TCEs/EoF?**

Yes, above all when this is for educational purposes.

- 6. For how long should protection be accorded?**

Indefinitely.

- 7. To what extent do existing IPRs already afford protection? What gaps need to be filled?**

Protection is granted for new expressions of folklore but the gap must be filled as to how to validate moral rights collectively and also the way in which to manage the collection of these royalties for the benefit of a specific community.

**8. What sanctions or penalties should apply to behavior or acts considered to be unacceptable/illegal?**

Financial sanctions and terms of imprisonment according to the seriousness of the offense, similar to the sanctions applicable to infringements of copyright and related rights.

**9. Which issues should be dealt with internationally and which nationally, or what division should be made between international regulation and national regulation?**

**10. How should foreign rights holders/beneficiaries be treated?**

National treatment (without discrimination).