

## UNITED STATES OF AMERICA

### The Protection of Traditional Cultural Expressions/Expressions of Folklore: Revised Policy Objectives and Core Principles

#### *Comments of the United States of America*

The United States expresses its appreciation to the International Bureau for its work on “The Protection of Traditional Cultural Expressions/Expressions of Folklore: Revised Objectives and Principles” in document WIPO/GRTKF/IC/9/4. We benefited greatly from the discussion of these objectives and principles at the ninth session of the IGC, and we look forward to continuing and deepening that discussion at the tenth session of the IGC, with a view toward enriching our understanding of these complex issues. In advance of the tenth session of the IGC, the United States submits these written comments.

The United States is extremely interested in learning from the experience of other IGC members, listening carefully to specific issues and concerns related to TCEs/EoF, and exchanging views, information, and best practices on preserving, promoting, and fostering an environment of respect for TCEs/EoF. The United States believes that such a sustained and focused discussion will lead to the kind of deep, mutual understanding that will inform and clarify the future work of the IGC

Building on a record of accomplishments in the IGC over the last several years, the United States believes that a shared understanding on many objectives and principles is beginning to emerge. In the view of the United States, recognizing the intrinsic value of and promoting respect for TCEs/EoF are of fundamental importance. Other very important values are reflected in a number of objectives and principles related to the role of communities in creating, sustaining, promoting, protecting and preserving TCEs/EoF, including customary practices, community cooperation, innovation, creativity and development.

In a world where the very survival of some TCEs/EoF is threatened, the United States believes that contributing to their safeguarding is of critical importance. The United States believes that the important values of intellectual and artistic freedom, research, and cultural exchange, which help to highlight and celebrate our cultural diversity, must co-exist with the values of protecting and sustaining TCEs/EoF in an environment that recognizes their intrinsic value.

Once a consensus has been reached around the policy objectives and core principles, the United States looks forward to a robust, focused and sustained discussion within the IGC of the application of these concepts to specific issues and concerns related to TCEs/EoF. Of these, measures related to preventing the misappropriation of traditional cultural expressions/expressions of folklore and precluding invalid IP rights will demand our full attention. The United States looks forward to exploring these and other issues in greater depth at the extended tenth session of the IGC, November 30 to December 8, 2006.